

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 547

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO BUILDING CODES; AMENDING SECTION 39-4109, IDAHO CODE, TO REMOVE  
2 REFERENCE TO PART IV OF THE INCORPORATED IDAHO RESIDENTIAL CODE; AND  
3 AMENDING SECTION 39-4116, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
4 LOCAL GOVERNMENT ADOPTION AND ENFORCEMENT OF BUILDING CODES.  
5

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

7 SECTION 1. That Section 39-4109, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 39-4109. APPLICATION OF CODES. (1) The following codes are hereby  
10 adopted for the state of Idaho division of building safety and shall only be  
11 applied by local governments as prescribed by section 39-4116, Idaho Code:

12 (a) The 2006 International Building Code shall be in effect, until  
13 such time as a subsequent version is adopted by the Idaho building  
14 code board, at which time the subsequent versions of the International  
15 Building Code as adopted and amended by the Idaho building code board  
16 through the negotiated rulemaking process as established in section  
17 67-5221, Idaho Code, and as further provided in subsection (5) of this  
18 section and in accordance with subsections (2) and (3) of this section  
19 shall be in effect:

20 (i) Including appendices thereto pertaining to building accessi-  
21 bility;

22 (ii) Excluding the incorporated electrical codes, mechanical  
23 code, fuel gas code, plumbing codes, fire codes or property main-  
24 tenance codes other than specifically referenced subjects or  
25 sections of the International Fire Code; and

26 (iii) Including the incorporated Idaho residential code, parts I,  
27 II, III, ~~IV~~ and IX; Idaho energy conservation code; and rules pro-  
28 mulgated by the board to provide equivalency with the provisions  
29 of the Americans with disabilities act accessibility guidelines  
30 and the fair housing act accessibility guidelines shall be in-  
31 cluded.

32 (b) The version of the International Residential Code adopted by the  
33 Idaho building code board, together with the amendments, revisions or  
34 modifications adopted by the Idaho building code board through the ne-  
35 gotiated rulemaking process, except for parts V, VI, VII and VIII, as  
36 they pertain to mechanical, fuel gas, plumbing and electrical require-  
37 ments, shall collectively constitute and be named the Idaho residential  
38 code. The Idaho residential code shall be in effect until such time as a  
39 subsequent version is adopted by the Idaho building code board, at which  
40 time the subsequent version of the Idaho residential code, as adopted  
41 and amended by the Idaho building code board through the negotiated  
42 rulemaking process provided in this section, shall be in effect. Any

1 amendments, revisions or modifications made to the Idaho residential  
2 code by the board shall be made by administrative rules promulgated by  
3 the board;

4 (c) The version of the International Energy Conservation Code adopted  
5 by the Idaho building code board, together with the amendments, dele-  
6 tions or additions adopted by the Idaho building code board through the  
7 negotiated rulemaking process provided in this chapter, shall be in  
8 effect. The International Energy Conservation Code, together with any  
9 amendments, revisions or modifications made by the board, shall col-  
10 lectively constitute and be named the Idaho energy conservation code.  
11 The Idaho energy conservation code shall be in effect until such time  
12 as a subsequent version is adopted by the Idaho building code board,  
13 at which time the subsequent versions of the Idaho energy conservation  
14 code, as adopted and amended by the Idaho building code board through  
15 the negotiated rulemaking process provided in this section, shall be in  
16 effect. Any amendments, revisions or modifications made to the Idaho  
17 energy conservation code by the board shall be made by administrative  
18 rules promulgated by the board; and

19 (d) The 2006 International Existing Building Code as published by the  
20 International Code Council shall be in effect until such time as a sub-  
21 sequent version is adopted by the Idaho building code board, at which  
22 time the subsequent versions of the International Existing Building  
23 Code, as adopted and amended by the Idaho building code board through  
24 the negotiated rulemaking process provided in this section, shall be in  
25 effect.

26 (2) No amendments to the accessibility guidelines shall be made by the  
27 Idaho building code board that provide for lower standards of accessibility  
28 than those published by the International Code Council.

29 (3) No amendments to the Idaho residential building code shall be made  
30 by the Idaho building code board that provide for standards that are more re-  
31 strictive than those published by the International Code Council.

32 (4) Any edition of the building codes adopted by the board will take ef-  
33 fect on January 1 of the year following its adoption.

34 (5) In addition to the negotiated rulemaking process set forth in sec-  
35 tion 67-5221, Idaho Code, the board shall conduct a minimum of two (2) public  
36 hearings, not less than sixty (60) days apart. Express written notice of  
37 such public hearings shall be given by the board to each of the following en-  
38 tities not less than five (5) days prior to such hearing: associated general  
39 contractors of America, associated builders and contractors, association  
40 of Idaho cities, Idaho association of building officials, Idaho association  
41 of counties, Idaho association of REALTORS®, Idaho building contractors  
42 association, American institute of architects Idaho chapter, Idaho fire  
43 chiefs association, Idaho society of professional engineers, Idaho state  
44 independent living council, southwest Idaho building trades, Idaho building  
45 trades, and any other entity that, through electronic or written communica-  
46 tion received by the administrator not less than twenty (20) days prior to  
47 such scheduled meeting, requests written notification of such public hear-  
48 ings.

49 SECTION 2. That Section 39-4116, Idaho Code, be, and the same is hereby  
50 amended to read as follows:

1 39-4116. LOCAL GOVERNMENT ADOPTION AND ENFORCEMENT OF BUILDING  
 2 CODES. (1) Local governments enforcing building codes shall do so only in  
 3 compliance with the provisions of this section. Local governments that have  
 4 not previously instituted and implemented a code enforcement program prior  
 5 to the effective date of this act may elect to implement a building code  
 6 enforcement program by passing an ordinance evidencing the intent to do so.  
 7 Local governments may contract with a public or private entity to administer  
 8 their building code enforcement program.

9 (2) Local governments that issue building permits and perform build-  
 10 ing code enforcement activities shall, by ordinance effective January 1 of  
 11 the year following the adoption by the Idaho building code board, adopt the  
 12 following codes as published by the International Code Council together with  
 13 any amendments or revisions set forth in section 39-4109, Idaho Code, in-  
 14 cluding subsequent versions of the International Building Code as adopted  
 15 and amended by the Idaho building code board through the negotiated rulemak-  
 16 ing process provided in this chapter:

17 (a) International Building Code, including all rules promulgated by  
 18 the board to provide equivalency with the provisions of the Americans  
 19 with disabilities act accessibility guidelines and the federal fair  
 20 housing act accessibility guidelines;

21 (b) Idaho residential code, parts I-~~IV~~ III and IX; and

22 (c) Idaho energy conservation code.

23 Local governments are not required by this chapter to adopt the other refer-  
 24 enced codes in the International Building Code. Local governments shall not  
 25 adopt provisions, chapters, sections or parts of subsequent versions of the  
 26 International Residential Code or International Energy Conservation Code,  
 27 or subsequent versions in their entirety that have not been adopted by the  
 28 Idaho building code board, except as provided in subsection (4) (b) of this  
 29 section.

30 (3) All single family homes and multiple family dwellings up to two  
 31 (2) units are hereby exempted from the provisions of the International Fire  
 32 Code, the International Building Code and the Idaho residential code that  
 33 require such dwellings to have automatic fire sprinkler systems installed.  
 34 Nothing in this section shall prevent any person from voluntarily installing  
 35 an automatic fire sprinkler system in any residential dwelling.

36 (4) ~~Local governments may amend by ordinance the adopted codes or pro-~~  
 37 ~~visions of referenced codes to reflect local concerns, provided such amend-~~  
 38 ~~ments establish at least an equivalent level of protection to that of the~~  
 39 ~~adopted building code.~~ A local jurisdiction shall not have the authority to  
 40 amend any accessibility provision pursuant to section 39-4109, Idaho Code,  
 41 except as provided in paragraphs (a) and (b) of this subsection.

42 (a) A local jurisdiction shall not have the authority to amend any ac-  
 43 cessibility provision pursuant to section 39-4109, Idaho Code.

44 (b) A local jurisdiction shall not adopt any provision, chapter, sec-  
 45 tion or part of the International Building Code or Idaho residential  
 46 code or appendices thereto, or subsequent versions in their entirety,  
 47 that has have not been adopted or that has have been expressly rejected  
 48 or exempted from the adopted version of those codes by the Idaho build-  
 49 ing code board through the negotiated rulemaking process as provided in  
 50 section 39-4109, Idaho Code. Provided however, that, after a finding by

1 the local jurisdiction that ~~good cause~~ an immediate threat to human life  
2 or safety exists for such and makes an amendment to such codes ~~and that~~  
3 ~~such amendment is~~ reasonably necessary, and that such amendment estab-  
4 lishes at least an equivalent level of protection to that of the adopted  
5 building codes, a local jurisdiction may adopt such provision by ordi-  
6 nance in accordance with the provisions of chapter 9, title 50, Idaho  
7 Code, and provided further that such local jurisdiction shall conduct a  
8 public hearing and, provided further, that notice of the time and place  
9 of the public hearing shall be published in the official newspaper or  
10 paper of general circulation within the jurisdiction and written notice  
11 of each of such public hearing and the proposed language shall be given  
12 by the local jurisdiction to the local chapters of the entities identi-  
13 fied in section 39-4109(5), Idaho Code, not less than thirty (30) days  
14 prior to such hearing. In the event that there are no local chapters of  
15 such entities identified in section 39-4109(5), Idaho Code, within the  
16 local jurisdiction holding the hearings, the notice shall be provided  
17 to the state associations of the respective entities.

18 (5) Local governments shall exempt agricultural buildings from the re-  
19 quirements of the codes enumerated in this chapter and the rules promulgated  
20 by the board. A county may issue permits for farm buildings to assure com-  
21 pliance with road setbacks and utility easements, provided that the cost for  
22 such permits shall not exceed the actual cost to the county of issuing the  
23 permits.

24 (6) Permits shall be governed by the laws in effect at the time the per-  
25 mit application is received.

26 (7) The division shall retain jurisdiction for in-plant inspections  
27 and installation standards for manufactured or mobile homes and for in-plant  
28 inspections and enforcement of construction standards for modular buildings  
29 and commercial coaches.