

# HOUSE BILL 366

E4

2lr1752

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By: **Delegate Malone**

Introduced and read first time: January 30, 2012

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Building Performance Standards – Fire and Life Safety**

3 FOR the purpose of prohibiting a local jurisdiction from adopting local amendments to  
4 the Maryland Building Performance Standards if the local amendments weaken  
5 fire and life safety provisions contained in the Standards; providing for the  
6 effective date of certain provisions of this Act; providing for the termination of  
7 certain provisions of this Act; and generally relating to the authority of local  
8 jurisdictions to amend the Maryland Building Performance Standards.

9 BY repealing and reenacting, with amendments,  
10 Article – Public Safety  
11 Section 12–504  
12 Annotated Code of Maryland  
13 (2011 Replacement Volume)

14 BY repealing and reenacting, with amendments,  
15 Article – Public Safety  
16 Section 12–504  
17 Annotated Code of Maryland  
18 (2011 Replacement Volume)  
19 (As enacted by Chapter 369 of the Acts of the General Assembly of 2011)

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

22 **Article – Public Safety**

23 12–504.

24 (a) A local jurisdiction may adopt local amendments to the Standards if the  
25 local amendments do not:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) prohibit the minimum implementation and enforcement activities  
2 set forth in § 12–505 of this subtitle; [or]

3 (2) weaken energy conservation and efficiency provisions contained in  
4 the Standards; **OR**

5 **(3) WEAKEN FIRE AND LIFE SAFETY PROVISIONS CONTAINED IN**  
6 **THE STANDARDS.**

7 (b) If a local jurisdiction adopts a local amendment to the Standards, the  
8 Standards as amended by the local jurisdiction apply in the local jurisdiction.

9 (c) If a local amendment conflicts with the Standards, the local amendment  
10 prevails in the local jurisdiction.

11 (d) A local jurisdiction that adopts a local amendment to the Standards shall  
12 ensure that the local amendment is adopted in accordance with applicable local law.

13 (e) To keep the database established under this subtitle current, a local  
14 jurisdiction that adopts a local amendment to the Standards shall provide a copy of  
15 the local amendment to the Department:

16 (1) at least 15 days before the effective date of the amendment; or

17 (2) within 5 days after the adoption of an emergency local amendment.

18 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
19 read as follows:

20 **Article – Public Safety**

21 12–504.

22 (a) (1) A local jurisdiction may adopt local amendments to the Standards  
23 if the local amendments do not:

24 (i) prohibit the minimum implementation and enforcement  
25 activities set forth in § 12–505 of this subtitle; [or]

26 (ii) weaken energy conservation and efficiency provisions  
27 contained in the Standards; **OR**

28 **(III) WEAKEN FIRE AND LIFE SAFETY PROVISIONS**  
29 **CONTAINED IN THE STANDARDS.**

1                   (2)   (i)    Regardless of whether the International Green Construction  
2 Code is adopted by the Department under § 12–503(d) of this subtitle, a local  
3 jurisdiction may adopt the International Green Construction Code.

4                               (ii)   A local jurisdiction may make local amendments to the  
5 International Green Construction Code.

6           (b)    If a local jurisdiction adopts a local amendment to the Standards, the  
7 Standards as amended by the local jurisdiction apply in the local jurisdiction.

8           (c)    If a local amendment conflicts with the Standards, the local amendment  
9 prevails in the local jurisdiction.

10           (d)   A local jurisdiction that adopts a local amendment to the Standards shall  
11 ensure that the local amendment is adopted in accordance with applicable local law.

12           (e)   To keep the database established under this subtitle current, a local  
13 jurisdiction that adopts a local amendment to the Standards shall provide a copy of  
14 the local amendment to the Department:

15                   (1)    at least 15 days before the effective date of the amendment; or

16                   (2)    within 5 days after the adoption of an emergency local amendment.

17           SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
18 take effect on the taking effect of Chapter 369 of the Acts of the General Assembly of  
19 2011. If Section 2 of this Act takes effect, Section 1 of this Act shall be abrogated and  
20 of no further force and effect.

21           SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions  
22 of Section 3 of this Act, this Act shall take effect October 1, 2012.