

SENATE BILL NO. 213

INTRODUCED BY D. ZOLNIKOV

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING STATE BUILDING CODES ADOPTED BY RULE; ALLOWING CERTAIN RESIDENTIAL BUILDINGS TO BE PERMITTED WITH A SINGLE STAIRWELL; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTION 50-60-203, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-60-203, MCA, is amended to read:

"50-60-203. Department to adopt state building code by rule. (1) (a) The department shall adopt

rules relating to the construction of, the installation of equipment in, and standards for materials to be used in all buildings or classes of buildings, including provisions dealing with safety, accessibility to persons with disabilities, sanitation, and conservation of energy. The adoption, amendment, or repeal of a rule is of significant public interest for purposes of 2-3-103.

(b) Rules concerning the conservation of energy must conform to the policy established in 50-60-801 and to relevant policies developed under the provisions of Title 90, chapter 4, part 10.

(2) The department may adopt by reference nationally recognized building codes in whole or in part, except as provided in subsections (5) and (6), and may adopt rules more stringent than those contained in national codes.

(3) The rules, when adopted as provided in parts 1 through 4, constitute the "state building code" and are acceptable for the buildings to which they are applicable.

(4) The department shall adopt rules that permit the installation of below-grade liquefied petroleum gas-burning appliances.

(5) The department may not include in the state building code:

(a) a requirement for the installation of a fire sprinkler system in a single-family dwelling or a residential building that contains no more than two dwelling units; or

(b) a requirement that buildings be constructed to have solar panels or wiring, batteries, or other

1 equipment for solar panels or electric vehicles.

2 (6) The department may not include in the state building code a prohibition of or limitation on the
3 use of electric, natural gas, propane, or other energy source.

4 (7) (a) The department shall, by rule, adopt by reference the most recently published edition of the
5 national fire protection association's publication NFPA 99C for the installation of medical gas piping systems.
6 The department may, by rule, issue plumbing permits for medical gas piping systems and require inspections of
7 medical gas piping systems.

8 (b) A state, county, city, or town building code compliance officer shall, as part of any inspection,
9 request proof of a medical gas piping installation endorsement from any person who is required to hold an
10 endorsement or who, in the inspector's judgment, appears to be involved with onsite medical gas piping activity.
11 The inspector shall report any instance of endorsement violation to the inspector's employing agency, and the
12 employing agency shall report the violation to the board of plumbers.

13 (8) The department may not prohibit or limit in the state building code the use of refrigerants listed
14 as acceptable for use by the United States environmental protection agency pursuant to 42 U.S.C. 7671k as
15 safe alternatives to class I and class II ozone-depleting substances. Any equipment containing the alternative
16 refrigerant must be installed in accordance with applicable safety standards and use conditions as determined
17 by the environmental protection agency.

18 (9) (a) The department shall permit a place of religious worship to use its building space to
19 accommodate temporary overnight visitors for the purpose of religious retreats, ministry programs, overnight
20 events, and emergency or catastrophic occurrences or to provide shelter or to accommodate displaced persons
21 due to hardship or inclement weather, provided that:

22 (i) a place of religious worship may not accommodate overnight visitors in the aggregate for more
23 than 75 days in a calendar year unless the governor has declared a state of emergency pursuant to 10-3-303 or
24 exigent circumstances exist;

25 (ii) a place of religious worship acting in accordance with this subsection (9) may not charge for
26 the temporary accommodation of overnight visitors; and

27 (iii) a place of religious worship that temporarily accommodates overnight visitors as provided in
28 this subsection (9) has one of the following:

1 (A) an automatic fire sprinkler system in the area used for temporary overnight accommodations
2 that is monitored by a third party; or

3 (B) a hard-wired, stand-alone fire and smoke alarm in the area used for temporary overnight
4 accommodations in addition to an exit door or window opening directly to a public way, exit court, or yard area.

5 (b) The use of places of religious worship that offer temporary overnight accommodations as
6 allowed in subsection (9)(a) is not a change in occupancy, purpose, or use.

7 (c) A place of religious worship is not in violation of the state building code for the sole reason that
8 the place of religious worship hosts temporary overnight visitors as allowed in subsection (9)(a).

9 (10) The department shall permit buildings of group R-2 occupancy to have a single stairway if the
10 building meets the following conditions:

11 (a) the building has no more than six stories above grade plane;

12 (b) there are no more than four dwelling units on one floor;

13 (c) the building is equipped with an automatic sprinkler system; and

14 (d) each unit has at least one window or other emergency exit provision.

15 (11)As used in this section, "place of religious worship" means a building or portion of a building
16 that is intended for the performance of religious services classified as assembly group A-3 by the International
17 Building Code as it read on January 1, 2023."

18 - END -