

HOUSE BILL No. 2703

By Committee on Commerce, Labor and Economic Development

2-14

1 AN ACT concerning building, construction and related standards and
2 codes; relating to preemption of local codes more stringent than
3 national model codes; exceptions.
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) As used in this section:

7 (1) "National model code" means any model or standard published
8 compilation of rules in book or pamphlet form that has been prepared by a
9 nationally recognized technical association or organization, including but
10 not limited to, the international code council, inc., the national fire
11 protection association, inc., and underwriters laboratories, inc. "National
12 model code" includes building codes, plumbing codes, electrical wiring
13 codes, gas piping codes and health and sanitation codes.

14 (2) "Construction practice" means the construction, installation or use
15 of certain appliances, mechanical systems, types or sources of energy or
16 utilities in commercial or residential buildings.

17 (b) Notwithstanding any other law to the contrary:

18 (1) Except as provided in subsection (c), a particular building
19 product, material or construction practice that is approved for use by a
20 national model code that applies to the construction, renovation, repair or
21 other alteration of a residential or commercial building shall be allowed for
22 use in this state and shall not be prohibited or limited except in conformity
23 with amendments or revisions by the nationally recognized technical
24 association or organization that publishes the national model code. Except
25 as provided in subsection (c), no state agency, city, county, unified
26 government, township or other political subdivision of this state or any
27 homeowner's association or similar entity shall adopt or enforce any such
28 prohibition or limitation on and after July 1, 2020.

29 (2) Except as provided in subsection (c), the standards for a particular
30 building product, material or construction practice that are established
31 under a state-adopted or national model code that applies to the
32 construction, renovation, repair or other alteration of a residential or
33 commercial building shall be allowed under state law and more stringent
34 standards shall not be permitted in this state except in conformity with
35 amendments or revisions by the state authority or nationally recognized
36 technical association or organization that publishes the national model

1 code. Except as provided in subsection (c), no state agency, city, county,
 2 unified government, township or other political subdivision of this state or
 3 any homeowner's association or similar entity with authority to adopt such
 4 standards shall adopt or enforce more stringent standards on and after July
 5 1, 2020.

6 (c) (1) This section shall not apply to:

7 (A) State or federal housing program requirements;

8 (B) state-owned or state-operated buildings and property;

9 (C) buildings located in a place or area designated for its historical,
 10 cultural or architectural importance and significance if the buildings are:

11 (i) Located in an area designated as a historic district or a site or
 12 property listed on the register of historic Kansas places or within the
 13 jurisdiction and control of the state historical society;

14 (ii) located in an area designated as a historic district or a site or
 15 property listed on the national register of historic places; or

16 (iii) individually designated as local, state or national historic
 17 landmarks;

18 (D) regulations directly and substantially related to the requirements
 19 of applicable city, county, unified government, township, school district or
 20 other local safety standards;

21 (E) regulations applied to manufactured housing in a manner
 22 consistent with federal law;

23 (F) regulations adopted as a condition of participation in the national
 24 flood insurance program authorized by 42 U.S.C. § 4001 et seq.;

25 (G) rules adopted by a homeowner's association or similar entity that
 26 restrict a building product, material or construction practice as provided
 27 for in the entity's governing documents;

28 (H) buildings or property owned or operated by a county, city, unified
 29 government, township, school district or any other political subdivision;

30 (I) any adoption of codes regarding the installation of a fire sprinkler
 31 protection system; and

32 (J) any adoption of codes regarding carbon monoxide alarms.

33 (2) If any standards for a building product, material or construction
 34 practice that are established under a national model code conflict with any
 35 minimum building construction safety standards established under state
 36 law, then the state-adopted standards shall prevail.

37 Sec. 2. This act shall take effect and be in force from and after its
 38 publication in the statute book.