

## **IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES**

### **IDAHO FACTORY BUILT STRUCTURES ADVISORY BOARD**

#### **24.39.31 – Rules for Modular Buildings**

##### **Who does this rule apply to?**

*This rule applies to those who construct modular buildings in Idaho, and who request plans examination and inspection services from the Division.*

##### **What is the purpose of this rule?**

*The rule prescribes the standards by which all modular buildings shall be constructed for installation in Idaho. The rule provides the fees for modular building plans examination services, permits and inspections provided by the Division, as well as prescribes the authority, processes and other requirements related to how the Division performs in-plant inspections of modular building construction and field installations thereof.*

##### **What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statutes passed by the Idaho Legislature:*

Health and Safety -

- [Title 39, Chapter 43, Idaho Code](#) – Modular Buildings
- [39-4302, Idaho Code](#) – Factory Built Structures Advisory Board

##### **Who do I contact for more information on this rule?**

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## 24.39.31 – RULES FOR MODULAR BUILDINGS

### 000. LEGAL AUTHORITY.

The Factory Built Structures Advisory Board of the Division of Building Safety is authorized under Section 39-4302, Idaho Code, to promulgate rules concerning the enforcement and administration of Title 39, Chapter 43, Idaho Code, for Modular Buildings. (3-20-20)T

### 001. TITLE AND SCOPE.

01. **Title.** These rules are titled IDAPA 24.39.31, “Rules for Modular Buildings.” (3-20-20)T

02. **Scope.** These rules prescribe the criteria for enforcement and administration of the Idaho Modular Buildings Act by the Factory Built Structures Advisory Board and the Division of Building Safety. (3-20-20)T

### 002. -- 009. (RESERVED)

### 010. DEFINITIONS.

The terms defined in this section have the following meaning, unless the context clearly indicates another meaning. (3-20-20)T

01. **Administrator.** The Administrator of the Division of Building Safety for the state of Idaho. (3-20-20)T

02. **Alterations or Conversions of Modular Buildings.** Any change from the approved plans or installation instructions that would affect the structural, mechanical, electrical or plumbing systems of Modular Buildings bearing a Division Insignia of approval, including the replacement, addition, modification, or removal of any structural member; plumbing, heat-producing or electrical equipment, or installation that may effect such systems prior to first occupancy. Any such alteration or conversion must first be approved by testing and inspection in the same manner as original systems or component parts. The following do not constitute alteration or conversion: (3-20-20)T

a. Repairs with approved replacement parts; (3-20-20)T

b. Conversion of listed fuel-burning appliances in accordance with the terms of their listing; (3-20-20)T

c. Replacement of equipment and appliances in kind; (3-20-20)T

d. Adjustment and maintenance of equipment. (3-20-20)T

03. **Commercial Coach.** A Modular Building with permanent running gear and a hitch assembly that is designed and constructed for nonresidential occupancy classifications only. Permanent running gear includes springs, spring hangers, axles, bearings, wheels, brakes, rims and tires and their related hardware. (3-20-20)T

04. **Insignia.** A label or tag issued by the Division to indicate compliance with the codes, standards, rules, and regulations established for manufactured building systems, subsystems, or building elements, Modular Buildings, and Commercial Coaches. (3-20-20)T

05. **Technical Service.** Conducting research, evaluation, consultation, interpretation, and clarification by the Division of technical data relating to the application of these rules, and also include special field inspections that are not covered in other portions of these rules. (3-20-20)T

### 011. -- 026. (RESERVED)

### 027. PERMITS.

Building permits must be obtained from the Division prior to the construction of structures governed by Title 39, Chapter 43, Idaho Code, or Board rules. (3-20-20)T

### 028. PLAN REVIEW.

01. **Jurisdiction.** The Division has exclusive jurisdiction and authority to conduct plan reviews of the in-plant construction of Modular Buildings. (3-20-20)T

02. **Plans Not Required.** Plans are not required for group U occupancies of Type V conventional light-

frame wood construction. (3-20-20)T

**03. Non-conformance.** Should the plan submittal not conform to the requirements of these rules, the applicant will 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 plan submittal in accordance with the information supplied by the Division within ninety (90) days of such notice, the plan submittal will be deemed abandoned. Subsequent submission thereafter will be processed as a new plan submittal. (3-20-20)T

**04. Distribution of Approved Copies.** An approved copy of the plan submittal will be returned to and retained by the manufacturer and a copy will be retained by the Division. When necessary, an additional copy may be distributed for use by third party or contract inspectors. (3-20-20)T

**05. 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. (3-20-20)T

**06. Revisions to Approved Modular Building Plans.** Where the manufacturer proposes to revise his submitted designs, or Division adopted rules or codes are amended to necessitate such a change, the manufacturer must submit revised plans for examination and approval. (3-20-20)T

**07. Application Provisions.** The provisions of this section applies only to plans for work that will be accomplished at the place of manufacture. (3-20-20)T

**029. FEES.** Fees are paid to the Division, and the following fee schedule is applicable for the functions cited: (3-20-20)T

**01. Modular Building Permit Fees.** Other than as herein specified in this section, the permit fee schedule for Modular Buildings is as provided herein in Table 1-A plus ninety dollars (\$90) and two and one-half percent (2.5%) of the plumbing, electrical, and HVAC installation costs. The determination of value or valuation is based on the total value of all construction work for which a permit is issued.

TABLE 1-A – MODULAR BUILDING PERMIT FEES		
TOTAL VALUATION		FEE
\$1 to \$500	=	\$23.50
\$501 to \$2,000	=	\$23.50 for the first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	=	\$69.25 for the first \$2,000 plus \$14 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	=	\$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	=	\$643.75 for the first \$50,000 plus \$7 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	=	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	=	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up		\$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000, or fraction thereof

(3-20-20)T

- 02. Other Inspections and Fees.** (3-20-20)T
- a.** Inspections outside of normal business hours: sixty-five dollars (\$65) per hour (minimum charge - one (1) hour). (3-20-20)T
  - b.** Re-inspection fees: sixty-five dollars (\$65) per hour. (3-20-20)T
  - c.** Inspections for which no fee is specifically indicated: sixty-five dollars (\$65) per hour (minimum charge - one half (1/2) hour). (3-20-20)T
  - d.** Additional plan review required by changes, additions, or revisions to plans: sixty-five dollars (\$65) per hour (minimum charge - one-half (1/2) hour). (3-20-20)T
  - e.** For use of outside consultants for plan checking and inspections or both: actual costs. (3-20-20)T
- 03. Insignia Tag Fee.** In instances where building permit fees are not charged for Modular Buildings, a one hundred dollar (\$100) fee will be charged for an Insignia. (3-20-20)T
- 04. Investigation Fee.** Whenever any work for which a permit is required by these rules has been commenced without first obtaining said permit, a special investigation must be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, must be collected whether or not a permit is then or subsequently issued. The investigation fee is equal to the amount of the permit fee required by these rules. The minimum investigation fee is the same as the minimum fee set forth in Table 1-A. The payment of such investigation fee does not exempt any person from compliance with all other provisions of these rules nor from any penalty prescribed by law. (3-20-20)T
- 05. Plan Review.** Where the Modular Building plans have not been previously approved, the Modular Building fee includes an additional amount equal to sixty-five percent (65%) of the permit fee calculated in accordance with Table 1-A. (3-20-20)T
- 06. Refund of Permit Fees.** The Administrator may authorize refunding of any permit fee paid that was erroneously paid or collected. The Administrator may authorize refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with these rules. The Administrator will not authorize refunding of any permit fee paid except on written application filed by the original applicant not later than one hundred eighty (180) days after the date of fee payment. (3-20-20)T
- 07. Refund of Plan Review Fees.** There is no refund of plan review fees. (3-20-20)T
- 030. RIGHT OF ENTRY.**  
Whenever necessary to make an inspection to enforce any of the provisions of Title 39, Chapter 43, Idaho Code, or whenever the Administrator or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition that makes such building or premises unsafe, the Administrator or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Division by Title 39, Chapter 43, Idaho Code; provided that if such building or premises is occupied, he must first present proper credentials and demand entry; and if such building or premises be unoccupied, he must first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Administrator has recourse to every remedy provided by law to secure entry. (3-20-20)T
- 031. REMOVAL OF ORDERS AND NOTICES PROHIBITED.**  
Removal of stop work or prohibited occupancy orders or notices from a building or structure, bearing such order or notice by any person or persons not authorized by the Administrator or his authorized representative, constitute a violation under the provisions of Section 39-4126, Idaho Code, and falls under the provisions of Section 18-317, Idaho Code. (3-20-20)T
- 032. MODULAR BUILDINGS.**

**01. Enforcement and Administration.** The Administrator administers and enforces 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 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, Chapters 41 and 43, 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 must obtain prior approval and an Insignia for each Modular Building unit to be installed in the state of Idaho. (3-20-20)T

**02. Inspections.** (3-20-20)T

**a. Inspections at Manufacturing Plants.** The Division conducts inspections at the manufacturing plant to determine compliance with the provisions of these rules and with codes adopted by Title 39, Chapter 41, Idaho Code, and Title 54, Chapters 10, 26, and 50, Idaho Code. (3-20-20)T

**b. In-Plant Inspections.** Due to the repetitive nature of the manufacturing process, the required inspections outlined in the International Building Code or Idaho Residential Code may not be required if, in the opinion of the Division, compliance can be obtained by periodic inspections. The Division conducts 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, must 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. (3-20-20)T

**c. Field Inspections.** All existing Modular Buildings to be installed in the state of Idaho not bearing the Division's Insignia may not be used or occupied until required Idaho Insignia has been issued by the Division and properly affixed in accordance with these rules. Applicants for Insignia must obtain permits, plan approvals, and inspections as required by these rules. (3-20-20)T

**d. Qualifications of Inspectors.** All inspectors performing inspections of modular buildings must be properly certified for the type of inspection being conducted. The Factory Built Structures Board recognizes certifications granted through the National Certification Program Construction Code Inspector program (NCPCCI), the National Inspection Testing Certification program (NITC), the International Association of Electrical Inspectors (IAEI), and the International Code Council (ICC). Certifications must be current and of the proper classification for the structure or subsystem being inspected. (3-20-20)T

**03. 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 is required. (3-20-20)T

**04. Field Technical Service.** Any person may request field Technical Service and requests for such service must be submitted to the Division in writing. (3-20-20)T

**05. Local Enforcement Agencies.** (3-20-20)T

**a. Rights of Local Enforcement Agency.** A local enforcement agency has the right to require a complete set of plans and specifications approved by the Division for each Modular Building to be installed within its jurisdiction, to require that all permits be obtained before delivery of any unit to a Building Site. After leaving the manufacturing facility, future alterations or conversions of Division approved Modular Buildings must be field inspected by the local unit of government having jurisdiction. (3-20-20)T

**b. Limitations of Rights of Local Enforcement Agency.** A local enforcement agency does not have the right to: open for inspection any Modular Building or component bearing an Insignia to determine compliance with any codes or ordinances; require by ordinance or otherwise that Modular Buildings meet any requirements not equally applicable to on-site construction; or to charge permit or plan review fees for any portion of the structure prefabricated or assembled at a place other than the Building Site. (3-20-20)T

**06. Insignia.** (3-20-20)T

**a.** Required Insignia. Each Modular Building section must bear a Division Insignia on the front, left-hand side of the building prior to leaving the manufacturing facility. Assigned Insignia are not transferable and are void when not affixed as assigned. All such voided Insignia must be returned to, or may be confiscated by, the Division. Insignia remain the property of the Division and may be confiscated in the event of violation of conditions of approval. Assigned Insignia affixed in the field must be under the direction of the Division's authorized agent.

(3-20-20)T

**b.** Serial Number. Each Modular Building must bear a legible identifying serial number and include the state of manufacture. Each section of a multiple Modular Building must have the same identifying serial number followed by a numerical sequence identifier or a letter suffix, or both. Characters for serial numbers must be three-eighths (3/8) inch minimum height. Numbers may not be stamped into a hitch assembly or draw bar. The date of manufacture, showing month and year will be shown on the Insignia. Such data will be provided by the manufacturer on the application for Insignia.

(3-20-20)T

**07. Reciprocal Agreements.** The provisions for Insignia of compliance as specified in a written and signed reciprocal agreement between the Division and any other state takes precedence over the provisions of these rules. Where there is evidence that the in-plant inspection controls in out-of-state plants within states having reciprocal agreements with the state of Idaho are not being maintained for units to be 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 must be paid by the manufacturer.

(3-20-20)T

**033. CIVIL PENALTIES.**

The following acts subject the violator to penalties of not more than two hundred dollars (\$200) for the first offense and not more than one thousand dollars (\$1,000) for each offense thereafter based on the following schedule.

(3-20-20)T

**01. Installation.** Any person who transports a modular building to or installs a modular building on a building site in this state without first receiving approval and securing to the structure insignia evidencing such approval from the Division.

(3-20-20)T

**02. Modification.** Any person who in any way modifies or alters a modular building prior to its initial occupancy which has previously been approved by the Division without first having received approval to do so from the Division.

(3-20-20)T

**03. Removal of Orders.** Any person who removes a stop work or prohibited occupancy order or notice from a building or structure bearing such order or notice.

(3-20-20)T

**04. Lawful Orders.** Any person who fails, neglects, or refuses to obey any lawful order issued by the Administrator or his representative, or who refuses to perform any duty lawfully enjoined upon him by the Administrator or his representative.

(3-20-20)T

**034. -- 999. (RESERVED)**

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