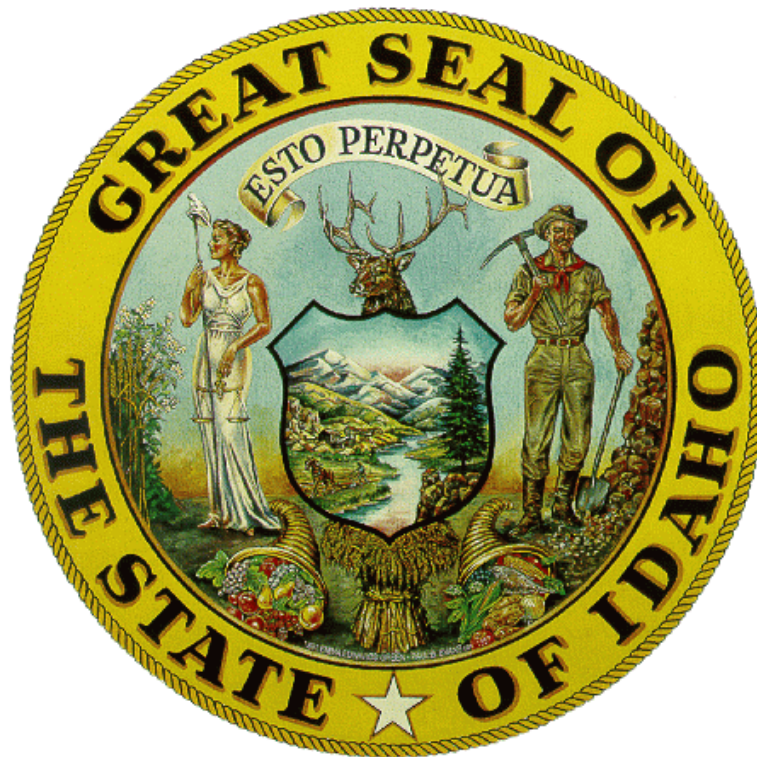


DIVISION OF BUILDING SAFETY

FACTORY BUILT STRUCTURES
ADVISORY BOARD SPECIAL
TELECONFERENCE MEETING

AUGUST 15, 2019



FACTORY BUILT STRUCTURES ADVISORY BOARD

Agenda Item No. 01 Elimination or Consolidation of Manufactured Home Licenses and Possible Elimination of Background Checks

PRESENTER: Patrick J. Grace, Regional Manager

OBJECTIVE: Eliminate or consolidate manufactured home licenses, as well as eliminate background checks.

ACTION: Vote to accept or deny the proposed statute changes.

BACKGROUND: April 2019 – In 2017, an executive order (EO) was issued asking all licensing boards to drill down on licensing requirements. The Idaho Housing Alliance (IHA) suggested the elimination of the resale broker, sales person and responsible managing employee (RME) license categories in favor of resale brokers being required to obtain a retailer license and bond, as well as retailers and installers being responsible for their own employees without the need for designating one of them as an RME or sales person. The Governor’s office is particularly interested in rehabilitating individuals coming out of the criminal justice system, and specifically asked whether DBS has any licenses that require criminal background checks or requirements to any ethical practices as a conditional licensure renewal. The original retailer license is the only license requiring a criminal background check.

July 2019 – There was a lengthy discussion regarding the elimination or consolidation manufactured home licenses, possible elimination of background checks, retailer license becoming a three-year license rather than a one-year license and adjust the licensing fee accordingly.

Jack Lyman, IHA Representative, will address the issues with the IHA Board at its meeting the week of July 15th; drafting proposed language for approval/denial at a special meeting of the Factory Built Structures Advisory Board.

ATTACHMENTS: Proposed Changes



TITLE 44. LABOR
CHAPTER 21. MANUFACTURED HOME DEALER
AND INSTALLER LICENSING

§ 44-2101. Purpose -- License required -- Reinstatement

(1) The legislature finds that the regulation and control of those persons engaged in the business of manufacturing, selling or installing manufactured and mobile homes is necessary to protect the health and safety of the citizens of Idaho. To that end, it shall be unlawful for any person to engage in business as a manufacturer, retailer, ~~resale broker~~, installer, ~~salesman~~ or ~~responsible managing employee~~ without being duly licensed as provided in this chapter.

~~(2) All applicants for original retailer or resale broker licenses are required to submit to a fingerprint based criminal history background check of the Idaho central criminal database and the federal bureau of investigation criminal history database. Each applicant for original licensure must submit a full set of the applicant's fingerprints and the fees to cover the cost of the criminal history background check for such person along with the completed application.~~

(3) If the licensee fails to submit a completed application for renewal or to pay the renewal fee on or before the expiration date, the administrator may accept a later application for reinstatement subject to such conditions as the board may require by rule including, but not limited to, the assessment of a late fee; provided that between the license expiration date and the date of reinstatement of the license, the rights of the licensee under such license shall be expired, and during such period of expiration it shall be unlawful for such licensee to do or attempt to offer to do any of the acts of the kind and nature described in the definitions in *section 44-2101A, Idaho Code*, in consideration of compensation of any kind or expectation thereof. An expired license that is not reinstated within six (6) months of the expiration date shall be automatically terminated by the administrator and may not be reinstated.

§ 44-2101A. Definitions

As used in this chapter:

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

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

(3) "Engaged in the business" means the individual or entity buys, sells, brokers, trades, or offers for resale a manufactured or mobile home.

(4) "Installer" means a person who owns a business that installs a manufactured home or mobile home at the site where it is to be used for occupancy.

(5) "Manufactured home" or "manufactured house" means a structure as defined in *section 39-4105, Idaho Code*.

(6) "Manufacturer" means any person engaged in the business of manufacturing manufactured homes that are offered for sale, lease or exchange in the state of Idaho.

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

(8) "Person" means a natural person, corporation, partnership, trust, society, club, association or other organization.

(9) "Place of business" refers to any physical location at which the business is lawfully conducted.

~~(10) "Resale broker" means any person engaged in the business of selling broker-owned, used, third-party owned, or other resale of manufactured or mobile homes.~~

~~(11) "Responsible managing employee" or "RME" means the person designated by the retailer, installer, manufacturer or resale broker to supervise other employees, either personally or through others.~~

(12) "Retailer" means any person engaged in the business of selling or exchanging new, used, resale, **third party owned** or brokered manufactured or mobile homes.

~~(13) "Salesman" means any person employed by a retailer or resale broker for a salary, commission or compensation of any kind to sell, list, purchase or exchange or to negotiate for the sale, listing, purchase or exchange of new, used, brokered or third-party owned units, except as otherwise provided in this chapter.~~

§ 44-2102. Administration -- Powers and duties

The administrator is charged with the administration of the provisions of this chapter and shall:

(1) In accordance with the provisions of *chapter 52, title 67, Idaho Code*, promulgate, adopt, amend, and repeal rules for the establishment of a mandatory statewide manufactured home setup code. The administrator shall also define and prohibit any practice which is found to be deceptive.

(2) Prescribe the form and content of a new manufactured home buyer's information and disclosure form. Unless otherwise provided by the administrator, the form shall be presented by the retailer to each purchaser of a new manufactured home, and shall be executed by the retailer and purchaser at the time the initial purchase order is signed for the sale of a new manufactured home.

(3) (a) A used unit which has been determined to be or declared by the owner to be real property under the provisions of *section 63-304, Idaho Code*, may be offered for sale, listed, bought for resale, negotiated for, either directly or indirectly, by a licensed real estate broker or a real estate salesman representing a licensed real estate broker, but not a retailer, ~~resale broker or salesman~~.

(b) A used unit which has been determined to be and is carried on the tax rolls as personal property may be offered for sale, listed, bought for resale, negotiated for, either directly or indirectly, by a licensed real estate broker or a real estate salesman, pursuant to *chapter 20, title 54, Idaho Code*, or by a licensed retailer, ~~resale broker or salesman~~, but with respect to a licensed retailer, ~~resale broker or salesman~~ only to the extent such sale does not involve the purchase or sale of an interest in real estate.

(c) A licensed real estate broker or real estate salesman representing a licensed real estate broker pursuant to *chapter 20, title 54, Idaho Code*, may participate in new manufactured home sales that include real estate if the real estate broker or salesman has a valid, written agreement with a licensed retailer to represent the interests of the retailer in this type of transaction.

(4) Promulgate rules establishing a program for the timely resolution of disputes between

manufacturers, retailers, ~~resale brokers~~ and installers of manufactured homes. The rules shall be consistent with the United States department of housing and urban development's procedural and enforcement authority in 42 U.S.C. 5422(c)(12), and shall include identifying the respective responsibilities of manufacturers, retailers, ~~resale brokers~~ and installers; providing for the issuance of appropriate orders for the correction or repair of defects in manufactured homes that are reported during the one (1) year period following the date of installation; and may include an appropriate schedule of fees.

§ 44-2102A. Exceptions to chapter. [Repealed.]

§ 44-2103. Fees -- Deposit of fees

(1) Fees for licensing of retailers, ~~resale brokers~~, installers, ~~and~~ manufacturers, ~~salesmen and RMEs~~ shall not exceed:

- (a) Retailer ~~or resale broker~~ license \$ 500.00
- (b) Manufacturer license \$ 500.00
- (c) Installer license \$ 300.00
- ~~(d) Salesman license \$ 50.00~~
- ~~(e) RME license \$ 50.00~~

(2) All license fees collected by the division of building safety under the provisions of this chapter shall be paid into the factory built structures account established in *section 39-4303, Idaho Code*. The expenses incurred in administering and enforcing the provisions of this chapter shall be paid from the account.

(3) The following performance bonding requirements shall be met before the issuance of these licenses:

- (a) Manufacturer \$ 20,000 bond
- (b) Retailer \$ 40,000 bond
- ~~(c) Resale broker \$ 30,000 bond~~
- (d) Installer \$ 5,000 bond

(4) The administrator is authorized to provide by rule, in accordance with the provisions of *section 44-2102, Idaho Code*, for the acceptance of a deposit of cash or securities in lieu of a bond in satisfaction of the bonding requirements of this section.

(5) Fees and bond requirements of this section shall be the exclusive fee and bond requirements for retailers, ~~resale brokers~~, installers, ~~and~~ manufacturers ~~and salesmen~~ governed by the provisions of this chapter, and shall supersede any program of any political subdivision of the state which sets fee or bond requirements for the same services.

(6) A retailer ~~or resale broker~~ must obtain a separate installer license, pay the license fee set forth in subsection (1)(c) of this section and meet the bonding requirements of subsection (3)(d) of this section in order to provide the services covered by an installer license.

§ 44-2104. Factory Built Structures Advisory Board

(1) The factory built structures advisory board, established in the division of building safety in accordance with the provisions of *section 39-4302, Idaho Code*, shall advise the administrator in the administration and enforcement of the provisions of this chapter.

(2) The board shall have the authority to promulgate rules in accordance with *chapter 52, title 67, Idaho Code*.

§ 44-2105. Discipline -- Hearing -- Judicial review -- Reapplication

(1) The administrator may refuse to issue, renew, or reinstate or may suspend, revoke or take other disciplinary action against any license, if the license was obtained through error or fraud, or if the holder thereof is shown to be grossly incompetent, or has willfully violated any provision of this chapter or the rules adopted thereunder, or has been convicted of conduct constituting a felony or any theft or fraud offense, or has ever had a business license revoked in this or any other state or territory of the United States.

(2) The administrator shall have the power to appoint, by an order in writing, any competent person to take testimony at any disciplinary hearing. The administrator, and any hearing officer appointed by the administrator, shall have the power to administer oaths, issue subpoenas and compel the attendance of witnesses and the production of documents and records.

(3) Before any license shall be suspended, revoked or otherwise disciplined, the holder thereof shall be served with written notice enumerating the charges against him, and shall be afforded an opportunity for an appropriate contested case in accordance with the provisions of *chapter 52, title 67, Idaho Code*. The notice shall specify the time and place for hearing, which time shall not be less than five (5) days after the service thereof.

(4) Any party aggrieved by an order of the administrator disciplining a license shall be entitled to judicial review thereof in accordance with the provisions of *chapter 52, title 67, Idaho Code*.

(5) Any person whose license has been revoked may not apply for a new license until the expiration of one (1) year from the date of such revocation.

§ 44-2106. Violations

(1) It shall be unlawful to engage in business as a manufacturer, retailer, ~~or resale broker~~, installer, ~~salesman or RME~~ without being duly licensed by the division of building safety

pursuant to this chapter, except that an individual may buy, sell, broker, trade or offer for resale up to two (2) manufactured or mobile homes, or a combination thereof, in any one (1) calendar year without being licensed under this chapter if all of the units have been properly titled in the name of that individual.

(2) It shall be unlawful for a manufacturer, retailer, ~~resale broker~~, installer, or those employed by such salesman or RME to:

(a) Intentionally publish or circulate any advertising which is misleading or inaccurate in any material particular or which misrepresents any of the products or services sold or provided by a manufacturer, retailer, ~~or resale broker~~, installer, ~~salesman or RME~~;

(b) Violate any of the provisions of this chapter or any rule adopted by the division of building safety pursuant to this chapter;

(c) Knowingly purchase, sell or otherwise acquire or dispose of a stolen manufactured or mobile home;

(d) With respect only to a retailer ~~or resale broker~~, to engage in the business for which such retailer ~~or resale broker~~ is licensed without at all times maintaining a principal place of business located within the state.

§ 44-2107. Penalty provisions

(1) Whoever shall violate any of the provisions of this chapter, or any laws or rules adopted pursuant to this chapter, 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 and shall be subject to the civil penalties established by administrative rule but not to exceed one thousand dollars (\$1,000) in accordance with the following:

(a) 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 first violation.

(b) The same penalties shall apply, upon conviction, to any member of a copartnership, or to any construction, managing or directing officer of any corporation, limited liability company or limited liability partnership or other such organization consenting to, participating in, or aiding or abetting any such violation of this chapter.

(c) Proceedings related to the imposition of civil penalties shall be governed by the provisions of *chapter 52, title 67, Idaho Code*.

(2) In addition to any other penalties specified in this section, whenever any person violates the provisions of this chapter by acting as a retailer, ~~resale broker~~, installer ~~or RME~~, without a license, the administrator may maintain an action in the name of the state of Idaho to enjoin the person from any further violations in accordance with the following:

(a) Such action may be brought either in the county in which the acts are claimed to have been or are being committed, in the county where the defendant resides, or in Ada County.

(b) Upon the filing of a verified complaint in the district court, the court, if satisfied that the acts complained of have been or probably are being or may be committed, may issue a temporary restraining order and/or preliminary injunction, without bond, enjoining the defendant from the commission of any such act or acts constituting the violation.

(c) A copy of the complaint shall be served upon the defendant and the proceedings shall

thereafter be conducted as in other similar civil actions. If the commission of the act or acts is established, the court shall enter a decree permanently enjoining the defendant from committing such act or acts. If an injunction issued under this section is violated, the court, or the judge thereof at chambers, may summarily try and punish the offender for contempt of court.

§ 44-2108. Retailer ~~and resale broker~~ -- Additional licensure requirements

(1) Each business office or retail sales location shall be owned or leased by the retailer ~~or resale broker~~ and shall comply with all local building codes, zoning, and other applicable land use regulatory ordinances, and:

(a) If the location is on leased property, the retailer ~~or resale broker~~ must provide written confirmation of the term and existence of the lease, signed by the lessor; and

(b) An exterior sign that identifies the retailer ~~or resale broker~~ by the name shown on the license must be prominently affixed to the location or the office building and be clearly visible and easily readable from the nearest major avenue of traffic; and

(c) The retailer ~~or resale broker~~ must prominently display his license, or a true and correct copy of that license, in each location; and

(d) The licensee must post, in a clearly visible and readily accessible location, written information concerning regular hours of business and emergency contact information.

(2) Regardless of the number of locations at which a retailer ~~or resale broker~~ engages in business, he must maintain a principal place of business that complies with the requirements set forth in subsection (1) (a) of this section, and at which the records of the business are maintained on a permanent basis.

(3) The retailer ~~or resale broker~~ must promptly notify the division of building safety, in writing, of any change in ownership, business name, location of business, mailing address or telephone numbers.

(4) For each new product sold, the retailer must provide proof, satisfactory to the board, of the retailer's current authority to sell that manufacturer's products.

(5) Failure to adhere to the requirements of this section, or any other requirement pertaining to licensure as set forth in law or rule, shall constitute grounds for the imposition of discipline up to and including revocation of licensure.

TITLE 44. LABOR
CHAPTER 22. MANUFACTURED HOME
INSTALLATION STANDARD

§ 44-2201. Mobile/manufactured homes installation

(1) All new manufactured homes must be installed in accordance with the manufacturer's approved installation instructions. All used mobile and manufactured homes shall be installed in accordance with the Idaho manufactured home installation standard, as provided by rule pursuant to this chapter. All mobile and manufactured homes must be installed in accordance with all other applicable state laws or rules pertaining to utility connection requirements.

(2) The administrator of the division of building safety may promulgate rules in accordance with the provisions of *chapter 52, title 67, Idaho Code*, specifying standardized installation instructions for mobile/manufactured homes. Upon the effective date of such rules, the rules shall prevail over any conflicting provisions in this chapter.

§ 44-2202. Installation permits and inspections required

(1) The owner or the installer of a mobile or manufactured home must obtain an installation tag and permit as applicable before installing a mobile or manufactured home that will be used as a residence on a building site or in a park. The installer's license must be in effect at the time of the application for the installation permit.

(2) Installation tags shall be obtained from the division of building safety and are required for each installation of a new manufactured home. The fee for the installation tag shall be prescribed in administrative rules promulgated by the administrator of the division of building safety.

(3) Installation permits shall be issued by the division of building safety or a city or county that has by ordinance adopted a building code and whose installation inspection programs have been approved by the division. All installations shall be inspected by the authority having jurisdiction for compliance.

(4) Permit fees shall be prescribed in administrative rules promulgated by the administrator of the division of building safety or as established by the city or county having jurisdiction whose installation inspection program has been approved by the division, as applicable.

(5) Immediately upon completion of the installation of a mobile or manufactured home, a licensed installer ~~or the responsible managing employee of the licensed installer~~ shall perform an inspection of the completed installation to ensure compliance with the applicable installation standard. Such inspection shall be recorded on an inspection record document approved by the division and a copy shall be provided to the homeowner upon completion of the inspection.

§§ 44-2203-- 44-2205. Manufacturer's instructions on stabilizing system may be used -- Requirements for installing stabilizing systems -- Requirements for permanent foundations. [Repealed.]

§ 44-2206. Installation of electrical service equipment. [Repealed.]

FACTORY BUILT STRUCTURES ADVISORY BOARD

Agenda Item No. 02 Approval of Pending Rules as Part of Reauthorization Process

PRESENTER: Patrick J. Grace, Regional Manager

OBJECTIVE: Approve pending rules.

ACTION: Vote to accept or deny pending rules.

BACKGROUND: To finalize the rules reauthorization process, each agency or board therein that has authority to promulgate rules must approve their pending rules. In June all the rules were published in the administrative bulletin as both temporary and proposed rules. The temporary rules went into effect July 1, and the proposed nature of those same rules will be reviewed by the 2020 legislature. As part of the proposed rulemaking process, after rules are published and comments are made to them by the public (if any), those rules may become final rules of the agency/board “pending” legislative approval. For them to become “pending” the agency/board must approve them. This agenda item seeks the Board’s approval of the pending rules. The text of the rules remains the same as what was already in the administrative code.

PROCEDURAL HISTORY:

ATTACHMENTS: 07.03.03 *Rules for Modular Buildings*



**IDAPA 07
TITLE 03
CHAPTER 03**

07.03.03 – RULES FOR MODULAR BUILDINGS

000. LEGAL AUTHORITY.

The ~~Modular Building~~ 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. (3-26-08)

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 07.03.03, “Rules for Modular Buildings,” ~~Division of Building Safety.~~ (3-26-08)

02. Scope. These rules prescribe the criteria for enforcement and administration of the Idaho Modular Buildings Act by the ~~Modular Building~~ Factory Built Structures Advisory Board and the ~~Building Bureau of the~~ Division of Building Safety. (3-26-08)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency has statements that pertain to the interpretation of the rules of this chapter. These statements are available for review and copying at the offices of the Division of Building Safety. (3-26-08)

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for administrative relief of the provisions contained herein. (3-26-08)

004. OFFICE -- ~~OFFICE HOURS~~ -- STREET ADDRESS -- MAILING ADDRESS -- ~~TELEPHONE, FACSIMILE AND WEB ADDRESS.~~

The principal place of business of the Division of Building Safety is ~~in Meridian, Idaho. The office is located~~ at 1090 E. Watertower Street, Meridian, Idaho ~~and is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is: Division of Building Safety, 1090 E. Watertower Street, Meridian, Idaho 83642. The telephone number of the office is (208) 334-3896. The facsimile number and website are of the office is (208) 855-9399. The Department website at and~~ <http://dbs.idaho.gov/>. (3-26-08)

~~**005. PUBLIC RECORDS ACT COMPLIANCE.**~~

~~The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. (3-26-08)~~

~~**006**~~ **5.** -- 009. (RESERVED)

010. DEFINITIONS.

The terms defined in this section have the following meaning ~~for all parts of IDAPA 07.03.03~~, unless the context clearly indicates another meaning. (3-26-08)

01. Administrator. The Administrator of the Division of Building Safety for the state of Idaho. (3-26-08)

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: (3-26-08)

a. Repairs with approved replacement parts; (3-26-08)

b. Conversion of listed fuel-burning appliances in accordance with the terms of their listing; (3-26-08)

c. Replacement of equipment and appliances in kind; (3-26-08)

d. Adjustment and maintenance of equipment. (3-26-08)

03. Board. ~~The Modular Building Advisory Board, as created in Section 39 4302, Idaho Code.~~ (3-26-08)

~~**04. Building Site.** Any tract, parcel, or subdivision of land upon which a Modular Building is installed or is to be installed.~~ (3-26-08)

~~**05. Closed Construction.** Any manufactured building or building component that may enclose factory installed structural, mechanical, electrical, or plumbing systems and is not open for visual inspection at the Building Site.~~ (3-26-08)

06. 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. (3-26-08)

~~**07. Division.** The Idaho Division of Building Safety.~~ (3-26-08)

08. 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. (3-26-08)

~~**09. Modular Building.** 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.~~ (3-26-08)

10. 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. (3-26-08)

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 ~~promulgated by the Board~~. (3-26-08)

028. PLAN REVIEW.

01. Jurisdiction. The Division has exclusive jurisdiction and authority to conduct plan reviews of the in-plant construction of Modular Buildings. (3-26-08)

~~**02. Plans Specifications.** Plans must be drawn to scale and must be on uniformly sized standard stock drawing sheets not to exceed thirty six (36) inches by sixty (60) inches or in digital PDF format. (3-26-08)~~

~~**03. Plans Not Required.** Plans are not required for group U occupancies of Type V conventional light-frame wood construction. (3-26-08)~~

~~**043. 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. (3-26-08)~~

~~**054. 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. (3-26-08)~~

~~**065. 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. (3-26-08)~~

~~**076. 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. (3-26-08)~~

~~**087. Application Provisions.** The provisions of this section applies only to plans for work that will be accomplished at the place of manufacture. (3-26-08)~~

029. FEES.

Fees are paid to the Division, and the following fee schedule is applicable for the functions cited: (3-26-08)

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.

1997 UNIFORM BUILDING CODE - 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

(3-26-08)

02. Other Inspections and Fees.

(3-26-08)

a. Inspections outside of normal business hours: sixty-five dollars (\$65) per hour (minimum charge - ~~two one~~ (21) hours).
 (3-26-08)

b. Re-inspection fees: sixty-five dollars (\$65) per hour. (3-26-08)

c. Inspections for which no fee is specifically indicated: sixty-five dollars (\$65) per hour (minimum charge - one half (1/2) hour). (3-26-08)

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). (3-26-08)

e. For use of outside consultants for plan checking and inspections or both: actual costs. (3-26-08)

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. (3-26-08)

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. (3-26-08)

~~**05. Payment of Fees.** Fees are paid to and collected by the Division. (3-26-08)~~

06.5. 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. (3-26-08)

07.6. 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. (3-26-08)

08.7. Refund of Plan Review Fees. There is no refund of plan review fees. (3-26-08)

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. (3-26-08)

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. (3-26-08)

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. (3-26-08)

02. Inspections. (3-26-08)

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. (3-26-08)

b. In-Plant Inspections. Due to the repetitive nature of the manufacturing process, the required inspections outlined in the International Building Code or [International 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. (3-26-08)

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. (3-26-08)

d. Qualifications of Inspectors. All inspectors performing inspections of modular buildings must be properly certified for the type of inspection being conducted. The [Modular 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. (3-29-10)

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. (3-26-08)

04. Field Technical Service. Any person may request field Technical Service and requests for such service must be submitted to the Division in writing. (3-26-08)

05. Local Enforcement Agencies. (3-26-08)

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. (3-26-08)

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. (3-26-08)

06. Insignia. (3-26-08)

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. (3-26-08)

b. ~~Insignia Location. Insignias must be placed on the front, left hand side of the building.~~ (3-26-08)

e. Serial Number. Each Modular Building must bear a legible identifying serial number and ~~must~~ 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. (3-26-08)

~~**d.** Data on Insignia. The date of manufacture, showing month, week, and year will be shown on the Insignia. Such data will be provided by the manufacturer on the application for Insignia.~~ (3-26-08)

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. (3-26-08)

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. (5-8-09)

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 ~~is subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and subject to a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter.~~

(5-8-09)

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 ~~is subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and subject to a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter.~~

(5-8-09)

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 ~~is subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and subject to a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter.~~ (5-8-09)

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, ~~is subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and subject to a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter.~~ (5-8-09)

034. -- 999. (RESERVED)

FACTORY BUILT STRUCTURES ADVISORY BOARD

Agenda Item No. 03 Amendment of Modular Building Provisions within the Building Code Rules

PRESENTER: Patrick J. Grace, Regional Manager

OBJECTIVE: Inform the Board of the removal of duplicative modular rules from the building code rules.

ACTION: Informational

BACKGROUND: The Division has identified modular building provisions within the Building Code Rules (07.03.01) that are mostly duplicative of provisions contained within the Modular Building Rules (07.03.03). To be consistent with meeting the goals of the Red Tape Reduction Act, the Division would like to eliminate those provisions from the Building Code Rules (07.03.01); thus, reducing the number of rules contained within that chapter of IDAPA code.

ATTACHMENTS: No documentation

