

VIRGINIA ACTS OF ASSEMBLY -- 2010 SESSION

CHAPTER 77

An Act to amend and reenact §§ 36-73 and 36-82.1 of the Code of Virginia, relating to the Industrialized Building Safety Law.

[H 313]

Approved March 9, 2010

Be it enacted by the General Assembly of Virginia:

1. That §§ 36-73 and 36-82.1 of the Code of Virginia are amended and reenacted as follows:

§ 36-73. Authority of Board to promulgate rules and regulations.

The Board shall from time to time promulgate rules and regulations prescribing standards to be complied with in industrialized buildings for protection against the hazards thereof to safety of life, health and property and prescribing procedures for the administration, enforcement and maintenance of such rules and regulations. The standards shall be reasonable and appropriate to the objectives of this law and within the guiding principles prescribed by the General Assembly in this law and in any other law in pari materia. The standards shall not be applied to manufactured homes defined in § 36-85.3.

In making rules and regulations, the Board shall have due regard for generally accepted safety standards as recommended by nationally recognized organizations, ~~such as the Building Officials and Code Administrators International, Inc., the Southern Building Codes Congress, the International Conference of Building Officials, including but not limited to the International Code Council and the National Fire Protection Association and the Council of American Building Officials.~~

Where practical, the rules and regulations shall be stated in terms of required levels of performance, so as to facilitate the prompt acceptance of new building materials and methods. Where generally recognized standards of performance are not available, the rules and regulations of the Board shall provide for acceptance of materials and methods whose performance has been found by the Department, on the basis of reliable test and evaluation data presented by the proponent, to be substantially equal in safety to those specified.

§ 36-82.1. Appeals.

~~Appeals from local building officials, compliance assurance agencies, or manufacturers of industrialized buildings concerning~~ Any person aggrieved by the Department's application of the rules and regulations of the Industrialized Building Safety Law shall be heard by the State Building Code Technical Review Board established by § 36-108. The Technical Review Board shall have the power and duty to render its decision in any such appeal, which decision shall be final if no further appeal is made.