

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?

Idaho Division of Building Safety
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Meridian, ID 83642
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24.39.31 – RULES FOR MODULAR BUILDINGS

000. LEGAL AUTHORITY.

The rules are promulgated pursuant to Section 39-4302, Idaho Code.

(7-1-21)T

001. 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 Occupational and Professional Licenses.

(7-1-21)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

The terms defined in this section have the following meaning, unless the context clearly indicates another meaning.

(7-1-21)T

01. Commercial Coach. Permanent running gear includes springs, spring hangers, axles, bearings, wheels, brakes, rims and tires and their related hardware.

(7-1-21)T

02. Insignia. A label or tag issued by the Division to indicate compliance with the codes, standards, rules, and regulations established for Modular Buildings and Commercial Coaches.

(7-1-21)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.

(7-1-21)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.

(7-1-21)T

02. Distribution of Approved Copies. An approved copy of the plan submittal shall be retained at the manufacturer.

(7-1-21)T

03. 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.

(7-1-21)T

04. Revisions to Approved Modular Building Plans. Where the manufacturer proposes to revise previously approved designs, or Division adopted rules or codes are amended to necessitate such a change, the manufacturer must submit revised plans for examination and approval.

(7-1-21)T

05. Application Provisions. The provisions of this section apply only to plans for work that will be accomplished at the place of manufacture.

(7-1-21)T

029. FEES.

The following fees apply to the functions cited:

(7-1-21)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

TABLE 1-A – MODULAR BUILDING PERMIT FEES		
\$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

(7-1-21)T

02. Other Inspections and Fees.

(7-1-21)T

a. Re-inspection fees: sixty-five dollars (\$65) per hour.

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b. Inspections for which no fee is specifically indicated: sixty-five dollars (\$65) per hour.

(7-1-21)T

c. Additional plan review required by changes, additions, or revisions to plans: sixty-five dollars (\$65) per hour.

(7-1-21)T

d. For use of outside consultants for plan checking and inspections or both: actual costs.

(7-1-21)T

03. 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 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.

(7-1-21)T

04. Plan Review. 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.

(7-1-21)T

05. Refund of Plan Review Fees. There is no refund of plan review fees.

(7-1-21)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.

(7-1-21)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 39-4306, Idaho Code, and falls under the provisions of Section 18-317, Idaho Code. (7-1-21)T

032. MODULAR BUILDINGS.

01. Enforcement and Administration. 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 may inspect any such units, equipment, or installations to insure compliance with the provisions of these rules and codes enumerated in Title 39, Chapter 43, Idaho Code. 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. (7-1-21)T

02. Inspections. (7-1-21)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. (7-1-21)T

b. 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. (7-1-21)T

c. 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. (7-1-21)T

03. Installation Inspection. In order to complete the installation of an Idaho approved Modular Building, approval and inspection of the installation by the enforcement agency having jurisdiction over the site location is required. (7-1-21)T

04. Local Enforcement Agencies. (7-1-21)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. (7-1-21)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. (7-1-21)T

05. Insignia. (7-1-21)T

a. Required Insignia. Each Modular Building section must bear a Division Insignia prior to leaving the manufacturing facility. Assigned Insignia are not transferable and are void when not affixed as assigned. Insignia remain the property of the Division. Assigned Insignia affixed in the field must be under the direction of the Division's authorized agent. (7-1-21)T

b. Serial Number. Each Modular Building must bear a legible identifying serial number. 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.

(7-1-21)T

06. 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.

(7-1-21)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.

(7-1-21)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.

(7-1-21)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.

(7-1-21)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.

(7-1-21)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.

(7-1-21)T

034. -- 999. (RESERVED)

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