

SENATE BILL NO. 191—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 10, 2009

Referred to Committee on Government Affairs

SUMMARY—Adopts the *Uniform Mechanical Code* and the *National Electrical Code* for use in this State. (BDR 28-1141)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets **[omitted-material]** is material to be omitted.

AN ACT relating to building codes; adopting the *Uniform Mechanical Code* and the *National Electrical Code* for any construction, alteration or change in the use of any public or private building or structure in this State; authorizing the governing bodies of cities and counties to adopt certain modifications of the *Uniform Mechanical Code* and the *National Electrical Code* with the approval of the State Public Works Board; prohibiting the governing body of a city or county from adopting a regulation or ordinance for the enforcement of the *Uniform Mechanical Code* and the *National Electrical Code* without the approval of the State Public Works Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, after January 1, 1974, any construction, alteration or change in the use of a building or other structure in this State, whether public or private, must be in compliance with the *National Electrical Code* of the National Fire Protection Association. Existing law requires the governing body of each city or county to review each edition of the *National Electrical Code* to determine whether the *Code* is suitable for the city or county. Existing law authorizes the governing body of a city or county to adopt such modifications of the *Code* as are deemed reasonably necessary, if the modifications do not reduce the standards established in the *Code*. (NRS 278.583)

Section 2 of this bill provides that it is the policy of this State that uniformity of electrical and mechanical codes is a matter of statewide interest and concern, affecting safety, utility costs and efficiency in public and private construction.



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Sections 3 and 6 of this bill provide that any construction, alteration or change in the use of a building or other structure in this State, whether public or private, must be in compliance with: (1) the *National Electrical Code* adopted by the National Fire Protection Association, in the form most recently adopted by that Association; and (2) the *Uniform Mechanical Code* adopted by the International Association of Plumbing and Mechanical Officials, in the form most recently adopted by that Association, unless the State Public Works Board posts a notice of disapproval of any amendment to the *National Electrical Code* or the *Uniform Mechanical Code*. **Section 4** of this bill prohibits the governing body of a city or county from adopting by regulation or ordinance any modification of the *National Electrical Code* or the *Uniform Mechanical Code* unless the governing body submits the proposed modification to the State Public Works Board and the Board determines that the modification is reasonably necessary because of the geographic, topographic or climatic conditions of the city or county. **Section 5** of this bill prohibits the governing body of a city or county from adopting any regulation or ordinance for the enforcement of the *National Electrical Code* or the *Uniform Mechanical Code* unless the proposed regulation or ordinance is approved by the State Public Works Board.

Section 7 of this bill provides that the requirements of this bill apply to any construction, alteration or change in the use of a building or other structure in this State that is commenced on or after October 1, 2009.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 341 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *The Legislature hereby declares that it is the policy of this State with respect to the uniformity of electrical and mechanical codes throughout this State that:*

1. Uniformity is a matter of statewide interest and concern, affecting safety, utility costs and efficiency in public and private construction; and

2. By allowing local governments to modify provisions of the National Electrical Code, adopted by the National Fire Protection Association, or the Uniform Mechanical Code, adopted by the International Association of Plumbing and Mechanical Officials, based on differences in geographic, topographic and climatic conditions only upon approval of the proposed modifications by the Board, excessive modifications will be prevented.

Sec. 3. 1. *Any construction, alteration or change in the use of a building or other structure in this State, whether public or private, must be in compliance with the:*

(a) National Electrical Code adopted by the National Fire Protection Association, in the form most recently adopted by that Association; and



(b) Uniform Mechanical Code adopted by the International Association of Plumbing and Mechanical Officials, in the form most recently adopted by that Association,

↳ unless the Board posts a notice of disapproval of any amendment to the National Electrical Code or the Uniform Mechanical Code pursuant to subsection 2.

2. The Board shall review each amendment to the National Electrical Code and the Uniform Mechanical Code and approve or disapprove of the amendment for use in this State. If the Board does not post a notice of disapproval within 30 days after an amendment is published, the amendment shall be deemed approved for this State.

Sec. 4. 1. The governing body of a city or county shall not adopt by regulation or ordinance any modification of the National Electrical Code or the Uniform Mechanical Code unless the governing body submits the proposed modification to the Board and the Board determines that the modification is reasonably necessary because of the geographic, topographic or climatic conditions of the city or county.

2. The Board shall:

(a) Review all proposed regulations and ordinances for the modification of the National Electrical Code or the Uniform Mechanical Code submitted by the governing body of a city or county pursuant to subsection 1; and

(b) Approve any proposed modification that the Board determines is reasonably necessary because of the geographic, topographic or climatic conditions of the city or county.

Sec. 5. 1. The governing body of a city or county shall not adopt any regulation or ordinance for the enforcement of the National Electrical Code or the Uniform Mechanical Code unless the proposed regulation or ordinance is approved by the Board.

2. The governing body of a city or county shall, not later than 60 days before the adoption of any regulation or ordinance for enforcement of the National Electrical Code or the Uniform Mechanical Code, deliver a copy of the proposed regulation or ordinance to the Board by certified or registered mail.

3. The Board shall, not later than 30 days after receipt of a proposed regulation or ordinance pursuant to subsection 2, review the proposed regulation or ordinance and approve or disapprove the proposed regulation or ordinance.

4. If the Board does not approve or disapprove the proposed regulation or ordinance within 30 days after receipt of the proposed regulation or ordinance pursuant to subsection 2, the proposed regulation or ordinance shall be deemed approved.



1 **Sec. 6.** Chapter 278 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *Any construction, alteration or change in the use of a building*
4 *or other structure in this State, whether public or private, must be*
5 *in compliance with the National Electrical Code, adopted by the*
6 *National Fire Protection Association, and the Uniform*
7 *Mechanical Code, adopted by the International Association of*
8 *Plumbing and Mechanical Officials, as amended or modified*
9 *pursuant to sections 2 to 5, inclusive, of this act.*

10 **Sec. 7.** NRS 278.583 is hereby repealed.

11 **Sec. 8.** The provisions of sections 2 to 6, inclusive, of this act
12 apply to any construction, alteration or change in the use of a
13 building or other structure in this State, whether public or private,
14 that is commenced on or after October 1, 2009.

TEXT OF REPEALED SECTION

278.583 National Electrical Code: Applicability; approval; modification.

1. After January 1, 1974, any construction, alteration or change in the use of a building or other structure in this State by any person, firm, association or corporation, whether public or private, must be in compliance with the technical provisions of the National Electrical Code of the National Fire Protection Association in the form most recently approved by the governing body of the city or county in which the building or other structure is located. The governing body of each city or county shall review each edition of the National Electrical Code that is published by the National Fire Protection Association after the 1996 edition to ensure its suitability for that city or county. Each new edition of the code shall be deemed approved by the governing body of each city or county unless the edition is disapproved by that governing body within 60 days after the date of publication by the National Fire Protection Association.

2. Any city or county within the State may adopt such modifications of the code as are deemed reasonably necessary, if such modifications do not reduce the standards established in the code.

