

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 463

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO THE IDAHO BUILDING CODE ACT; AMENDING SECTION 39-4126, IDAHO  
2 CODE, TO PROVIDE FOR AN INFRACTION, TO REMOVE LANGUAGE RELATING TO A  
3 MISDEMEANOR, TO PROVIDE THAT THIS SECTION SHALL NOT AFFECT CERTAIN  
4 PENALTY PROVISIONS, TO PROVIDE FOR A MISDEMEANOR, TO PROVIDE FOR APPLI-  
5 CATION OF LAWS AND TO MAKE TECHNICAL CORRECTIONS.  
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 39-4126, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 39-4126. VIOLATIONS MISDEMEANORS. (1) Any person who willfully vio-  
11 lates any provision of this chapter or who willfully violates any provisions  
12 of the codes enumerated in this chapter or rules promulgated by the admin-  
13 istrator or the board pursuant to this chapter, ~~is guilty of a misdemeanor~~  
14 an infraction, and, upon conviction, shall be fined not more than three hun-  
15 dred dollars (\$300), ~~or imprisoned for not more than ninety (90) days or by~~  
16 ~~both fine and imprisonment~~. Violations of this chapter shall be tried in any  
17 court of competent jurisdiction within the state of Idaho.

18 (2) A separate violation is deemed to have occurred with respect to each  
19 building not in compliance with this chapter. Each day such violation con-  
20 tinues constitutes a separate offense.

21 (3) ~~The misdemeanor penalty provisions of subsections (1) and (2) of~~  
22 ~~this section shall not apply to manufactured homes. Violations of manufact-~~  
23 ~~ured home construction and safety standards shall be tried in any court of~~  
24 ~~competent jurisdiction. This section shall not be interpreted to affect~~  
25 ~~penalty provisions relating to manufactured homes provided for in section~~  
26 ~~39-4011, Idaho Code.~~

27 (4) A violation under this section by a flagrant violator is guilty of a  
28 misdemeanor and shall be fined not more than one thousand dollars (\$1,000),  
29 or imprisoned not more than ninety (90) days, or both. A flagrant violator  
30 is a person who is convicted of three (3) or more violations under this sec-  
31 tion when such violations occurred within three (3) years of an additional  
32 violation under this section. Subsection (2) of this section shall not ap-  
33 ply for the purposes of this subsection, and any continuing violation shall  
34 be counted as one (1) violation under this subsection.