
HOUSE BILL 1402

State of Washington

66th Legislature

2019 Regular Session

By Representatives Blake, Tharinger, Van Werven, Griffey, and Senn

1 AN ACT Relating to authorizing product certification agencies to
2 certify building products and methods of construction, design, and
3 systems as an alternate code compliance for modern technical methods,
4 devices, and improvements; amending RCW 19.27.015, 19.27.020, and
5 19.27.060; adding a new section to chapter 19.27 RCW; and creating a
6 new section.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** The legislature finds the codes adopted
9 under the state building code act in chapters 19.27 and 19.27A RCW
10 are developed by multiple building code developers, which has
11 resulted in conflicts, inconsistencies, and delays impacting the
12 application of regulations and processes for approving alternate
13 methods of construction, equipment, and devices. The legislature
14 further finds that providing flexibility in building construction
15 methods and uniformity in approval processes can result in efficient,
16 resilient, and sustainable buildings, help local communities achieve
17 their goals of increasing affordable housing, and ease code
18 administration and enforcement, all of which benefits the safety and
19 welfare of building owners, occupants, and the general public.
20 Providing options for citizens to benefit from efficiencies provided
21 by the approval of modern technical methods, devices, improvements,

1 and innovations are in line with the governor's results Washington
2 goal of improving nonelectrical energy efficiency of buildings and
3 industrial processes to reduce greenhouse gas.

4 **Sec. 2.** RCW 19.27.015 and 2018 c 207 s 1 are each amended to
5 read as follows:

6 As used in this chapter:

7 (1) "Accreditation body" means a body that conducts third-party
8 attestation of product certification agencies that demonstrates
9 competence to carry out specific requirements related to a product,
10 process, system, person, or body.

11 (2) "Agricultural structure" means a structure designed and
12 constructed to house farm implements, hay, grain, poultry, livestock,
13 or other horticultural products. This structure may not be a place of
14 human habitation or a place of employment where agricultural products
15 are processed, treated, or packaged, nor may it be a place used by
16 the public.

17 ~~((2))~~ (3) "City" means a city or town.

18 ~~((3))~~ (4) "Code official" means the officer or other designated
19 authority charged with the administration and enforcement of the
20 codes adopted under this chapter and chapter 19.27A RCW.

21 (5) "Commercial building permit" means a building permit issued
22 by a city or a county to construct, enlarge, alter, repair, move,
23 demolish, or change the occupancy of any building not covered by a
24 residential building permit.

25 ~~((4))~~ (6) "Multifamily residential building" means common wall
26 residential buildings that consist of four or fewer units, that do
27 not exceed two stories in height, that are less than five thousand
28 square feet in area, and that have a one-hour fire-resistive
29 occupancy separation between units.

30 ~~((5))~~ (7) "Product certification agency" means an entity that:
31 (a) Is accredited, by an accreditation body, with the requirements of
32 ISO/IEC 17065; and (b) conducts competent, consistent, and impartial
33 attestations within its scope of accreditation that building products
34 continuously comply with the requirements of the code, standard, or
35 other criteria relevant to the product and regulatory programs.

36 (8) "Residential building permit" means a building permit issued
37 by a city or a county to construct, enlarge, alter, repair, move,
38 demolish, or change the occupancy of any building containing only
39 dwelling units used for independent living of one or more persons

1 including permanent provisions for living, sleeping, eating, cooking,
2 and sanitation, and structures accessory to dwelling units, such as
3 detached garages and storage buildings.

4 ~~((+6+))~~ (9) "Temporary growing structure" means a structure that
5 has the sides and roof covered with polyethylene, polyvinyl, or
6 similar flexible synthetic material and is used to provide plants
7 with either frost protection or increased heat retention.

8 **Sec. 3.** RCW 19.27.020 and 1985 c 360 s 6 are each amended to
9 read as follows:

10 The purpose of this chapter is to promote the health, safety and
11 welfare of the occupants or users of buildings and structures and the
12 general public by the provision of building codes throughout the
13 state. Accordingly, this chapter is designed to effectuate the
14 following purposes, objectives, and standards:

15 (1) To require minimum performance standards and requirements for
16 construction and construction materials, consistent with accepted
17 standards of engineering, fire and life safety.

18 (2) To require standards and requirements in terms of performance
19 and nationally accepted standards.

20 (3) To permit the use of modern technical methods, devices and
21 improvements.

22 (4) To eliminate restrictive, obsolete, conflicting, duplicating
23 and unnecessary regulations and requirements which could
24 unnecessarily increase construction costs or retard the use of new
25 materials and methods of installation or provide unwarranted
26 preferential treatment to types or classes of materials or products
27 or methods of construction.

28 (5) To provide for standards and specifications for making
29 buildings and facilities accessible to and usable by ~~((physically
30 disabled))~~ persons with physical disabilities.

31 (6) To consolidate within each authorized enforcement
32 jurisdiction, the administration and enforcement of building codes.

33 (7)(i) To foster innovation consistent with this section; and
34 (ii) To aid in demonstrating compliance with adopted codes by
35 ensuring that materials, building products, methods of construction,
36 designs, and systems receiving a listing or evaluation from a product
37 certification agency is an acceptable method that demonstrates
38 compliance with the requirements of the code or standard.

1 (8) To create uniform inspection consistency for the laws, codes,
2 and standards adopted under this chapter by requiring the approving
3 jurisdiction to reply and cite the section of law, code, or standard
4 in inspection correction orders of noncompliance, when requested by
5 the owner or the owner's agent.

6 NEW SECTION. **Sec. 4.** A new section is added to chapter 19.27
7 RCW to read as follows:

8 (1) A product certification agency may certify building
9 materials, products, methods of construction, designs, and systems
10 for modern technical methods, devices, products, and improvements.

11 (2) The certification shall include a listing of the acceptance
12 criteria referenced in the evaluation or listing report.

13 (3) Nothing in this section prohibits the code official of the
14 local jurisdiction from approving a material, product, method of
15 construction, design, or system that has not been submitted to a
16 product certification agency. The material, product, method of
17 construction, design, or system may be approved by the code official
18 if the code official of the jurisdiction finds through other
19 validation means that: (a) The proposed design is satisfactory and
20 complies with the intent of the provisions of the code or standard;
21 and (b) the material or method of construction offered is, for the
22 purpose intended, not less than the equivalent of that prescribed in
23 the adopted code or standard.

24 (4) All evaluation and listing reports issued by a product
25 certification agency, or other data submitted to validate and
26 substantiate compliance, are subject to final approval by the code
27 official. If an evaluation or listing report is not approved by a
28 code official, the code official shall respond in writing consistent
29 with the notification timelines as specified in RCW 36.70B.070 and
30 shall specifically state the reasons why the evaluation report,
31 listing report, other validation means, or data was not approved
32 based on objective findings of fact.

33 (5) Nothing in this section prohibits the code official of the
34 local jurisdiction from approving a material, product, method of
35 construction, design, or system for an individual permitted project
36 or the approval for use on future or subsequent projects.

37 **Sec. 5.** RCW 19.27.060 and 2018 c 302 s 2 are each amended to
38 read as follows:

1 (1) The governing bodies of counties and cities may amend the
2 codes enumerated in RCW 19.27.031 as amended and adopted by the state
3 building code council as they apply within their respective
4 jurisdictions, but the amendments shall not result in a code that is
5 less than the minimum performance standards and objectives contained
6 in (a) RCW 19.27.020; (b) section 4 of this act; or (c) the state
7 building code except as provided in subsection (2) of this section.

8 (a) Except as provided in subsection (2) of this section, no
9 amendment to a code enumerated in RCW 19.27.031 as amended and
10 adopted by the state building code council that affects single-family
11 or multifamily residential buildings shall be effective unless the
12 amendment is approved by the building code council under RCW
13 19.27.074(1)(b).

14 (b) Any county or city amendment to a code enumerated in RCW
15 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue
16 to be effective after any action is taken under RCW 19.27.074(1)(a)
17 without necessity of reapproval under RCW 19.27.074(1)(b) unless the
18 amendment is declared null and void by the council at the time any
19 action is taken under RCW 19.27.074(1)(a) because such action in any
20 way altered the impact of the amendment.

21 (2) The legislative body of a county or city, in exercising the
22 authority provided under subsection (1) of this section to amend the
23 code enumerated in RCW 19.27.031(1)(b), may adopt amendments that
24 eliminate any minimum gross floor area requirement for single-family
25 detached dwellings or that provide a minimum gross floor area
26 requirement below the minimum performance standards and objectives
27 contained in the state building code.

28 (3) Except as permitted or provided otherwise under this section,
29 the state building code shall be applicable to all buildings and
30 structures including those owned by the state or by any governmental
31 subdivision or unit of local government.

32 (4) The governing body of each county or city may limit the
33 application of any portion of the state building code to exclude
34 specified classes or types of buildings or structures according to
35 use other than single-family or multifamily residential buildings.
36 However, in no event shall fruits or vegetables of the tree or vine
37 stored in buildings or warehouses constitute combustible stock for
38 the purposes of application of the uniform fire code. A governing
39 body of a county or city may inspect facilities used for temporary
40 storage and processing of agricultural commodities.

1 (5) No provision of the uniform fire code concerning roadways
2 shall be part of the state building code: PROVIDED, That this
3 subsection shall not limit the authority of a county or city to adopt
4 street, road, or access standards.

5 (6) The provisions of the state building code may be preempted by
6 any city or county to the extent that the code provisions relating to
7 the installation or use of sprinklers in jail cells conflict with the
8 secure and humane operation of jails.

9 (7) (a) Effective one year after July 23, 1989, the governing
10 bodies of counties and cities may adopt an ordinance or resolution to
11 exempt from permit requirements certain construction or alteration of
12 either group R, division 3, or group M, division 1 occupancies, or
13 both, as defined in the uniform building code, 1988 edition, for
14 which the total cost of fair market value of the construction or
15 alteration does not exceed fifteen hundred dollars. The permit
16 exemption shall not otherwise exempt the construction or alteration
17 from the substantive standards of the codes enumerated in RCW
18 19.27.031, as amended and maintained by the state building code
19 council under RCW 19.27.070.

20 (b) Prior to July 23, 1989, the state building code council shall
21 adopt by rule, guidelines exempting from permit requirements certain
22 construction and alteration activities under (a) of this subsection.

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