TITLE 39
HEALTH AND SAFETY

CHAPTER 41
IDAHO BUILDING CODE ACT

39-4101. LEGISLATIVE FINDING AND INTENT. (1) Uniformity of building codes and uniformity in procedures for enforcing building safety codes throughout the state are matters of statewide concern and interest, in that uniformity would enhance elimination of obsolete, restricting, conflicting, duplicating and unnecessary regulations and requirements which could unnecessarily increase construction costs or retard the use of new materials and methods of installation or provide unwarranted preferential treatment to types or classes of materials or products or methods of construction.

(2) It is the intent of the legislature to:

(a) Promote the health, safety and welfare of the occupants or users of buildings and structures subject to this chapter;

(b) Require minimum performance standards and requirements for construction and construction materials, consistent with accepted standards of engineering, fire safety, life safety and accessibility for those with disabilities;

(c) Establish, for jurisdictions enforcing building codes pursuant to this chapter, minimum standards and requirements in terms of performance, energy efficiency, effect upon construction costs and consistency with nationally accepted standards;

(d) Permit the use of modern technical methods, devices and improvements; and

(e) Clarify and establish roles of the various jurisdictions subject to this chapter.

[39-4101, added 1975, ch. 180, sec. 2, p. 486; am. 1983, ch. 153, sec. 1, p. 407; am. 2000, ch. 465, sec. 1, p. 1439; am. 2002, ch. 345, sec. 3, p. 965.]

39-4102. SHORT TITLE. This chapter shall be known as "The Idaho Building Code Act."

[39-4102, added 1975, ch. 180, sec. 2, p. 486; am. 2002, ch. 345, sec. 4, p. 965.]

39-4103. SCOPE -- EXEMPTIONS. (1) This chapter authorizes the state division of occupational and professional licenses and local governments to adopt and enforce building codes pursuant to the provisions of this chapter.

(2) All buildings and other facilities owned by any state government agency or entity, including those owned, constructed or financed by the Idaho state building authority, shall conform to the codes adopted in this chapter, chapter 2, title 41, Idaho Code, chapter 10, title 54, Idaho Code, chapter 26, title 54, Idaho Code, and chapter 50, title 54, Idaho Code, and shall be subject to the jurisdiction of the state division of occupational and professional licenses and the state fire marshal for purposes of all plan reviews, permitting and inspections. In performing such plan reviews, permitting and inspections, the division of occupational and professional licenses and the state fire marshal shall route building plans to affected local government agencies, and shall take into consideration

local government comments and ordinances and shall promptly notify the local jurisdictions of actions taken and the reasons therefor, and transmit to the local jurisdictions copies of final building plans.

(3) All buildings and other facilities owned by anyone other than state government agencies or entities which are constructed or renovated specifically for use or occupancy by any state agency or entity shall conform to all state adopted codes and standards. Nothing in this subsection shall limit the authority of local governments to issue permits, review plans and provide a full range of building code enforcement activities for such buildings.

(4) The following are exempt from the provisions of this chapter:

(a) Equipment used primarily for industrial chemical process purposes and for mineral extraction and mineral processing purposes. This exemption shall not include the erection and fabrication of new boilers, pressure vessels and other equipment as required to condition the building for personnel comfort and safety. Equipment in this regard shall mean and shall be limited to facilities or installations for heating, ventilating, air conditioning, refrigerating equipment, elevators, dumbwaiters, escalators, and boilers and pressure vessels associated with building heating systems.

(b) Modular buildings as defined in section 39-4301, Idaho Code, that are constructed in the state of Idaho for installation on building sites outside the state; provided however, that no modular building shall be installed on a building site in the state of Idaho until it has been approved and bears the insignia of approval of the division as being in compliance with the requirements set forth in chapter 43, title 39, Idaho Code.

[39-4103, added 1975, ch. 180, sec. 2, p. 486; am. 1988, ch. 264, sec. 13, p. 530; am. 2002, ch. 345, sec. 5, p. 966; am. 2003, ch. 256, sec. 1, p. 663; am. 2004, ch. 250, sec. 1, p. 716; am. 2004, ch. 272, sec. 1, p. 758; am. 2007, ch. 252, sec. 1, p. 737; am. 2023, ch. 15, sec. 8, p. 78.]

39-4104. ENFORCEMENT OF LAW. The administrator of the division of occupational and professional licenses shall enforce the provisions of this chapter that apply to the state. Local governments that adopt building codes shall enforce all of the provisions of this chapter that govern application by local governments.

[39-4104, added 1975, ch. 180, sec. 2, p. 486; am. 1996, ch. 421, sec. 26, p. 1423; am. 2002, ch. 345, sec. 6, p. 966; am. 2004, ch. 272, sec. 2, p. 759; am. 2023, ch. 15, sec. 9, p. 79.]

39-4105. DEFINITIONS. As used in this chapter, the terms defined in this section shall have the following meanings, unless the context clearly indicates another meaning. Where terms are not defined in this chapter and are defined in the currently adopted international building code published by the international code council, such terms shall have the meanings ascribed to them in that code:

(1) "Administrator" means the administrator of the division of occupational and professional licenses for the state of Idaho.

(2) "Board" means the Idaho building code board, herein created.

(3) "Building inspector" means a person who inspects buildings or structures for compliance with the provisions of this chapter.

(4) "Construction" means the erection, fabrication, reconstruction, demolition, alteration, conversion, or repair of a building or the installation of equipment therein normally a part of the structure.

(5) "Division" means the state of Idaho division of occupational and professional licenses.

(6) "International fire code" means the international fire code as published by the international code council.

(7) "Local government" means any city or county of this state.

(8) "Manufactured home" means a structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, that, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure that meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. 5401 et seq. Manufactured homes include multidwelling unit manufactured homes that are constructed in accordance with the HUD manufactured home construction and safety standards.

(9) "Mobile home" means a factory-assembled structure or structures generally constructed prior to June 15, 1976, and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation.

(10) "Telecommunications facilities" means all wires, cables, equipment, apparatus or other installations necessary to furnish service, by which there is accomplished or may be accomplished the sending or receiving of information, data, message writing signs, signals, pictures, and sounds of all kinds, by aid of such wires, cables, equipment, apparatus or other installations, but shall not include the habitable structure in which such telecommunications facilities are housed.

[39-4105, added 1975, ch. 180, sec. 2, p. 486; am. 1976, ch. 129, sec. 1, p. 488; am. 1983, ch. 153, sec. 2, p. 408; am. 1986, ch. 30, sec. 1, p. 85; am. 1992, ch. 197, sec. 1, p. 609; am. 1995, ch. 267, sec. 9, p. 859; am. 1996, ch. 421, sec. 27, p. 1423; am. 2002, ch. 345, sec. 7, p. 966; am. 2004, ch. 250, sec. 2, p. 717; am. 2007, ch. 252, sec. 2, p. 738; am. 2023, ch. 15, sec. 10, p. 79; am. 2026, ch. 171, sec. 1, p. 799.]

39-4106. IDAHO BUILDING CODE BOARD CREATED -- MEMBERSHIP -- APPOINTMENT -- TERMS -- QUORUM -- COMPENSATION -- MEETINGS. (1) The Idaho building code board is established within the division of occupational and professional licenses as an appeals, code adoption, and rulemaking board, to be appointed by the governor, and shall consist of ten (10) members: one (1) member of the general public; one (1) local fire official; one (1) licensed engineer; one (1) licensed architect; two (2) local building officials, one (1) from a county and one (1) from a city; two (2) building contractors, one (1) residential contractor who is an active member of the Idaho building contractors association with construction knowledge based primarily on a work

history of buildings regulated by the International Residential Code, and one (1) commercial contractor who is an active member of either the associated builders and contractors or the associated general contractors of America with construction knowledge based primarily on a work history of buildings regulated by the International Building Code; one (1) representative of the modular building industry; and one (1) individual with a disability from an organization that represents people with all types of disabilities. Board members shall be appointed for terms of four (4) years and until their successor has been appointed. Three (3) consecutive failures by a member to attend meetings of the board without reasonable cause shall constitute cause for removal of the member from the board by the governor. Whenever a vacancy occurs, the governor shall appoint a qualified person to fill the vacancy for the unexpired portion of the term.

(2) The members of the board shall, at their first regular meeting following the effective date of this chapter and every two (2) years thereafter, elect, by majority vote of the members of the board, a chairman who shall preside at meetings of the board. A majority of the currently appointed members of the board shall constitute a quorum.

(3) Each member of the board not otherwise compensated by public moneys shall be compensated as provided by section 59-509(n), Idaho Code, for each day spent in attendance at meetings of the board.

(4) The board shall meet for regular business sessions at the call of the administrator, chairman, or at the request of four (4) members of the board, provided that the board shall meet at least biannually.

[39-4106, added 1975, ch. 180, sec. 2, p. 486; am. 1980, ch. 247, sec. 39, p. 611; am. 1983, ch. 153, sec. 3, p. 410; am. 1986, ch. 304, sec. 1, p. 755; am. 1988, ch. 264, sec. 14, p. 531; am. 1995, ch. 267, sec. 10, p. 861; am. 2000, ch. 465, sec. 2, p. 1440; am. 2001, ch. 151, sec. 1, p. 547; am. 2002, ch. 345, sec. 8, p. 969; am. 2009, ch. 173, sec. 1, p. 551; am. 2012, ch. 36, sec. 1, p. 107; am. 2021, ch. 222, sec. 2, p. 622.]

39-4107. POWERS AND DUTIES. (1) The board shall continually study the operation of adopted codes, standards and rules relating to the construction of buildings or facilities under the jurisdiction of the division to ascertain their effect upon the public safety and shall support an ongoing effort to promote the uniform adoption, application and interpretation of safety, accessibility and building codes statewide. The board shall have the authority to adopt and enforce the codes specified in section 39-4109, Idaho Code, or later editions of such codes, and to promulgate rules in accordance with chapter 52, title 67, Idaho Code, to implement the provisions of this chapter.

(2) The board shall function as a board of appeals for the division as prescribed in the adopted building code. The board shall have no authority to waive any requirements of the codes enumerated in this chapter or in rules promulgated pursuant to this chapter. Provided further:

(a) The decisions of the board shall be final, and the board shall render all decisions and findings in writing to the appellant and the administrator within ten (10) working days of the conclusion of a hearing; and

(b) For each appeal brought before the board, the chairman shall appoint not less than three (3) members of the board to hear the appeal and render a decision and finding in the name of the board.

(3) The board shall utilize experts, consultants, and technical advisors for assistance and recommendations relative to codes, standards, and appeals.

(4) The administrator may make building code inspections for another state or local jurisdiction upon request by an appropriate building official. Such inspections shall be made in accordance with the applicable building codes of the requesting jurisdiction. Fees charged for such inspection services shall be as provided in rules promulgated by the board pursuant to chapter 52, title 67, Idaho Code.

(5) Notwithstanding the exemptions provided in subsection (4)(b) of section 39-4103, Idaho Code, the administrator may make inspections of modular buildings constructed in Idaho upon written request from the manufacturer.

(a) Such inspections shall be made in accordance with the codes adopted in this chapter.

(b) Inspection fees shall be as provided in section 39-4303, Idaho Code.

(c) The administrator of the division of occupational and professional licenses may issue an insignia of approval if the buildings are in compliance with the requirements set forth in chapter 43, title 39, Idaho Code.

[39-4107, added 1975, ch. 180, sec. 2, p. 486; am. 1983, ch. 153, sec. 4, p. 411; am. 2000, ch. 465, sec. 3, p. 1441; am. 2002, ch. 345, sec. 9, p. 969; am. 2004, ch. 250, sec. 3, p. 718; am. 2007, ch. 252, sec. 3, p. 739; am. 2023, ch. 15, sec. 11, p. 80.]

39-4108. CERTIFICATION. After July 1, 2002, state and local government building inspectors, including state safety advisors, shall hold a valid certification as a building inspector or building plans examiner issued by the International Code Council (ICC), except that a building inspector with a valid ICC residential building inspector certification may only inspect structures regulated by the International Residential Code (IRC). A building inspector with a valid ICC residential building inspector certification working under the supervision of an ICC-certified building inspector or building plans examiner may inspect all occupancy classifications for a period not to exceed three (3) years. An inspector may be hired without a valid ICC residential building inspector certification but must obtain such certification within a period of up to six (6) months after hire and must be under the supervision of an ICC-certified building inspector or building plans examiner until such certification is obtained. Until such certification is obtained, no official adverse action may be undertaken without review and approval of an ICC-certified building inspector or building plans examiner.

[39-4108, added 2002, ch. 345, sec. 11, p. 970; am. 2019, ch. 54, sec. 1, p. 143.]

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

(a) The 2006 International Building Code shall be in effect, until such time as a subsequent version is adopted by the Idaho building

code board, at which time the subsequent versions of the International Building Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process as established in section 67-5221, Idaho Code, and as further provided in subsection (5) of this section and in accordance with subsections (2) and (3) of this section shall be in effect:

(i) Including appendices thereto pertaining to building accessibility;

(ii) Excluding the incorporated electrical codes, mechanical code, fuel gas code, plumbing codes, fire codes or property maintenance codes other than specifically referenced subjects or sections of the International Fire Code; and

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

(b) The version of the International Residential Code adopted by the Idaho building code board, together with the amendments, revisions or modifications adopted by the Idaho building code board through the negotiated rulemaking process, except for parts IV, V, VI, VII and VIII, as they pertain to energy conservation, mechanical, fuel gas, plumbing and electrical requirements, shall collectively constitute and be named the Idaho residential code. The Idaho residential code shall be in effect until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent version of the Idaho residential code, as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section, shall be in effect. Any amendments, revisions or modifications made to the Idaho residential code by the board shall be made by administrative rules promulgated by the board;

(c) The 2018 Idaho energy conservation code, as amended, revised, or modified by the Idaho building code board and approved by the legislature pursuant to section 39-9701, Idaho Code; and

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

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

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

(4) Any edition of the building codes adopted by the board will take effect on January 1 of the year following its adoption.

(5) In addition to the negotiated rulemaking process set forth in section 67-5221, Idaho Code, the board shall conduct a minimum of two (2) public hearings, not less than sixty (60) days apart. Express written notice of such public hearings shall be given by the board to each of the following

entities not less than five (5) days prior to such hearing: associated general contractors of America, associated builders and contractors, association of Idaho cities, Idaho association of building officials, Idaho association of counties, Idaho association of REALTORS®, Idaho building contractors association, American institute of architects Idaho chapter, Idaho fire chiefs association, Idaho society of professional engineers, Idaho state independent living council, southwest Idaho building trades, Idaho building trades, and any other entity that, through electronic or written communication received by the administrator not less than twenty (20) days prior to such scheduled meeting, requests written notification of such public hearings.

[39-4109, added 2002, ch. 345, sec. 13, p. 971; am. 2004, ch. 272, sec. 3, p. 759; am. 2004, ch. 359, sec. 2, p. 1074; am. 2007, ch. 184, sec. 1, p. 532; am. 2009, ch. 173, sec. 2, p. 552; am. 2009, ch. 279, sec. 1, p. 841; am. 2010, ch. 79, sec. 14, p. 143; am. 2014, ch. 248, sec. 1, p. 623; am. 2018, ch. 338, sec. 1, p. 769; am. 2022, ch. 302, sec. 2, p. 957.]

39-4109A. MASS TIMBER CONSTRUCTION. By January 1, 2022, the Idaho building code board shall amend the current Idaho building code to include the provisions of the 2021 International Building Code relating to mass timber construction. This must include permitting the three (3) new mass timber construction types IV-A, IV-B, and IV-C, along with the corresponding maximum heights and fire safety features.

[39-4109A, added 2021, ch. 244, sec. 1, p. 761.]

39-4109B. ELECTRIC VEHICLE BUILDING PLAN REQUIREMENTS -- PREEMPTION. (1) Notwithstanding any other provision of law to the contrary, neither the state of Idaho nor any local government in Idaho shall adopt any requirement that an electric vehicle (EV) charging station, a designated EV parking space, an upgraded electrical conduit, or other infrastructure for the purpose of EV charging station installation be included in a building plan.

(2) This section supersedes any local laws, ordinances, orders, rules, or regulations enacted by a political subdivision or municipality that requires an EV charging station, a designated EV parking space, an upgraded electrical conduit, or other infrastructure for the purpose of EV charging station installation to be included in a building plan.

[39-4109B, added 2025, ch. 33, sec. 1, p. 170.]

39-4109C. SINGLE STAIRWAY BUILDING EXCEPTIONS. (1) Notwithstanding a local government's adoption of the International Building Code or any other provision of law to the contrary, local governments may allow residential group R-2 apartment buildings to be served by one (1) single stairway under the following conditions:

(a) The building has no more than six (6) stories above grade plane without an occupiable roof, or has no more than five (5) stories above grade plane with an occupiable roof and no more than one (1) basement level;

(b) The building has no more than four (4) dwelling units on any floor with a maximum gross floor area not exceeding six thousand (6,000) square feet for each story;

(c) The building is of type I, II, III, IV, or V construction;
(d) An automatic sprinkler system shall be provided throughout the building in accordance with section 903.3.1.1 of the national fire protection association's standard, NFPA 13;
(e) An interior stairway is provided and doors in the stairway swing into the interior stairway regardless of the occupant load served, provided that doors from the interior exit stairway to the building exterior are permitted to swing in the direction of exit travel;
(f) Openings into the interior exit stairway shall be ninety (90) minute fire protection rated with self-closers and no hold-open devices, unless they are interconnected with the fire alarm system to release upon activation of the occupant notification system and openings are limited to those required for exit access into the enclosure from normally occupied spaces, openings required for egress from the stairway, and openings to the exterior. Elevators shall not open into the interior exit stairway;
(g) The interior exit stairway and elevator shaft shall have a fire resistance rating of not less than two (2) hours regardless of the number of stories connected;
(h) The width of the exit stairway shall not be less than forty-eight (48) inches;
(i) A minimum one (1) hour fire resistance rated corridor separates each dwelling unit entry and exit door from the door to an interior exit stairway, including any related exit passageway, on each floor;
(j) Dwelling unit doors shall not open directly into an interior exit stairway;
(k) No more than twenty (20) feet of travel distance shall exist between the exit stairway and the entry and exit door of any dwelling unit;
(l) Exit access travel distance shall not exceed one hundred twenty-five (125) feet;
(m) An exit serving the group R-2 occupancy as defined in the International Building Code shall not discharge through any other occupancy, including an accessory parking garage;
(n) An exit shall not terminate in an egress court where the court depth exceeds the court width unless it is possible to exit in either direction to the public way;
(o) Exterior wall openings shall be three-fourths (3/4) hour fire protection rated when located within ten (10) feet of the exit discharge door or other unprotected exterior wall openings into the interior exit stairway;
(p) Emergency escape and rescue openings shall comply with the requirements of the International Building Code on all floors served by the single exit;
(q) No electrical receptacles shall be installed in an interior exit stairway. Any electrical receptacles in a common corridor or lobby shall have lockable outlet covers, accessible by maintenance personnel;
(r) An automatic smoke and fire detection system that activates the occupant notification system in accordance with the requirements of the International Building Code shall be installed in the building;
(s) An approved sign mounted adjacent to the fire alarm control panel shall be provided stating "THIS BUILDING CONTAINS ONLY ONE STAIR";

(t) There shall be no more than two (2) buildings, or two (2) areas in a single building, each provided with a single exit, per lot. Where there are two (2) buildings on the same lot, exception 1 of section 705.3 of the International Building Code shall not be allowed; and

(u) The building shall meet all other applicable provisions of the adopted local building codes.

(2) A manual fire alarm system and automatic smoke detection system that activates the occupant notification system in accordance with the requirements of the International Building Code shall be installed in single stairway apartment buildings provided for in this section in the following locations:

(a) Common spaces outside of dwelling units;

(b) Laundry rooms, mechanical equipment rooms, and storage rooms;

(c) Interior corridors serving dwelling units; and

(d) Interior corridors, interior exit stairways, and exit passageways.

[39-4109C, added 2026, ch. 320, sec. 1, p. 1282.]

39-4111. PERMITS REQUIRED. (1) It shall be unlawful for any person to do, or cause or permit to be done, whether acting as principal, agent or employee, any construction, improvement, extension or alteration of any building, residence or structure, coming under the purview of the division, in the state of Idaho without first procuring a permit from the division authorizing such work to be done.

(2) It shall be unlawful for any person to do, or cause or permit to be done, whether acting as principal, agent or employee, any construction, improvement, extension or alteration of any building, residence or structure in a local government jurisdiction enforcing building codes, without first procuring a permit in accordance with the applicable ordinance or ordinances of the local government.

(3) Subject to building code requirements governing accessibility, no permit shall require that any improvement, extension or alteration of any building, residence or structure include an upgrade to comply with building code requirements in unaffected existing parts of the building, residence or structure where the existing parts complied with the applicable building code in effect when such parts were constructed. This limitation shall not apply where the division or enforcing jurisdiction identifies a specific substantial safety hazard that would be created in the existing building, residence or structure by reason of the new improvement, extension or alteration, provided that any additional permitting requirement shall be limited to correcting the specific substantial safety hazard. The burden shall be upon the division or enforcing jurisdiction to prove the existence of such specific substantial safety hazard. The permit shall identify the specific hazard and the basis for determining that it is a substantial hazard.

[39-4111, added 1975, ch. 180, sec. 2, p. 486; am. 1978, ch. 160, sec. 1, p. 348; am. 1983, ch. 153, sec. 8, p. 414; am. 1988, ch. 264, sec. 16, p. 532; am. 1995, ch. 267, sec. 12, p. 863; am. 2002, ch. 345, sec. 15, p. 971; am. 2011, ch. 228, sec. 1, p. 622.]

39-4112. MAXIMUM PERMIT FEES TO BE ASSESSED BY THE DIVISION. Building permit fees shall be as established by rules promulgated by the board. Until such rules are effective, building permit fees based on total value of

the construction shall not exceed those given in table 3-A, Uniform Building Code, 1985.

[39-4112, added 1975, ch. 180, sec. 2, p. 486; am. 1983, ch. 153, sec. 9, p. 414; am. 1990, ch. 155, sec. 1, p. 341; am. 2002, ch. 345, sec. 16, p. 972.]

39-4113. PLAN REVIEWS -- MAXIMUM FEES AND SCHOOL INSPECTIONS. (1) The administrator shall establish a program for plan reviews and permit issuance entirely within the division of occupational and professional licenses. Plan reviews shall be for the provisions of this chapter and chapter 10, title 54, Idaho Code, chapter 26, title 54, Idaho Code, chapter 50, title 54, Idaho Code, and chapter 86, title 39, Idaho Code, pertaining to construction, alteration or repair of buildings or structures within the scope of the division's jurisdiction pursuant to this chapter. Plans for schools reviewed by the division shall not include a review for compliance with the provisions of chapter 2, title 41, Idaho Code, or for local planning and zoning requirements.

(2) The local government or division performing a building plan review for public works, as defined in section 67-5710B, Idaho Code, shall complete the initial plan review within thirty (30) calendar days of submission of such plan.

(3) Plan review fees shall be established by rules promulgated by the board. Local governments elected by school districts to perform building plan reviews for public schools as provided for in this section shall not charge a fee for such review of building plans in excess of what the division has established by rule for building plan review services for public schools.

(4) Each manufacturer of commercial coaches and modular buildings shall submit the building plans for every model of such structure to the administrator for the purpose of review.

(5)(a) Public school building plans shall be approved by either the local government or the division of occupational and professional licenses, whichever the school district elects. Any city or county that has adopted by ordinance all the applicable codes pursuant to section 39-4109, Idaho Code, and the codes as permitted in chapter 10, title 54, Idaho Code, chapter 26, title 54, Idaho Code, and chapter 50, title 54, Idaho Code, shall be eligible to perform school plan reviews only if the following additional requirements are met: plans examiners performing building and energy code plan reviews shall hold current certification as a commercial building plans examiner by the International Code Council; examiners performing plumbing code plan reviews shall hold current certification as a plumbing inspector by the international association of plumbing and mechanical officials and shall be a licensed Idaho journeyman plumber; examiners performing electrical code plan reviews shall hold current certification as an electrical inspector by the national certification program for construction code inspectors and shall be a licensed Idaho journeyman electrician; and examiners performing mechanical code plan reviews shall hold current certification as a commercial mechanical inspector by the International Code Council.

(b) All plans examiners who perform public school plan reviews shall be either an employee of the division, an employee of the local jurisdiction in which the school is to be constructed, or performing plan reviews under an interagency contract between local jurisdictions, and

shall meet the eligibility requirements as provided in paragraph (a) of this subsection.

(c) An eligible local government may contract with the division for review of any portion of the plans for which the local government does not have a properly certified plans examiner. A county may be deemed eligible to perform plan review services only for those types of installations for which they have authority pursuant to this chapter and chapter 50, title 54, Idaho Code, to adopt an enforcement program. Where an eligible county performs the plan review services, the electrical and plumbing code plan reviews shall be performed by the division at the hourly rate as established in rule by the division. Any local government elected to perform plan review services for public schools shall provide the division a copy of all approved plans.

(d) Wherein the proposed work is valued in excess of one hundred thousand dollars ($100,000), a school district may elect to utilize the school plan review services available from an eligible local government building code enforcement jurisdiction or from the division. Wherein the proposed work is valued at one hundred thousand dollars ($100,000) or less, a school district may elect to use a local government without regard to the eligibility requirements in paragraph (a) of this subsection. Election by a school district shall be made by submitting a written certification to both the division and the involved local government.

(e) Public school plan review services provided by either the division or an eligible local jurisdiction pursuant to this section shall include a review of the following disciplines: building (structural and nonstructural), mechanical, fuel gas, plumbing, electrical, accessibility, elevators, boilers, and energy conservation. At a minimum, plan review services shall include:

(i) A technical examination of all drawings and construction documents;

(ii) The approval of such drawings and construction documents by determining whether such are in accord with the codes adopted pursuant to sections 39-4109, 54-1001, 54-2601 and 54-5001, Idaho Code;

(iii) A determination that the drawings and construction documents are in compliance, or noncompliance, with the applicable codes, code interpretation, and the identification of approved modifications or alternative materials, design or methods; and

(iv) The identification of the reviewing official(s), the date upon which plans are approved, and a stamp or some other similar mark on the plans evidencing approval.

(f) If a school district elects to utilize the plan review services of the division, it shall submit to the division of occupational and professional licenses three (3) sets of working drawings and specifications for new public school buildings or facilities and additions or alterations to existing facilities. The division will review the plans submitted to it pursuant to this section for compliance with the current editions of the codes specified in this chapter or within rules promulgated pursuant to this chapter by the board and by section 39-8006, Idaho Code.

(6) Public school building plans shall be approved by either the local government or the division. The jurisdiction performing the public school

building plan review shall complete the initial plan review within thirty (30) calendar days of submission of such plan. Once plans are reviewed and approved pursuant to this section, no material change shall be made to such plans without review and approval of such change by the jurisdiction performing the plan review. All school construction or remodeling governed by this chapter shall be inspected by building inspectors certified in accordance with section 39-4108, Idaho Code, or by Idaho-licensed architects or engineers to determine compliance with this chapter and the Idaho uniform school building safety act, chapter 80, title 39, Idaho Code. Nothing in this section shall limit the authority of local governments to issue building permits, perform fire code or other zoning and land use-related plan reviews or provide a full range of building code enforcement activities as they relate to inspections of school buildings or facilities sited within their jurisdiction regardless of the election exercised by the school district pursuant to this section.

[39-4113, added 1975, ch. 180, sec. 2, p. 486; am. 1978, ch. 160, sec. 2, p. 348; am. 1983, ch. 153, sec. 10, p. 414; am. 1988, ch. 264, sec. 17, p. 532; am. 1990, ch. 155, sec. 2, p. 341; am. 1990, ch. 167, sec. 1, p. 364; am. 1995, ch. 267, sec. 13, p. 863; am. 1996, ch. 2, sec. 1, p. 4; am. 2000, ch. 352, sec. 2, p. 1186; am. 2002, ch. 345, sec. 17, p. 972; am. 2009, ch. 219, sec. 1, p. 681; am. 2010, ch. 174, sec. 1, p. 357; am. 2015, ch. 110, sec. 10, p. 277; am. 2023, ch. 15, sec. 12, p. 81; am. 2026, ch. 277, sec. 1, p. 1165.]

39-4115. PERSONNEL. The division shall designate a nonclassified employee to serve as the executive director of the board and such other personnel as necessary to effect enforcement of the codes herein enumerated or otherwise prescribed by rules promulgated by the board pursuant to this chapter.

[39-4115, added 1975, ch. 180, sec. 2, p. 486; am. 2002, ch. 345, sec. 19, p. 973; am. 2012, ch. 28, sec. 1, p. 85.]

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

(2) Except as otherwise provided in this chapter, local governments that issue building permits and perform building code enforcement activities shall, by ordinance effective January 1 of the year following the adoption by the Idaho building code board, adopt the following codes as published by the International Code Council together with any amendments or revisions set forth in section 39-4109, Idaho Code, including subsequent versions of the International Building Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this chapter:

(a) International Building Code, including all rules promulgated by the board to provide equivalency with the provisions of the Americans

with disabilities act accessibility guidelines and the federal fair housing act accessibility guidelines;

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

(c) 2018 Idaho energy conservation code, pursuant to chapter 97, title 39, Idaho Code.

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

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

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

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

(b) A local jurisdiction shall not adopt any provision, chapter, section or part of the International Residential Code or residential provisions of the International Energy Conservation Code, or subsequent versions in their entirety, that have not been adopted or that have been expressly rejected or exempted from the adopted version of those codes by the Idaho building code board through the negotiated rulemaking process as provided in section 39-4109, Idaho Code.

(c) Local jurisdictions may amend by ordinance the following provisions of the Idaho residential code to reflect local concerns:

(i) Part I, Administrative;

(ii) Part II, Definitions;

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

(iv) Part IX, Appendices.

(d) Local jurisdictions may amend the remainder of Part III of the Idaho residential code if they find that good cause for building or life safety exists for such an amendment to such codes and that such amendment is reasonably necessary. Amendments shall be adopted by ordinance in accordance with the provisions of chapter 9, title 50, Idaho Code, or chapter 7, title 31, Idaho Code, and provided further that such local jurisdiction shall conduct a public hearing and, provided further, that notice of the time and place of the public hearing shall be published in the official newspaper or paper of general circulation within the jurisdiction and written notice of each of such public hearing and the proposed language shall be given by the local jurisdiction to the local chapters of the entities identified in section 39-4109(5), Idaho Code, not less than thirty (30) days prior to such hearing. In the

event that there are no local chapters of such entities identified in section 39-4109(5), Idaho Code, within the local jurisdiction holding the hearings, the notice shall be provided to the state associations of the respective entities.

(5) Local governments shall exempt agricultural buildings from the requirements of the codes enumerated in this chapter and the rules promulgated by the board. A county may issue permits for agricultural buildings to assure compliance with road setbacks and utility easements, provided that the cost for such permits shall not exceed the actual cost to the county of issuing the permits.

(a) For the purposes of this subsection, "agricultural buildings" means:

(i) Livestock shelters or buildings, including shade structures and milking barns;

(ii) Poultry buildings or shelters;

(iii) Barns;

(iv) Storage and maintenance structures for equipment and machinery used exclusively in agricultural operations;

(v) Horticultural structures, including detached production greenhouses and crop protection shelters;

(vi) Sheds used as part of an agricultural operation;

(vii) Grain silos;

(viii) Stables; and

(ix) Any other structure designed, constructed, and intended to house, accommodate, or store farm implements, hay, grain, poultry, livestock, or other horticultural products.

(b) For the purposes of this subsection, "agricultural buildings" does not include:

(i) A place of human habitation, which means a space in a building for living, sleeping, or cooking. Structures with bathrooms, shower rooms, break rooms, locker rooms, storage or utility space, or other similar areas are not considered places of human habitation;

(ii) A place of employment where agricultural products are processed, treated, or packaged; or

(iii) A place used by the public.

(c) Counties shall not alter, amend, deny, limit, or narrow the exemption provided pursuant to this subsection by, including but not limited to, requiring size limitations of agricultural buildings, requiring maximum travel distances to exits within agricultural buildings, or requiring installation of automatic sprinkler systems in agricultural buildings.

(6) Permits shall be governed by the laws in effect at the time the permit application is received.

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

[39-4116, added 2002, ch. 345, sec. 21, p. 973; am. 2004, ch. 272, sec. 4, p. 760; am. 2009, ch. 173, sec. 3, p. 553; am. 2009, ch. 219, sec. 2, p. 683; am. 2009, ch. 279, sec. 2, p. 841; am. 2010, ch. 79, sec. 15, p. 144; am. 2014, ch. 248, sec. 2, p. 625; am. 2018, ch. 338, sec. 2, p. 770;

am. 2022, ch. 302, sec. 3, p. 958; am. 2025, ch. 40, sec. 1, p. 187; am. 2026, ch. 320, sec. 2, p. 1283.]

39-4117. PROCESSING BUILDING PERMITS -- TIMELY REVIEW. (1) A local government that requires building permits shall make available a document that describes in detail the requirements of its building permit process. The local government shall provide the document to the public on its website and in physical form upon request.

(2) An applicant for a building permit shall make a good faith effort to submit a complete application containing the necessary documentation required by a local government as specified in the document required pursuant to subsection (1) of this section. If an application is deemed incomplete, the local government shall, within ten (10) business days of receipt of a residential building permit application and within twenty (20) business days of receipt of a commercial building permit application, provide written notice to the applicant specifying any missing information necessary to proceed.

(3) Upon receipt of a submission or a revised submission following an incomplete determination, a local government shall have ten (10) business days for a residential building permit and twenty (20) business days for a commercial building permit to review the application or the revised submission for completeness. No later than the conclusion of the applicable ten (10) or twenty (20) business day review period, the local government shall provide written notice of determination on the completeness of the application. A local government's determination that an application is complete shall not constitute approval but shall authorize the application to proceed to formal plan review.

(4) An applicant and a local government may agree in writing to an extension of the timelines specified in this section if additional time is needed for the completeness determination. Prior to any such agreement, a local government shall provide written notice to an applicant explaining that an extension is needed.

[39-4117, added 2025, ch. 272, sec. 1, p. 1164.]

39-4118. INSPECTIONS -- TIMELINESS -- REFUNDS. (1) If an inspection requested by a permit holder is not performed within forty-eight (48) business hours, such permit holder shall be authorized to hire a third-party inspector to perform such inspection. The permit holder or third-party inspector shall notify the division or local government that such inspection is being completed by a third-party inspector. The permit holder shall provide a copy of the results of the completed inspection to the division or local government. A permit holder who obtains a third-party inspection under this section shall be refunded any fee, or portion thereof, that the permit holder paid to the division or local government for such inspection. If a local government contracts with and pays the division, county, or third party for an inspection that requires a refund pursuant to this section, the division, county, or third party shall be responsible for refunding the permit holder.

(2) The division or a local government shall refund ten percent (10%) of the fees, or the portion thereof, paid by a permit holder for an inspection if an inspector or building code administrator:

(a) Conducts an inspection on the work relating to the permit;

(b) Determines that the work has failed an inspection; and

(c) Fails to, within three (3) business days, provide the permit holder or his agent with a reason for the failure of such inspection pursuant to the provisions of this chapter.

(3) A third-party inspector under this section shall meet the qualifications prescribed by section 39-4108, Idaho Code, and shall conduct the inspection in substantial accord with the applicable jurisdiction's standards provided by law, rule, or ordinance.

[39-4118, added 2025, ch. 221, sec. 2, p. 1041.]

39-4119. LIVE VIRTUAL RE-INSPECTIONS. (1) Except as otherwise provided for in this section, the division and local governments shall be authorized to perform live virtual re-inspections at their discretion.

(2) When conducting a live virtual re-inspection pursuant to this section, the division or a local government shall, with respect to each re-inspection, verify the address or physical location of such re-inspection. Such verification may be made by showing the physical address or other identifying features of the location where the live virtual re-inspection is taking place.

(3) Neither the division nor local governments shall use live virtual re-inspections for structural inspections on buildings that are three (3) stories or greater.

(4) For purposes of this section:

(a) "Live virtual inspection" means a form of visual inspection that uses real time visual or electronic aids to allow an inspector who is enforcing a building code to perform an inspection without having to be physically present at the job site during the inspection.

(b) "Live virtual re-inspection" means a live virtual inspection performed following a previous inspection by an inspector who was physically present at the location subject to such re-inspection.

[(39-4119) 39-4117, added 2025, ch. 221, sec. 1, p. 1040; am. and redesig. 2026, ch. 251, sec. 15, p. 1065.]

39-4120. APPEALS TO BOARD -- JUDICIAL REVIEW. The board shall, within twenty (20) days after receipt of notice for an appeal, hear such appeals brought before it by persons affected by any code, rule, regulation or decision applicable to buildings within the jurisdiction of the division. Such proceedings shall be governed by the provisions of chapter 52, title 67, Idaho Code. Final decisions of the board, other than code interpretations, are subject to judicial review in accordance with the provisions of chapter 52, title 67, Idaho Code.

[39-4120, added 1975, ch. 180, sec. 2, p. 486; am. 1983, ch. 153, sec. 14, p. 416; am. 1993, ch. 216, sec. 26, p. 608; am. 2002, ch. 345, sec. 23, p. 974.]

39-4124. RECEIPTS AND DISBURSEMENTS -- OCCUPATIONAL LICENSES FUND. All fees, charges, and fines received by the board under the provisions of this chapter shall be deposited in the state treasury to the credit of the occupational licenses fund, and all costs and expenses incurred by the board under the provisions of this chapter shall be a charge against and paid from the fund for such purposes. The funds collected under this chapter shall be im-

mediately available for the administration of this chapter, the provisions of any other law notwithstanding.

[39-4124, added 2021, ch. 224, sec. 29, p. 670.]

39-4126. VIOLATIONS MISDEMEANORS. (1) Any person who willfully violates any provision of this chapter or who willfully violates any provisions of the codes enumerated in this chapter or rules promulgated by the administrator or the board pursuant to this chapter, is guilty of a misdemeanor, and upon conviction, shall be fined not more than three hundred dollars ($300), or imprisoned for not more than ninety (90) days or by both fine and imprisonment. Violations of this chapter shall be tried in any court of competent jurisdiction within the state of Idaho.

(2) A separate violation is deemed to have occurred with respect to each building not in compliance with this chapter. Each day such violation continues constitutes a separate offense.

(3) The misdemeanor provisions of subsections (1) and (2) of this section shall not apply to manufactured homes. Violations of manufactured home construction and safety standards shall be tried in any court of competent jurisdiction.

[39-4126, added 1975, ch. 180, sec. 2, p. 486; am. 1988, ch. 264, sec. 21, p. 534; am. 2002, ch. 345, sec. 28, p. 975.]

39-4129. SEVERABILITY. If any portion of this act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this act, or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

[I.C., sec. 39-4129, as added by 1975, ch. 180, sec. 2, p. 486.]