

TITLE 39
HEALTH AND SAFETY

CHAPTER 43
MODULAR BUILDINGS

39-4301. DEFINITIONS. As used in this chapter:

(1) "Administrator" means the administrator of the division of building safety for the state of Idaho.

(2) "Board" means the factory built structures advisory board, as created in section 39-4302, Idaho Code.

(3) "Building site" means any tract, parcel or subdivision of land upon which a modular building is installed or is to be installed.

(4) "Closed construction" means any manufactured building, structure or component thereof that may enclose factory installed structural, mechanical, electrical or plumbing systems and is not open for visual inspection at the building site.

(5) "Commercial coach" means a modular building with permanent running gear and a hitch assembly that is designed and constructed for nonresidential occupancy classifications only.

(6) "Division" means the Idaho division of building safety.

(7) "Factory built structure" means any building or building component, including a manufactured home, a mobile home or a modular building, that is of closed construction and is entirely or substantially prefabricated or assembled at a place other than the building site.

(8) "Manufactured home" means a structure as defined in section 39-4105, Idaho Code.

(9) "Mobile home" means a structure as defined in section 39-4105, Idaho Code.

(10) "Modular building" means any building or building component, other than a manufactured or mobile home, that is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.

[39-4301, added 2007, ch. 252, sec. 5, p. 740; am. 2016, ch. 342, sec. 4, p. 969.]

39-4302. FACTORY BUILT STRUCTURES ADVISORY BOARD. (1) The factory built structures advisory board is established in the division of building safety to advise the administrator in the administration and enforcement of the provisions of this chapter and chapter 40, title 39, and chapters 21, 22 and 25, title 44, Idaho Code. The board shall consist of eight (8) members appointed by the governor. One (1) member shall represent a manufacturer of commercial modular buildings, one (1) member shall be a consumer who lives in a manufactured home, two (2) members shall be licensed as a retailer or installer of manufactured or mobile homes, one (1) member shall represent a manufacturer of manufactured homes, two (2) members shall be either a dealer or installer of modular buildings, and one (1) member shall be a consumer who uses or has used modular buildings. The board shall serve at the pleasure of the governor and shall serve the following terms commencing July 1, 2016: two (2) members shall be appointed for a term of one (1) year, three (3) members shall be appointed for a term of two (2) years, and three (3) members shall be appointed for a term of three (3) years. Thereafter board members shall be appointed for a term of three (3) years and shall serve at

the pleasure of the governor. Whenever a vacancy occurs, the governor shall appoint a qualified person to fill the vacancy for the unexpired portion of the term. The members of the board shall be compensated as provided in section 59-509(n), Idaho Code, for each day spent in attendance at meetings of the board. A majority of members shall constitute a quorum, and a quorum at any meeting called by the administrator shall have full and complete power to act upon and resolve in the name of the board any matter, thing or question referred to it by the administrator, or which by reason of any provision of this chapter, it has the power to determine.

(2) The board shall, on the first day of each July or as soon thereafter as practicable, elect a chairman, vice-chairman and secretary from among its members, and these officers shall hold office until their successors are elected. As soon as the board has elected its officers, the secretary shall certify the results of the election to the administrator. The chairman shall preside at all meetings of the board and the secretary shall make a record of the proceedings which shall be preserved in the offices of the division of building safety. If the chairman is absent from any meeting of the board, his duties shall be discharged by the vice-chairman. All members of the board present at a meeting shall be entitled to vote on any question, matter, or thing which properly comes before the board.

(3) The board shall have the authority to promulgate rules in accordance with chapter 52, title 67, Idaho Code, to implement the provisions of this chapter and chapter 40, title 39, and chapters 21, 22 and 25, title 44, Idaho Code.

[39-4302, added 2007, ch. 252, sec. 5, p. 741; am. 2010, ch. 160, sec. 1, p. 334; am. 2016, ch. 342, sec. 5, p. 970.]

39-4303. FEES. (1) The following fees, as provided by board rule, shall be paid by the manufacturer of a modular building:

(a) Per building, one (1) building permit, plan review and inspection fee for structural, plumbing, electrical and HVAC, based upon the 1997 Uniform Building Code Table 1-A, plus ninety dollars (\$90.00) and two and one-half percent (2.5%) of the plumbing, electrical and HVAC installation costs.

(b) The division may charge a one hundred dollar (\$100) insignia fee in instances where building permit fees are not charged for modular buildings.

(2) All fees collected by the division under the provisions of this chapter shall be paid into the factory built structures account, which is hereby created in the dedicated fund. The expenses incurred in administering and enforcing the provisions of this chapter shall be paid from the account. The fees set forth in subsection (1) of this section shall be the exclusive fee requirements applicable to modular buildings governed by the provisions of this chapter, and shall supersede any program of any political subdivision of the state which sets fee requirements for the same inspections or services.

[39-4303, added 2007, ch. 252, sec. 5, p. 741; am. 2016, ch. 342, sec. 6, p. 971.]

39-4304. INSIGNIA OF APPROVAL -- COST -- PLACEMENT. (1) No modular building shall be installed on a building site in this state on or after July 1, 2007, unless it is approved and bears the insignia of approval of the division.

(2) Any modular building bearing an insignia of approval of the division shall be deemed to comply with codes, laws, or rules enacted by the state of Idaho which govern the manufacture and construction of such building.

(3) The cost of the insignia, if issued, shall be included as a part of the permit fee as set forth in section 39-4303, Idaho Code.

(4) No modular building which has been approved by the division shall be in any way modified prior to its initial occupancy unless approval of that modification is first made by the division.

(5) Insignias shall be placed on the front, left-hand side of the building.

[39-4304, added 2007, ch. 252, sec. 5, p. 742.]

39-4304A. APPOINTMENT AND QUALIFICATIONS OF MODULAR BUILDING INSPECTORS. The administrator may appoint such number of modular building inspectors as is necessary for the effective enforcement of this chapter. Each modular building inspector shall:

(1) Be knowledgeable regarding the type of installation being inspected;

(2) Be certified as an inspector by an organization designated in administrative rule promulgated by the board. Each inspection certification shall correspond to the type of installation being inspected;

(3) Demonstrate knowledge of the provisions of the Idaho Code and the administrative rule governing the type of installation being inspected; and

(4) Not be permitted to:

(a) Be engaged or be financially interested in any business, trade, practice or work related to this chapter;

(b) Sell any supplies connected to the electrical, plumbing or heating, ventilation and air conditioning (HVAC) business; or

(c) Act as an agent, directly or indirectly, for any person, firm, copartnership, association or corporation engaged in the electrical, plumbing or HVAC business.

[39-4304A, added 2009, ch. 127, sec. 1, p. 407.]

39-4305. RECIPROCITY OF STANDARDS WITH OTHER STATES. (1) If the administrator determines that standards for modular buildings that have been adopted by the statutes or rules of another state are at least equal to the standards adopted by the administrator, the administrator may so provide by rule.

(2) If the administrator determines that standards for modular buildings have not been adopted by another state, and modular buildings from that state are transported into this state to be offered for sale, the administrator may certify reciprocal states to inspect such modular buildings. If there is no reciprocity agreement with a state of manufacture, then Idaho will inspect the building, plumbing, electrical and HVAC, provided that the out-of-state manufacturer shall bear the costs of travel and inspection services related to such inspection. If the administrator shall then determine that the modular buildings meet the standards of this state, the product shall be acceptable and the administrator may issue insignia for said modular buildings.

[39-4305, added 2007, ch. 252, sec. 5, p. 742.]

39-4306. VIOLATIONS MISDEMEANORS -- CIVIL PENALTIES. Any person, partnership, company, firm, association or corporation who shall willfully vio-

late any of the provisions of this chapter, or the rules of the factory built structures advisory board or of the administrator herein provided for, or who shall refuse to perform any duty lawfully enjoined upon him by the administrator within the prescribed time; or who shall fail, neglect, or refuse to obey any lawful order given or made by the administrator, shall be guilty of a misdemeanor. In addition to any criminal proceedings, the administrator is authorized to bring either an administrative action or a civil proceeding in the courts against the violator and impose and recover a civil penalty against the violator as established by administrative rule, but not to exceed one thousand dollars (\$1,000). Each day of such violation shall constitute a separate offense. A violation will be considered a second or additional offense only if it occurs within one (1) year from the previous violation.

[39-4306, added 2007, ch. 252, sec. 5, p. 742; am. 2016, ch. 342, sec. 7, p. 971.]