

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 547, As Amended in the Senate

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO BUILDING CODES; AMENDING SECTION 39-4109, IDAHO CODE, TO RE-  
2 MOVE REFERENCE TO PART IV OF THE INCORPORATED IDAHO RESIDENTIAL CODE  
3 AND TO PROVIDE REFERENCES TO THE IDAHO BUILDING CODE; AMENDING SECTION  
4 39-4116, IDAHO CODE, TO REVISE PROVISIONS REGARDING LOCAL GOVERNMENT  
5 ADOPTION AND ENFORCEMENT OF BUILDING CODES; PROVIDING NON-RETROACTIV-  
6 ITY; AND DECLARING AN EMERGENCY.  
7

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

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

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

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

22 (i) Including appendices thereto pertaining to building accessi-  
23 bility;

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

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

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

1 residential code, as adopted and amended by the Idaho building code  
2 board through the negotiated rulemaking process provided in this sec-  
3 tion, shall be in effect. Any amendments, revisions or modifications  
4 made to the Idaho residential code by the board shall be made by adminis-  
5 trative rules promulgated by the board;

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

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

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

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

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

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

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

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

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

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

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

24 (c) Idaho energy conservation code.

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

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

38 (4) Except as provided in this subsection, local governments may amend  
39 by ordinance the adopted codes or provisions of referenced codes to reflect  
40 local concerns, provided such amendments establish at least an equivalent  
41 level of protection to that of the adopted building code. A local jurisdic-  
42 tion shall not have the authority to amend any accessibility provision pur-  
43 suant to section 39-4109, Idaho Code, except as provided in paragraphs (a)  
44 and (b) of this subsection.

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

47 (b) A local jurisdiction shall not adopt any provision, chapter, sec-  
48 tion or part of the International Building Residential Code or Idaho  
49 residential code or appendices thereto residential provisions of the

1 International Energy Conservation Code, or subsequent versions in  
 2 their entirety, that has have not been adopted or that has have been ex-  
 3 pressively rejected or exempted from the adopted version of those codes by  
 4 the Idaho building code board through the negotiated rulemaking process  
 5 as provided in section 39-4109, Idaho Code. Provided however, that,  
 6 after a finding by the local jurisdiction

7 (c) Local jurisdictions may amend by ordinance the following provi-  
 8 sions of the Idaho residential code to reflect local concerns:

9 (i) Part I, Administrative;

10 (ii) Part II, Definitions;

11 (iii) Part III, Building Planning and Construction, Section R 301,  
 12 Design Criteria; and

13 (iv) Part IX, Appendices.

14 (d) Local jurisdictions may amend by ordinance the following provi-  
 15 sions of the Idaho energy conservation code to reflect local concerns:

16 (i) Chapter 1, Scope and Application; and

17 (ii) Chapter 2, Definitions.

18 (e) Local jurisdictions may amend the remainder of Part III of the  
 19 Idaho residential code if they find that good cause for building or  
 20 life safety exists for such an amendment to such codes and that such  
 21 amendment is reasonably necessary, a local jurisdiction may adopt such  
 22 provision. Amendments shall be adopted by ordinance in accordance with  
 23 the provisions of chapter 9, title 50, Idaho Code, or chapter 7, ti-  
 24 tle 31, Idaho Code, and provided further that such local jurisdiction  
 25 shall conduct a public hearing and, provided further, that notice of the  
 26 time and place of the public hearing shall be published in the official  
 27 newspaper or paper of general circulation within the jurisdiction and  
 28 written notice of each of such public hearing and the proposed language  
 29 shall be given by the local jurisdiction to the local chapters of the  
 30 entities identified in section 39-4109(5), Idaho Code, not less than  
 31 thirty (30) days prior to such hearing. In the event that there are no  
 32 local chapters of such entities identified in section 39-4109(5), Idaho  
 33 Code, within the local jurisdiction holding the hearings, the notice  
 34 shall be provided to the state associations of the respective entities.

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

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

43 (7) The division shall retain jurisdiction for in-plant inspections  
 44 and installation standards for manufactured or mobile homes and for in-plant  
 45 inspections and enforcement of construction standards for modular buildings  
 46 and commercial coaches.

47 SECTION 3. NON-RETROACTIVITY CLAUSE. This act shall not be applied  
 48 retroactively to the effective date of this act. Codes or amendments thereto  
 49 adopted by local jurisdictions shall remain in full force and effect.

1           SECTION 4. An emergency existing therefor, which emergency is hereby  
2 declared to exist, this act shall be in full force and effect on and after its  
3 passage and approval.