

2018 -- H 7773 SUBSTITUTE A

LC004975/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO HEALTH AND SAFETY - STATE BUILDING CODE - ADMINISTRATION
AND ENFORCEMENT

Introduced By: Representative Robert B. Jacquard

Date Introduced: February 28, 2018

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-27.3-100.1.5 of the General Laws in Chapter 23-27.3 entitled
2 "State Building Code" is hereby amended to read as follows:

3 **23-27.3-100.1.5. Building code -- Adoption and promulgation by committee.**

4 The state building standards committee has the authority to adopt, promulgate, and
5 administer a state building code, which shall include: (a) provisions and amendments as necessary
6 to resolve conflicts between fire safety codes and building codes, as provided for in § 23-28.01-6;
7 and (b) a rehabilitation building and fire code for existing buildings and structures. The building
8 code may be promulgated in several sections, with a section applicable to one and two (2) family
9 dwellings, to multiple dwellings and hotels and motels, to general building construction, to
10 plumbing, and to electrical. The building code shall incorporate minimum standards for the
11 location, design, construction and installation of wells which are appurtenances to a building in
12 applicable sections. For purposes of this chapter, "appurtenance" includes the installation,
13 alteration or repair of wells connected to a structure consistent with chapter 46-13.2. The building
14 code and the sections thereof shall be reasonably consistent with recognized and accepted
15 standards adopted by national model code organizations and recognized authorities. To the extent
16 that any state or local building codes, statutes, or ordinances are inconsistent with the Americans
17 with Disabilities Act, Title III, Public Accommodations and Services Operated by Private
18 Entities, 42 U.S.C. § 12181 et seq., and its regulations and standards, they are hereby repealed.

1 The state building code standards committee is hereby directed to adopt rules and regulations
2 consistent with the Americans with Disabilities Act, Title II and III (28 CFR 35 and 28 CFR 36,
3 as amended), as soon as possible, but no later than February 15, 2012, to take effect on or before
4 March 15, 2012. The state building code standards committee is hereby authorized and directed to
5 update those rules and regulations consistent with the future revisions of the Americans with
6 Disabilities Act Accessibility Standards. All electrical work done in the state shall be in
7 accordance with the latest edition of the National Electric Code (NEC). The state building
8 commission shall adopt the latest edition of the NEC including any amendments to the NEC by
9 the commission. The adoption of the NEC by the commission shall be completed so that it will
10 take effect on the first day of July of year the edition is dated.

11 SECTION 2. Section 42-35-2.9 of the General Laws in Chapter 42-35 entitled
12 "Administrative Procedures" is hereby amended to read as follows:

13 **42-35-2.9. Regulatory analysis.**

14 (a) An agency shall prepare a regulatory analysis for a proposed rule. The analysis must
15 be completed before notice of the proposed rulemaking is published. The summary of the analysis
16 prepared under subsection (c) must be published with the notice of proposed rulemaking.

17 (b) A regulatory analysis must contain:

18 (1) An analysis of the benefits and costs of a reasonable range of regulatory alternatives
19 reflecting the scope of discretion provided by the statute authorizing the proposed rule;

20 (2) Demonstration that there is no alternative approach among the alternatives considered
21 during the rulemaking proceeding which would be as effective and less burdensome to affected
22 private persons as another regulation. This standard requires that an agency proposing to write
23 any new regulation must identify any other state regulation which is overlapped or duplicated by
24 the proposed regulation and justify any overlap or duplication; and

25 (3) A determination whether:

26 (i) The benefits of the proposed rule justify the costs of the proposed rule; and

27 (ii) The proposed rule will achieve the objectives of the authorizing statute in a more
28 cost-effective manner, or with greater net benefits, than other regulatory alternatives.

29 (iii) An agency preparing a regulatory analysis under this section shall prepare a concise
30 summary of the analysis.

31 (iv) If an agency has made a good-faith effort to comply with this section, a rule is not
32 invalid solely if there are errors or paucity of data in the regulatory analysis for the proposed rule.

33 (c) This section shall not apply to the adoption of building codes, fire safety codes or
34 electrical codes, pursuant to § 23-27.3-100.1.5.

1 SECTION 3. This act shall take effect on January 1, 2019.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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1 This act would require that all electrical work performed in the state be done in
2 accordance with the latest edition of the National Electric Code, and would also require that the
3 state building commission adopt the latest edition of the National Electric Code. The act would
4 also provide that the requirement that every agency prepare a regulatory analysis for a proposed
5 rule would not apply to building codes, fire safety codes or electrical codes.

6 This act would take effect on January 1, 2019.

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