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**IDAPA 07
TITLE 03
CHAPTER 03**

07.03.03 - RULES GOVERNING MODULAR BUILDINGS

000. LEGAL AUTHORITY.

The Idaho Building Code Board of the Division of Building Safety is authorized under Section 39-4107, Idaho Code, to promulgate rules concerning the enforcement and administration of the Idaho Building Code Act. (5-3-03)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 07.03.03, "Rules Governing Modular Buildings," Division of Building Safety. (5-3-03)

02. Scope. These rules prescribe the criteria for enforcement and administration of the Idaho Building Code Act as it pertains to Modular Buildings by the Building Bureau of the Division of Building Safety. (5-3-03)

002. WRITTEN INTERPRETATIONS.

This agency has no written interpretations of this chapter. (2-26-93)

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for administrative relief of the provisions outlined herein. (2-26-93)

004. -- 009. (RESERVED).

010. DEFINITIONS.

The terms defined in this chapter shall have the following meaning unless the context clearly indicates another meaning: (12-5-75)

01. Alteration Or Conversion. Any change from the approved plans or installation instructions which would affect the structural, mechanical, electrical or plumbing systems of modular buildings bearing a division insignia of approval and shall include the replacement, addition, modification or removal of any structural member, plumbing, heat-producing or electrical equipment, or installation which may effect such systems prior to first occupancy. Any such alteration or conversion shall first be approved by testing and inspection in the same manner as original systems or component parts. The following shall not constitute alteration or conversion: (5-3-03)

- a.** Repairs with approved replacement parts; (12-5-75)
- b.** Conversion of listed fuel-burning appliances in accordance with the terms of their listing;(12-5-75)
- c.** Replacement of equipment and appliances in kind; (12-5-75)
- d.** Adjustment and maintenance of equipment. (12-5-75)

02. Equipment. All equipment, materials, appliances, devices, fixtures, fittings or accessories installed in the manufacture and assembly of modular buildings. (5-3-03)

03. Field Technical Service. Interpretation and clarification of the technical data relating to the application of these rules, but not including inspection. (12-5-75)

04. Substantially Prefabricated Or Assembled. The module or major portion of modular buildings assembled in such manner that all portions may not be inspected without disassembly or destruction of the part. (5-3-03)

011. ENFORCEMENT AND ADMINISTRATION.

The administrator shall administer and enforce all the provisions of these rules. Any officer, agent or employee of the division is authorized to enter any premises during any normal or operational hours where modular buildings are

manufactured, leased, sold or offered for sale for the purpose of examining any records pertaining to quality control and inspection and may inspect any such units, equipment or installations to insure compliance with the provisions of these rules and codes enumerated in Title 39, Chapter 41, Idaho Code. When it becomes necessary, he may require that a portion or portions of such modular building units be removed in order that an inspection may be made to determine compliance. Every manufacturer of modular buildings shall obtain prior approval and an insignia for each modular building unit to be installed in the state of Idaho. (5-3-03)

012. ALTERNATES AND EQUIVALENTS.

01. Alternatives Acceptable. The provisions of these rules are not intended to prevent the use of alternate designs, materials, appliances, systems, devices, arrangements, or methods of construction not specifically prescribed by Title 39, Chapter 41, Idaho Code, or of these rules; provided, any such alternate has first been recognized by the division. (5-3-03)

02. Satisfactory Alternatives. The division shall recognize any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, device, arrangement, method, system or method of construction is at least the equivalent in performance in quality, strength, effectiveness, fire resistance, durability and adequate for the protection of the health, safety and general welfare of the people of the state of Idaho. (5-3-03)

03. Unsatisfactory Alternatives. Recognition by the division shall not be given if there is substantial evidence that any design, material, appliance, device, arrangement, system or method of construction does not conform to the provisions or requirements of prescribed standards or these rules; provided, however, the division may, in order to substantiate claims for alternates, upon written request cause tests or proof of compliance to be made at the expense of the manufacturer, his agent, or the seller. (5-3-03)

04. Test Methods. Test methods shall be as specified in the standards of the codes listed in Title 39, Chapter 41, Idaho Code, or by other nationally recognized standards recognized by the division. If there are no appropriate test methods specified in the standards listed above, the division shall determine the test procedure. (5-3-03)

013. PERMITS.

Prior to construction of modular buildings, appropriate building permits shall first be obtained from the division. (5-3-03)

014. PLANS.

01. Specifications For Submittal. Plans shall be submitted in accordance with IDAPA 07.03.06. (1-13-81)

02. Nonconformance. Should the application submittal not conform to the requirements of these rules, the applicant shall be notified in writing within fifteen (15) work days of the date they are received by the division. Should the applicant fail to submit a completely corrected application in accordance with the information supplied by the division within ninety (90) days of such notice, the application will be deemed abandoned and all fees submitted shall be forfeited to the division. Subsequent submission thereafter shall be processed as a new application. (5-3-03)

03. Distribution Of Approved Copies. An approved copy of the submittal shall be returned to the manufacturer. An approved copy shall be retained at each place of manufacture, and a copy shall be retained by the division. (5-3-03)

04. Proprietary Information. All material submitted by the manufacturer in the form of design plans, engineering data, test results, and other design information relating to their application will be considered proprietary information and will not be released for public scrutiny except when so ordered by a court of competent jurisdiction. (1-13-81)

05. Modular Building. Changes to the approved plans. Where the manufacturer proposes to change his submitted designs or the division rule is amended to necessitate such a change, the manufacturer shall submit changed plans for examination and approval. (5-3-03)

015. INSPECTIONS.

01. Inspections At Manufacturing Plant. The division shall conduct inspections at the manufacturing plant to determine compliance with the provisions of these rules and with Title 39, Chapter 41, Idaho Code. (5-3-03)

02. In-Plant Inspections. Due to the repetitive nature of the manufacturing process, the required inspections outlined in the International Building Code may not be required if, in the opinion of the division, compliance can be obtained by periodic inspections. The division shall conduct periodic unannounced inspections at any manufacturing site to review any or all aspects of a manufacturer's production and inspectional control procedures. Each unit, however, shall be inspected at least once during the course of production for compliance with the adopted standards. No unit manufactured to be installed in the state of Idaho will be shipped from the point of manufacture without inspection and attached insignia. (5-3-03)

03. Field Inspections. (5-25-76)

a. All out-of-state modular buildings to be installed in the state of Idaho not bearing the division's insignia or bearing the insignia of a state having a reciprocal agreement for modular buildings, which standards are actually enforced by such state and approved by the administrator, shall be required to obtain prior division inspection and approval. This approval requires submittal in accordance with IDAPA 07.03.06, "Rules Governing the Use of the International Building Code," and construction inspection. (5-3-03)

b. All modular buildings arriving at the site of installation in a damaged condition shall be visually inspected in the field by the agency having jurisdiction for site work to determine corrective action. Upon completion of all repairs such unit shall be required to obtain a field reinspection to validate the division's initial approval. (5-3-03)

c. Any alteration or conversion of modular buildings after leaving the manufacturing facility shall be field inspected in accordance with this section by the local unit of government having jurisdiction. (5-3-03)

04. Installation Inspection. In order to complete the installation of the modular building, approval and inspection of said installation by the enforcement agency having jurisdiction over the site location shall be required. (5-3-03)

05. In-Plant Inspection In Sister States. Where there is evidence that the in-plant inspectional controls in out-of-state plants in states having reciprocal agreements with the state of Idaho are not being maintained for units to be sold or placed in Idaho, the division reserves the right to make out-of-state inspections, and fees for such inspection as set forth in these rules shall be paid by the manufacturer. (5-3-03)

06. Field Technical Service. Any person may request field technical service and requests for such service shall be submitted to the division in writing. (5-3-03)

016. LOCAL ENFORCEMENT AGENCIES.

01. Rights Of Local Enforcement Agency. A local enforcement agency shall have the right to: (12-5-75)

a. Require a complete set of plans and specifications approved by the division for each installation within its jurisdiction. (5-3-03)

b. Require that all permits be obtained before delivery of any unit to a building site. (12-5-75)

02. Limitations Of Rights Of Local Enforcement Agency. A local enforcement agency shall not have the right to: (12-5-75)

a. Require that modular buildings comply with local ordinances licensing journeymen or master

contractors, if such journeyman or master contractor holds a valid current license from the division. (5-3-03)

b. Open for inspection any modular building or component bearing an insignia to determine compliance with any codes or ordinances. (5-3-03)

c. Require by ordinance or otherwise that modular buildings meet any requirements not equally applicable to on-site construction. (5-3-03)

d. Require or charge fees for any portion of the structure completed in a construction facility remote from the building installation site. (12-5-75)

017. INSIGNIA.

01. Required Insignia. Each modular building section substantially prefabricated and assembled shall bear a division insignia prior to leaving the manufacturing facility. Assigned insignia are not transferable and are void when not affixed as assigned. All such voided insignia shall be returned to, or may be confiscated by the division. Insignia remain the property of the division and may be reappropriated by the division in the event of violation of conditions of approval. Assigned insignia affixed in the field shall be under the direction of the division's authorized agent. (5-3-03)

a. Single units shall have the insignia permanently attached below the electrical service entrance. (6-12-79)

b. Multiple section units shall have the insignia permanently attached on all perimeter sections to the outside wall next to the major access opening. For interior units and second story units the insignia shall be permanently attached on the interior wall next to the major access opening. (6-12-79)

c. Each section of a multiple modular building shall have the same identifying serial number followed by a numerical sequence identifier and letter suffix. (5-3-03)

02. Application For Insignia. The manufacturer shall make application for an insignia for each unit to be manufactured as required by IDAPA 07.03.03.017.01. The permit/insignia application shall be submitted to the division in accordance with IDAPA 07.03.06 and shall include the appropriate fees. Applications shall include the serial number of each unit for which an insignia is requested. (5-3-03)

03. Alteration Or Conversion. (6-12-79)

a. Factory alterations or conversions of an approved modular building prior to first occupancy shall NOT take place until a permit under the provisions of IDAPA 07.03.06 has been obtained. (5-3-03)

b. Non-factory alterations or conversions. The jurisdiction for non-factory produced additions, repairs or alterations to modular buildings and commercial coaches built in conformance with and as prescribed in the Idaho Building Code Act, Section 39-4109, Idaho Code, once such unit has left the manufacturing facility and/or a dealer's lot, and bears an appropriate insignia of compliance, rests with the local unit of government having the jurisdiction for the administration and enforcement of locally adopted codes prescribed within the Idaho Building Code Act. (5-3-03)

04. Denial Of Insignia. Should inspection reveal that a manufacturer is not manufacturing units according to the codes specified in Title 39, Chapter 41, Idaho Code, and these rules, and such manufacturer after having been served with a notice setting forth in what respect the provisions of the codes or rules have been violated continues to manufacture units in violation of the codes or rules, applications for new insignia shall be denied and insignia issued for units in noncompliance such manufacturer may resubmit an application for insignia. (5-3-03)

05. Removal Of Insignia. (6-12-79)

a. In the event any unit bearing an insignia is found to be in violation of the codes enumerated in Title 39, Chapter 41, Idaho Code, or these rules, the division may remove the insignia and shall furnish the owner or his

agent with a written statement of violations. (5-3-03)

b. The owner or his agent shall request an inspection after making corrections to bring the unit into compliance before the division shall issue a replacement insignia. (5-3-03)

018. FEE SCHEDULE.

01. Modular Building Fees. Other than as herein specified in this section, the fee schedule for modular buildings shall be as provided by IDAPA 07.03.06, and such fees shall be based on the Freight On Board (FOB) cost to the dealer at the point of manufacture. (5-3-03)

02. Plan Review Fee. For all systems, the plan approval fees shall be charged as specified in IDAPA 07.03.01.015.03, thirty-six dollars (\$36) per hour. (1-13-81)

03. Insignia Tag Fee. In instances where building permit fees are not charged for modular buildings, a twenty-five dollar (\$25) fee will be charged for an insignia. (5-3-03)

019. SNOW LOADS.

Plans, when required, will be approved by the division for the indicated designed live load only. Where snow loads occur, acceptance of the designed live load will be subject to the discretion of the local jurisdiction. The approved designed live load is to be indicated on the insignia and permit for modular buildings. (5-3-03)

020. RECIPROCAL AGREEMENTS.

The provisions for insignia of compliance as specified in a written and signed reciprocal agreement between the division and any other state shall take precedence over the provisions of these rules. (5-3-03)

021. -- 999. (RESERVED).

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