

Sixty-third  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1460**

Introduced by

Representatives B. Koppelman, Boehning, Kasper, K. Koppelman, Louser, Thoreson

Senator Laffen

1 A BILL for an Act to amend and reenact section 54-21.3-03 of the North Dakota Century Code,  
2 relating to the membership of the state building code advisory committee.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 54-21.3-03 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **54-21.3-03. State building code.**

- 7 1. The department of commerce, in cooperation with the state building code advisory  
8 committee, shall adopt rules to implement, amend, and periodically update the state  
9 building code, which must consist of the international building, residential, mechanical,  
10 and fuel gas codes.
- 11 2. The state building code advisory committee consists of:
- 12 a. Two representatives appointed by the North Dakota building officials association,  
13 one of whom must be from a jurisdiction of fewer than ten thousand people.
- 14 b. One representative appointed by the North Dakota chapter of the American  
15 institute of architects.
- 16 c. One representative appointed by the North Dakota society of professional  
17 engineers.
- 18 d. One representative appointed by the North Dakota association of builders.
- 19 e. One representative appointed by the North Dakota association of mechanical  
20 contractors.
- 21 f. One representative appointed by the associated general contractors.
- 22 g. A fire marshal appointed by the state fire marshal.
- 23 h. One individual appointed by the state electrical board.

- 1       3.   The state building code advisory committee shall meet with the department of  
2           commerce or a designee of the commissioner of commerce at least once each  
3           calendar year to address proposed amendments to the state building code. The  
4           department of commerce may not adopt an amendment to the state building code  
5           unless the amendment is approved by a majority vote of:
  - 6           a.   One representative appointed by the North Dakota chapter of the American  
7               institute of architects;
  - 8           b.   One representative appointed by the North Dakota society of professional  
9               engineers;
  - 10          c.   One representative appointed by the North Dakota association of builders;
  - 11          d.   One representative appointed by the North Dakota association of mechanical  
12             contractors; and
  - 13          e.   One representative appointed by the associated general contractors; ~~and~~
  - 14          f.   ~~Representatives of eligible jurisdictions as established by administrative rule.~~
- 15       4.   The state building code or a building code adopted by a city, township, or county may  
16           not include a requirement that fire sprinklers be installed in a single family dwelling or  
17           a residential building that contains no more than two dwelling units. The state building  
18           code, plumbing code, electrical code, or an equivalent code adopted by a political  
19           subdivision must provide that a building designed for and used as a school portable  
20           classroom may be constructed and inspected as a temporary structure as defined by  
21           the state building code or may be permitted as a permanent school portable  
22           classroom. The foundation system of such a structure must comply with the  
23           recommendations of the manufacturer's engineering report for a preengineered unit or  
24           a structural engineer's report. Frost-free footings may not be required for a temporary  
25           structure that meets the requirements of the state building code unless required by an  
26           engineering report. Temporary electrical and plumbing installations may be allowed for  
27           any structure by the governmental entities governing those areas of construction or  
28           the applicable codes.
- 29       5.   For the purposes of manufactured homes, the state building code consists of the  
30           manufactured homes construction and safety standards under 24 CFR 3280 adopted

pursuant to the Manufactured Housing Construction and Safety Standards Act  
[42 U.S.C. 5401 et seq.].

6. The governing body of a city, township, or county that elects to administer and enforce  
a building code shall adopt and enforce the state building code. However, the state  
building code may be amended by cities, townships, and counties to conform to local  
needs.

7. A modular residential structure or a prebuilt home placed in the state must be  
constructed in compliance with the state building code. A modular residential structure  
or a prebuilt home placed in a jurisdiction that has amended the state building code  
must be constructed in compliance with the state building code and the amendments  
adopted by that jurisdiction.