

52:270-123

LEGISLATIVE HISTORY CHECKLIST  
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(Construction code--subcodes--  
3 years)

NJSA: 52:27D-123

LAWS OF: 1993 CHAPTER: 306

BILL NO: A2255

SPONSOR(S) Green and others

DATE INTRODUCED: February 8, 1993

COMMITTEE: ASSEMBLY: Housing

SENATE: Community Affairs

AMENDED DURING PASSAGE: Yes Amendments during passage  
First reprint enacted denoted by superscript  
numbers

DATE OF PASSAGE: ASSEMBLY: March 29, 1993

SENATE: June 23, 1993

DATE OF APPROVAL: December 23, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

Handwritten vertical text, possibly a date or initials.

[FIRST REPRINT]  
ASSEMBLY, No. 2255

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1993

By Assemblymen GREEN, KELLY, Kavanaugh,  
Penn, Corodemus and R. Brown

1 AN ACT concerning the adoption of subcodes under the State  
2 Uniform Construction Code and amending P.L.1975, c.217.

3  
4 BE IT ENACTED *by the Senate and General Assembly of the*  
5 *State of New Jersey:*

6 1. Section 5 of P.L.1975, c.217 (C.52:27D-123) is amended to  
7 read as follows:

8 5. a. The commissioner shall after public hearing pursuant to  
9 section 4 of the "Administrative Procedure Act," P.L.1968, c.410  
10 (C.52:14B-4) adopt a State Uniform Construction Code for the  
11 purpose of regulating the structural design, construction,  
12 maintenance and use of buildings or structures to be erected and  
13 alteration, renovation, rehabilitation, repair, maintenance,  
14 removal or demolition of buildings or structures already erected.  
15 Prior to the adoption of said code, the commissioner shall consult  
16 with the code advisory board and other departments, divisions,  
17 bureaus, boards, councils or other agencies of State Government  
18 heretofore authorized to establish or administer construction  
19 regulations.

20 Such prior consultations with departments, divisions, bureaus,  
21 boards, councils, or other agencies of State Government shall  
22 include but not be limited to consultation with the Commissioner  
23 of Health and the Public Health Council prior to adoption of a  
24 plumbing subcode pursuant to paragraph b. of this section. Said  
25 code shall include any code, rule or regulation incorporated  
26 therein by reference.

27 b. The code shall be divided into subcodes which may be  
28 adopted individually by the commissioner as he may from time to  
29 time consider appropriate. Said subcodes shall include but not be  
30 limited to a building code, a plumbing code, an electrical code, an  
31 energy code, a fire prevention code, a manufactured or mobile  
32 home code and mechanical code.

33 These subcodes shall be adoptions of the model codes of the  
34 Building Officials and Code Administrators International, Inc.,  
35 the National Electrical Code, and the National Standard Plumbing  
36 Code, provided that for good reasons, the commissioner may  
37 adopt as a subcode a model code or standard of some other  
38 nationally recognized organization upon a finding that such model  
39 code or standard promotes the purposes of this act. The initial  
40 adoption of a model code or standard as a subcode shall  
41 constitute adoption of [any] subsequent [revisions or amendments  
42 thereto] edition year publications of the model code or standard

EXPLANATION--Matter enclosed in bold-faced type in this bill is the  
newly enacted law. Matter enclosed in plain type is intended to be amended in the law.

Matter enclosed thus is new matter.  
Matter enclosed in this per scriptum has been adopted as follows:  
Senate SFD Committee amendments adopted May 9, 1993

1 organization. Adoption of publications shall not occur more  
2 frequently than once every three years<sup>1</sup>; provided, however, that  
3 a revision or amendment may be adopted at any time in the event  
4 that the commissioner finds that there exists an imminent peril  
5 to the public health, safety or welfare<sup>1</sup>.

6 The commissioner shall be authorized to adopt a barrier free  
7 subcode or to supplement or revise any model code adopted  
8 hereunder, for the purpose of insuring that adequate and  
9 sufficient features are available in buildings or structures so as to  
10 make them accessible to and usable by the physically handicapped.

11 c. Any municipality through its construction official, and any  
12 State agency or political subdivision of the State may submit an  
13 application recommending to the commissioner that a State  
14 sponsored code change proposal be adopted. Such application  
15 shall contain such technical justification and shall be submitted in  
16 accordance with such rules of procedure as the commissioner may  
17 deem appropriate, except that whenever the State Board of  
18 Education shall determine that enhancements to the code are  
19 essential to the maintenance of a thorough and efficient system  
20 of education, the enhancements shall be made part of the code;  
21 provided that the amendments do not result in standards that fall  
22 below the adopted subcodes. The Commissioner of the  
23 Department of Education shall consult with the Commissioner of  
24 the Department of Community Affairs prior to publishing the  
25 intent of the State Board to adopt any amendments to the  
26 Uniform Construction Code. Upon adoption of any amendments  
27 by the State Board of Education they shall be transmitted  
28 forthwith to the Commissioner of the Department of Community  
29 Affairs who shall publish and incorporate the amendments as part  
30 of the Uniform Construction Code and the amendments shall be  
31 enforceable as if they had been adopted by the commissioner.

32 At least 45 days prior to the final date for the submission of  
33 amendments or code change proposals to the National Model  
34 Code Adoption Agency, the code of which has been adopted as a  
35 subcode under this act, the commissioner shall hold a public  
36 hearing in accordance with the Administrative Procedure Act,  
37 P.L.1968, c.410 (C. 52:14B-1 et seq.), at which testimony on any  
38 application recommending a State sponsored code change  
39 proposal will be heard.

40 The commissioner shall maintain a file of such applications,  
41 which shall be made available to the public upon request and upon  
42 payment of a fee to cover the cost of copying and mailing.

43 After public hearing, the code advisory board shall review any  
44 such applications and testimony and shall within 20 days of such  
45 hearing present its own recommendations to the commissioner.

46 The commissioner may adopt, reject or return such  
47 recommendations to the code advisory board for further  
48 deliberation. If adopted, any such proposal shall be presented to  
49 the subsequent meeting of the National Model Code Agency by  
50 the commissioner or by persons designated by the commissioner  
51 as a State sponsored code change proposal. Nothing herein,  
52 however, shall limit the right of any municipality, the  
53 department, or any other person from presenting amendments to  
54 the National Model Code Agency on its own initiative.

1 The commissioner may adopt further rules and regulations  
2 pursuant to this subsection and may modify the procedures herein  
3 described when a model code change hearing has been scheduled  
4 so as not to permit adequate time to meet such procedures.

5 d. (Deleted by amendment, P.L.[1983], c.[496].)

6 (cf: P.L.1983, c.496, s.2)

7 2. This act shall take effect immediately and shall apply to the  
8 adoption of subsequent edition year publications of a model code  
9 or standard organization effective on or after the date on which  
10 this act takes effect.

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15 Establishes three-year adoption cycle for subcodes of State  
16 Uniform Construction Code.

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2 (cf: P.L.1983, c.496, s.2)

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#### STATEMENT

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11 This bill eliminates the adoption of interim year changes to  
12 model codes that have been adopted as subcodes of the State  
13 Uniform Construction Code. Instead, the bill establishes that  
14 revisions to these model codes will be adopted only once every  
15 three years.

16 This bill is intended to reduce confusion within the design,  
17 construction and code enforcement professions; reduce the need  
18 for continuous training by the Department of Community Affairs  
19 and reduce the likelihood of liability on the part of design  
20 professionals, builders, and code enforcement officials who find it  
21 difficult to maintain code compliance in the face of the changes  
22 to the national model codes with which they work. The  
23 three-year adoption cycle will stabilize the code change process,  
24 reduce re-design costs, and allow for better analyses of the  
25 implications of potential code changes.

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30 Establishes three-year adoption cycle for subcodes of State  
31 Uniform Construction Code.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2255

STATE OF NEW JERSEY

DATED: MARCH 4, 1993

The Assembly Housing Committee reports Assembly Bill No. 2255 favorably, without amendment.

This bill eliminates the adoption of interim year changes to model codes that have been adopted as subcodes of the State Uniform Construction Code. Instead, the bill establishes that revisions to these model codes will be adopted only once every three years.

This bill is intended to reduce confusion within the design, construction and code enforcement professions; reduce the need for continuous training by the Department of Community Affairs and reduce the likelihood of liability on the part of design professionals, builders, and code enforcement officials who find it difficult to maintain code compliance in the face of the changes to the national model codes with which they work. The three-year adoption cycle will stabilize the code change process, reduce re-design costs, and allow for better analyses of the implications of potential code changes.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2255**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 6, 1993

The Senate Community Affairs Committee favorably reports Assembly Bill No. 2255 with committee amendments.

Assembly Bill No. 2255, as amended by the committee, eliminates the adoption of interim year changes to model codes that have been adopted as subcodes of the State Uniform Construction Code. Instead, the bill establishes that revisions to these model codes will be adopted only once every three years. In the case of a finding of imminent peril to the public health, safety or welfare, a revision to the model code may occur at any time.

This bill is intended to reduce confusion within the design, construction and code enforcement professions; reduce the need for continuous training by the Department of Community Affairs and reduce the likelihood of liability on the part of design professionals, builders, and code enforcement officials who find it difficult to maintain code compliance in the face of the changes to the national model codes with which they work. The three-year adoption cycle will stabilize the code change process, reduce re-design costs, and allow for better analyses of the implications of potential code changes.

The committee amended the bill to allow for more frequent revisions in the event that the commissioner finds that there exists an imminent peril to the public health, safety or welfare.

Assembly Bill 2255 Sca is identical to Senate Bill No. 1671 Sca, which was also released by the committee on May 6, 1993.