

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 254

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO APPLICATION OF CODES; AMENDING SECTION 39-4109, IDAHO CODE, TO  
2 REMOVE PROVISIONS REGARDING CERTAIN EXCLUDED CODES AND TO MAKE TECHNICAL  
3 CORRECTIONS; AMENDING SECTION 39-4116, IDAHO CODE, TO PROVIDE THAT  
4 LOCAL GOVERNMENTS SHALL ADOPT CERTAIN CODES AND TO MAKE TECHNICAL COR-  
5 RECTIONS; AND DECLARING AN EMERGENCY.  
6

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

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

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

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

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

23 (ii) Excluding the incorporated ~~electrical codes, mechanical~~  
24 ~~code, fuel gas code, plumbing codes, fire codes,~~ or property  
25 maintenance codes other than specifically referenced subjects or  
26 sections of the ~~I~~nternational ~~F~~ire ~~C~~ode; and

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

32 (b) The version of the ~~I~~nternational ~~R~~esidential ~~C~~ode adopted by  
33 the Idaho building code board, together with the amendments, revisions  
34 or modifications adopted by the Idaho building code board through the  
35 negotiated rulemaking process, except for parts IV, V, VI, VII and VIII,  
36 as they pertain to energy conservation, mechanical, fuel gas, plumb-  
37 ing and electrical requirements, shall collectively constitute and be  
38 named the Idaho residential code. The Idaho residential code shall be  
39 in effect until such time as a subsequent version is adopted by the Idaho  
40 building code board, at which time the subsequent version of the Idaho  
41 residential code, as adopted and amended by the Idaho building code  
42 board through the negotiated rulemaking process provided in this sec-

1 tion, shall be in effect. Any amendments, revisions or modifications  
2 made to the Idaho residential code by the board shall be made by adminis-  
3 trative rules promulgated by the board;

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

19 (d) The 2006 International Existing Building Code as published by  
20 the International Code Council shall be in effect until such time  
21 as a subsequent version is adopted by the Idaho building code board,  
22 at which time the subsequent versions of the International Existing  
23 Building Code, as adopted and amended by the Idaho building code board  
24 through the negotiated rulemaking process provided in this section,  
25 shall be in 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  
13 with any amendments or revisions set forth in section 39-4109, Idaho Code,  
14 including subsequent versions of the International Building Code as  
15 adopted and amended by the Idaho building code board through the negotiated  
16 rulemaking 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-III and IX; ~~and~~

22           (c) Idaho energy conservation code;

23           (d) The national electrical code, NFPA 70, as amended and approved by  
24 the Idaho electrical board and adopted by the Idaho legislature;

25           (e) The 2018 international mechanical code as amended and approved by  
26 the Idaho division of building safety and adopted by the Idaho legisla-  
27 ture; and

28           (f) The 2017 Idaho state plumbing code based on the 2015 uniform plumb-  
29 ing code as amended and approved by the Idaho plumbing board and adopted  
30 by the Idaho legislature.

31 Local governments are not required by this chapter to adopt the other ref-  
32 erenced codes in the International Building Code. Local jurisdictions  
33 shall not adopt provisions, chapters, sections or parts of subsequent ver-  
34 sions of the International Residential Code or residential provisions of  
35 the International Energy Conservation Code, or subsequent versions in  
36 their entirety, that have not been adopted by the Idaho building code board  
37 except as provided in subsection (4) of this section.

38           (3) All single family homes and multiple family dwellings up to two (2)  
39 units are hereby exempted from the provisions of the International Fire  
40 Code, the International Building Code and the Idaho residential code  
41 that require such dwellings to have automatic fire sprinkler systems in-  
42 stalled. Nothing in this section shall prevent any person from voluntarily  
43 installing an automatic fire sprinkler system in any residential dwelling.

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

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

3 (b) A local jurisdiction shall not adopt any provision, chapter, sec-  
4 tion or part of the ~~I~~nternational ~~R~~esidential ~~C~~ode or residential  
5 provisions of the ~~I~~nternational ~~E~~nergy ~~C~~onservation ~~C~~ode, or sub-  
6 sequent versions in their entirety, that have not been adopted or that  
7 have been expressly rejected or exempted from the adopted version of  
8 those codes by the Idaho building code board through the negotiated  
9 rulemaking process as provided in section 39-4109, Idaho Code.

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

12 (i) Part I, ~~A~~administrative;

13 (ii) Part II, ~~D~~efinitions;

14 (iii) Part III, ~~B~~uilding ~~P~~lanning and ~~C~~onstruction, ~~S~~ection R  
15 301, ~~D~~esign ~~C~~riteria; and

16 (iv) Part IX, ~~A~~ppendices.

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

19 (i) Chapter 1, ~~S~~cope and ~~A~~pplication; and

20 (ii) Chapter 2, ~~D~~efinitions.

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

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

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

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

1           SECTION 3. 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.