

1 SENATE BILL NO. 195

2 INTRODUCED BY J. TREBAS, B. MITCHELL, J. HINKLE, S. GALLOWAY, C. FRIEDEL, K. BOGNER, D.
3 ZOLNIKOV

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING STATE BUILDING CODES ADOPTED BY RULE;
6 ALLOWING AN EXISTING STRUCTURE THAT MEETS CERTAIN CRITERIA TO BE EXEMPT FROM
7 AUTOMATIC SPRINKLER REQUIREMENTS; ALLOWING A PLACE OF RELIGIOUS WORSHIP TO USE ITS
8 BUILDING SPACE FOR TEMPORARY OVERNIGHT VISITORS; PROVIDING RULEMAKING AUTHORITY;
9 AND AMENDING SECTION 50-60-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

12
13 **Section 1.** Section 50-60-203, MCA, is amended to read:

14 **"50-60-203. Department to adopt state building code by rule -- exceptions.** (1) (a) The
15 department shall adopt rules relating to the construction of, the installation of equipment in, and standards for
16 materials to be used in all buildings or classes of buildings, including provisions dealing with safety, accessibility
17 to persons with disabilities, sanitation, and conservation of energy. The adoption, amendment, or repeal of a
18 rule is of significant public interest for purposes of 2-3-103.

19 (b) Rules concerning the conservation of energy must conform to the policy established in 50-60-
20 801 and to relevant policies developed under the provisions of Title 90, chapter 4, part 10.

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

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

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

28 (5) The department may not include in the state building code a requirement for the installation of:

1 (a) a fire sprinkler system in a single-family dwelling or a residential building that contains no more
2 than two dwelling units; or

3 (b) an automatic sprinkler system in an existing structure that changes occupancy and is not
4 currently subject to requirements regarding automatic sprinkler systems as an existing structure and that:

5 (i) is not over 12,000 total square feet;

6 (ii) has an occupancy that is limited to less than 300;

7 (iii) has fewer than 3 stories above grade plane;

8 (iv) has fewer than 9 transient guests or 5 transient rooms; and

9 (v) is not classified as a group H occupancy by the International Building Code as it ~~was printed~~

10 READ on January 1, 2023.

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

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

20 (7) (A) THE DEPARTMENT SHALL ADOPT RULES THAT PERMIT A PLACE OF RELIGIOUS WORSHIP TO USE ITS
21 BUILDING SPACE TO ACCOMMODATE TEMPORARY OVERNIGHT VISITORS FOR THE PURPOSE OF RELIGIOUS RETREATS,
22 MINISTRY PROGRAMS, OVERNIGHT EVENTS, AND EMERGENCY OR CATASTROPHIC OCCURRENCES OR TO PROVIDE
23 SHELTER OR TO ACCOMMODATE DISPLACED PERSONS DUE TO HARDSHIP OR INCLEMENT WEATHER, PROVIDED THAT:

24 (i) A PLACE OF RELIGIOUS WORSHIP MAY NOT ACCOMMODATE OVERNIGHT VISITORS IN THE AGGREGATE
25 FOR MORE THAN 75 DAYS IN A CALENDAR YEAR UNLESS THE GOVERNOR HAS DECLARED A STATE OF EMERGENCY
26 PURSUANT TO 10-3-303 OR EXIGENT CIRCUMSTANCES EXIST;

27 (ii) A PLACE OF RELIGIOUS WORSHIP ACTING IN ACCORDANCE WITH THIS SUBSECTION (7) MAY NOT
28 CHARGE FOR THE TEMPORARY ACCOMMODATION OF OVERNIGHT VISITORS; AND

1 (III) A PLACE OF WORSHIP THAT TEMPORARILY ACCOMMODATES OVERNIGHT VISITORS AS PROVIDED IN THIS
2 SUBSECTION (7) HAS ONE OF THE FOLLOWING:

3 (A) AN AUTOMATIC FIRE SPRINKLER SYSTEM IN THE AREA USED FOR TEMPORARY OVERNIGHT
4 ACCOMMODATIONS THAT IS MONITORED BY A THIRD PARTY; OR

5 (B) A HARD-WIRED, STAND-ALONE FIRE AND SMOKE ALARM IN THE AREA USED FOR TEMPORARY
6 OVERNIGHT ACCOMMODATIONS IN ADDITION TO AN EXIT DOOR OR WINDOW OPENING DIRECTLY TO A PUBLIC WAY, EXIT
7 COURT, OR YARD AREA.

8 (B) THE USE OF PLACES OF RELIGIOUS WORSHIP THAT OFFER TEMPORARY OVERNIGHT ACCOMMODATIONS
9 AS ALLOWED IN SUBSECTION (7)(A) IS NOT A CHANGE IN OCCUPANCY, PURPOSE, OR USE.

10 (C) A PLACE OF RELIGIOUS WORSHIP IS NOT IN VIOLATION OF THE STATE BUILDING CODE FOR THE SOLE
11 REASON THAT THE PLACE OF WORSHIP HOSTS TEMPORARY OVERNIGHT VISITORS AS ALLOWED IN SUBSECTION (7)(A).

12 (8) AS USED IN THIS SECTION, "PLACE OF RELIGIOUS WORSHIP" MEANS A BUILDING OR PORTION OF A
13 BUILDING THAT IS INTENDED FOR THE PERFORMANCE OF RELIGIOUS SERVICES CLASSIFIED AS ASSEMBLY GROUP A-3 BY
14 THE INTERNATIONAL BUILDING CODE AS IT READ ON JANUARY 1, 2023."

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16 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

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- END -