

## CHAPTER 642

(Senate Bill 951)

AN ACT concerning

### **Public Safety – Industrialized ~~Building – Definition~~ Buildings – Exemptions**

FOR the purpose of ~~excluding~~ exempting a certain building that has less than a certain width and length from certain inspection and certification standards and regulations adopted by the Department of Housing and Community Development for certain industrialized buildings; authorizing a manufacturer of a certain exempted building to elect to have the Department perform a certain determination for the purpose of the Department certifying and providing a certain insignia for the building under certain circumstances; and generally relating to industrialized buildings.

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 12–301(d) and 12–307  
Annotated Code of Maryland  
(2003 Volume and 2007 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

#### **Article – Public Safety**

12–301.

(d) (1) “Industrialized building” means a building assembly or system of building subassemblies manufactured in its entirety, or in substantial part, off site and transported to a site for installation or erection, with or without other specified components, as a finished building or as part of a finished building that comprises two or more industrialized building units.

(2) “Industrialized building” includes the electrical, plumbing, heating, ventilating, insulation, and other service systems of the building assembly or system of building subassemblies if the service systems are installed at the off site manufacture or assembly point.

(3) “Industrialized building” does not include:

(i) open frame construction that can be completely inspected on site; [or]

(ii) a manufactured home; **OR**

(III) **A BUILDING 8 BODY FEET OR LESS IN WIDTH AND 40 BODY FEET OR LESS IN LENGTH THAT IS:**

**1. USED FOR BUSINESS PURPOSES, MOBILE OFFICES, OR STORAGE; AND**

**2. NOT OPEN TO THE GENERAL PUBLIC.**

12-307.

(a) (1) The Department shall determine whether each proposed industrialized building meets the standards contained in the regulations of the Department.

(2) The determination shall include the evaluation and testing of the industrialized building and the quality control system at the factory of origin and at the building site.

(b) (1) The Department shall perform the determination required by subsection (a) of this section through its own personnel or through a designated agent.

(2) The designated agent shall be:

(i) qualified personnel of a local enforcement agency; or

(ii) a testing facility that is approved by the Department.

(3) The testing facility shall be:

(i) an architect or professional engineer whose registration is accepted by the State; or

(ii) a testing organization that is determined by the Department to be specifically qualified by reason of facilities, personnel, experience, and demonstrated reliability to investigate, test, and evaluate industrialized buildings or their component parts.

(4) In addition to evaluating and testing industrialized buildings or their component parts, the testing facility shall:

(i) list the units in compliance with the standards adopted by the Department;

(ii) provide adequate follow-up services at the point of manufacture to ensure that production units are in full compliance; and

(iii) provide for each unit an insignia in the form of a label, seal, or other evidence of compliance.

**(C) A MANUFACTURER OF A BUILDING EXEMPTED FROM THE APPLICABILITY OF THIS SUBTITLE UNDER § 12-301(D)(3)(III) OF THIS SUBTITLE MAY ELECT TO HAVE THE DEPARTMENT PERFORM A DETERMINATION UNDER SUBSECTION (A) OF THIS SECTION FOR THE PURPOSE OF THE DEPARTMENT CERTIFYING AND PROVIDING AN INSIGNIA FOR THE BUILDING UNDER THIS SUBTITLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

**Approved by the Governor, May 22, 2008.**