

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING ON
ARM 24.301.131 incorporation by	)	PROPOSED AMENDMENT AND
reference of international building	)	ADOPTION
code, 24.301.138 and 24.301.139	)	
fees, 24.301.142 and 24.301.146	)	
building code modifications,	)	
24.301.171 incorporation by	)	
reference of international existing	)	
building code, 24.301.172	)	
incorporation by reference of	)	
international mechanical code,	)	
24.301.173 incorporation by	)	
reference of international fuel gas	)	
code, 24.301.301, 24.301.351, and	)	
24.301.371 plumbing requirements,	)	
24.301.401, 24.301.402, 24.301.411,	)	
24.301.421, 24.301.431, 24.301.441,	)	
and 24.301.451 electrical	)	
requirements, 24.301.461 inspection	)	
fees, 24.301.491 refunds or credits,	)	
and the adoption of NEW RULE I	)	
definitions	)	

TO: All Concerned Persons

1. On June 17, 2010, at 10:00 a.m., a public hearing will be held in room B-07, 301 South Park Avenue, Helena, Montana to consider the proposed amendment and adoption of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on June 11, 2010, to advise us of the nature of the accommodation that you need. Please contact Dave Cook, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2053; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2050; e-mail dcook@mt.gov.

3. GENERAL STATEMENT OF REASONABLE NECESSITY: The Building Codes Bureau of the Department of Labor and Industry (department) determined it is reasonable and necessary to amend certain administrative rules to adopt and incorporate by reference the new editions of numerous nationally recognized building codes, with stated exceptions. The department is also proposing additional

amendments throughout the rules in response to and to coincide with the adoption and incorporation by reference of these building codes.

The department is amending ARM 24.301.172, 24.301.301, and 24.301.461 to adjust fees for mechanical, plumbing, and electrical permits based upon the results of a fiscal analysis performed over the last two fiscal years. The analysis revealed that the cost of issuing permits and performing inspections across the state has outpaced the revenue gained from issuing permits. Following the analysis, the department identified fee categories that did not correspond with costs and proposes changes to the rules to ensure fees are commensurate with costs in all categories, resulting in some fees being reduced and others increased. The department sold 611 mechanical permits, 2281 plumbing permits, and 9925 electrical permits for a net collection of \$1,602,202 in the year ending April 30, 2010. Due to the volatility of the building industry as affected by seasonal and economic fluctuations, it is impossible to precisely predict the number of permits to be issued in any year. Therefore, the department collected and analyzed data on the economy, the building industry, and inspection costs, and is proposing fee changes to ensure that permitting fees adequately cover the corresponding costs and to gain the most equitable position for all impacted stakeholders. The department notes that all the proposed fees have been vetted publicly and endorsed by vote of the Montana Building Codes Council.

A majority of the department's proposed changes reflect only renumbering of sections or tables of the updated codes without substantive change to the rule. Other changes are made to improve readability of the rule, such as implementing acronyms rather than using the full names of the adopted codes, referencing the Department of Labor and Industry as the "department," and substituting "Bureau of Building and Measurement Standards" with the correct term of "Building Codes Bureau." Additional grammatical and numbering changes are necessary to comply with ARM formatting requirements. The department is also amending several rules throughout to add the web addresses of building codes publishers to contact or obtain code information online. Authority and implementation cites are being amended throughout to accurately reflect all statutes implemented through the rules and to provide the complete sources of the department's rulemaking authority. Where additional specific bases for a proposed action exist, the department will identify those reasons immediately following that rule.

4. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.301.131 INCORPORATION BY REFERENCE OF INTERNATIONAL BUILDING CODE (1) ~~The Department of Labor and Industry, referred to as the department in this rule and all subsequent rules in ARM Title 24, chapter 301,~~ adopts and incorporates by reference the International Building Code, ~~2006~~ 2009 edition, ~~referred to as the International Building Code or IBC,~~ unless another edition is specifically stated, together with Appendix Chapter C (Group U - Agricultural Buildings).

(2) remains the same.

(3) A copy of the ~~International Building Code~~ IBC may be obtained from the Department of Labor and Industry, Building Codes Bureau of Building and Measurement Standards, P.O. Box 200517, 301 South Park, Helena, MT 59620-0517, at cost plus postage and handling. A copy may also be obtained by contacting the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, or on their web site at www.ICCsafe.org.

AUTH: 50-60-203, MCA  
IMP: 50-60-203, MCA

24.301.138 CALCULATION OF FEES (1) ~~International Building Code (IBC)~~ Section ~~408.2~~ 109.2, Schedule of ~~Building~~ Permit Fees, is modified for use by the department with the following additions:

(a) Permit fees. The fee for each building permit is established in Table ~~408.2~~ 109.2.

(b) Plan review fees. When submittal documents are required, a plan review fee must be paid in addition to the building permit fee. The plan review fee is 35 percent of the building permit fee as established in Table ~~408.2~~ 109.2. If only plan review services are provided, the plan review fee for such services shall be 50 percent of the combined plan review and building permit fee.

(c) Add a new paragraph to IBC Section ~~408.2~~ 109.2 to read: "Requested Inspection Fee - \$45, provided that such service is not in excess of one hour in duration, and then \$25 for each 30 minutes or fractional part thereof in excess of one hour. Travel and per diem will be charged as per the state of Montana's existing rates for these items."

(2) through (4)(b) remain the same.

(c) the cost per square foot method of valuation and the cost per square foot figures, ~~modified by region~~, for the type and quality of construction and occupancy group listed in the "Building Valuation Data" table of the ~~March/April 2002~~ January/February 2009 Edition edition of "International Conference of Building Officials Building Standards Building Safety Journal" magazine, published by the International Code Council ~~Conference of Building Officials~~.

(d) For purposes of modifying the building valuation values derived from the square-foot method calculations of (4)(c), the calculated building valuation shall be multiplied by a factor of 0.60 to arrive at a final calculated building valuation.

(d) remains the same but is renumbered (e).

(5) through (7) remain the same.

(8) A copy of the "Building Valuation Data" table may be obtained free of charge from the Department of Labor and Industry, Building Codes Bureau of Building and Measurement Standards, P.O. Box 200517, 301 South Park, Helena, MT 59620-0517.

TABLE ~~408.2~~ 109.2  
BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1 to \$500	\$23.50

\$501 to \$2000	\$23.50 for first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2000
\$2001 to \$25,000	\$69.25 for the first \$2000 plus \$14 for each additional \$1000, 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 \$1000, 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 \$1000, 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 \$1000, 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 \$1000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$5,608.75 for the first \$1,000,000 plus \$3.15 for each additional \$1000, or fraction thereof
Other Inspections and Fees:	
1. remains the same.	
<del>2. Reinspection fees assessed under provisions of Section 305.8 \$45.00 per hour</del>	
3. through 5. remain the same but are renumbered 2. through 4.	

<sup>1</sup> remains the same.

AUTH: 50-60-104, 50-60-203, MCA  
 IMP: 50-60-103, 50-60-104, 50-60-203, MCA

**REASON:** The department is amending (4)(c) to reflect the name change of the International Conference of Building Officials to the International Code Council and the updating of the valuation table format and publication date of the new table. Other changes, including taking building occupancy type into consideration, are necessary to more appropriately determine building valuation on the most specific information available for each building type.

The department is amending (4)(d) to include a modifier used to arrive at a final calculated building valuation to keep permit fees commensurate with costs. The modifier used in the currently adopted Building Valuation Data table is 0.84. The department instead proposes a modifier of 0.60, which results in a 40 percent lower valuation of the final calculated building valuation, in consideration of such factors as lower costs of construction and code enforcement in Montana.

24.301.139 INVESTIGATION FEES ASSESSED FOR WORK COMMENCING WITHOUT BUILDING PERMIT (1) ~~In accordance with Subsection 108.4 of the International Building Code, the department shall assess investigation fees for any work commenced on a building or structure before obtaining the necessary permits. The investigation fees will be 50 percent of the combined plan review and building permit fee, with a minimum fee of \$250 and a maximum fee not to exceed \$1000. In accordance with subsection 109.4 of the International Building Code and pursuant to the requirements of fees being commensurate with costs, the department may assess an investigation fee for any work commenced on a building or structure prior to obtaining the required building permits. The investigation fee will be charged on an hourly rate of \$45.00 per hour, for every hour, including portions of an hour spent on investigating the work commenced without the proper building permits. This investigation fee shall be in addition to the regular plan review and building permit fee assessed in ARM 24.301.138(1)(a) and (b).~~

AUTH: 50-60-104, 50-60-203, MCA

IMP: 50-60-103, 50-60-104, 50-60-201, 50-60-203, MCA

REASON: It is reasonably necessary to amend this rule to further clarify the fees charged for investigations for work done without the required building permits. The fees will be based on terms found in the IBC and to comply with the statutory requirements for establishing fees that are commensurate with costs.

24.301.142 MODIFICATIONS TO THE INTERNATIONAL BUILDING CODE APPLICABLE ONLY TO THE DEPARTMENT'S CODE ENFORCEMENT PROGRAM (1) remains the same.

(2) The department will use 50-60-109 and 50-60-110, MCA, in cases requiring prosecution in lieu of Section ~~443~~ 114 of the ~~International Building Code~~ IBC. When a person fails to submit required plans, obtain a permit, correct plans, or comply with an order of the department, the department, as authorized by 50-60-109, MCA, may bring civil action to enjoin the person from constructing or using the building.

(3) and (4) remain the same.

(5) Subsection ~~406.4~~ 107.1 of the ~~International Building Code~~ IBC is amended with the addition of the following: "The department requires submittal of two complete sets of construction documents for all projects. This section shall not be construed to require an architect or engineer license. The requirements for who must be licensed to practice architecture or engineering work is governed by Title 37, chapter 65, MCA and Title 37, chapter 67, MCA. The issuance of a building permit does not in any way address the need for licensure by the permit holder or designer."

(6) Subsection ~~440.4~~ 111.1 of the ~~International Building Code~~ IBC is amended with the addition of the following: "On a case-by-case basis, the building official or his agent may grant the owner permission to occupy and use a building or portions thereof prior to completion of the project when the building official or his

agent finds the building or structure to be in substantial compliance with the intent of the International Building Code."

(7) Subsection ~~440.2~~ 111.2 of the ~~International Building Code~~ IBC is amended to read:

(a) "~~440.2~~ 111.2 Certificate issued. If the building official or the building official's agent makes all the inspections of a building or structure required by Section ~~409~~ 110, and finds it was constructed in accordance with the provisions of the state building code, the building official shall issue a certificate of occupancy, as referenced in 50-60-107, MCA, which shall contain the following:

(i) through (7)(b)(ii) remain the same.

(c) "Formal Written Approval: In situations where the department was unable to perform the required inspections referenced in Section ~~409~~ 110 of the ~~International Building Code~~ IBC, but no significant deficiencies from the state building code have been noted, the bureau may issue a letter of formal written approval in lieu of a certificate of occupancy."

(8) The department will use the applicable provisions of the Montana Administrative Procedure Act in all cases of appeal in lieu of Section ~~442~~ 113 of the ~~International Building Code~~ IBC.

(9) Subsection ~~4805.2.4~~ 1809.5 of the ~~International Building Code~~ IBC requires that footings and foundations shall extend below the frost line. In all areas of the state outside of certified local government jurisdictions, the minimum depth from finished grade to the bottom of footings shall be ~~3.0 ft.~~ three feet for single story wood or metal frame buildings, and ~~4.0 ft.~~ four feet for multistory or masonry buildings. Buildings located on highly expansive or unstable soils may need engineered footings and foundation walls that extend below the minimum depths indicated above. At the discretion of the building official, the above minimum depths may not be required for properly designed so-called monolithic slabs for single story storage and similar-use buildings. The building official may require monolithic slabs to be designed and stamped or certified by a Montana registered engineer who practices structural design. The design and stamp of a Montana licensed architect may be accepted in lieu of an engineer's stamp when the monolithic slab design is an incidental part of an architectural building design, as allowed by 37-67-103, MCA.

(10) remains the same.

AUTH: 50-60-203, MCA

IMP: 50-60-107, 50-60-108, 50-60-109, 50-60-203, 50-60-212, MCA

24.301.146 MODIFICATIONS TO THE INTERNATIONAL BUILDING CODE APPLICABLE TO BOTH THE DEPARTMENT'S AND LOCAL GOVERNMENT CODE ENFORCEMENT PROGRAMS (1) and (2) remain the same.

~~(3) Subsection 101.4.1, Electrical, is modified by deleting "ICC Electrical Code" and replacing with "National Electrical Code."~~

~~(4) (3) Subsection 101.4.4~~ 101.4.3, Plumbing, is modified by:

(a) and (b) remain the same.

~~(5) (4) Subsection 101.4.5~~ 101.4.4, Property Maintenance, is deleted in its entirety.

~~(6)~~ (5) Subsection ~~101.4.6~~ 101.4.5, Fire Prevention, is modified by deleting "International Fire Code" and replacing with "fire code adopted by the fire authority having jurisdiction ~~Fire Prevention and Investigation Bureau of the Department of Justice.~~"

(7) remains the same but is renumbered (6).

~~(8)~~ (7) Subsection ~~106.3.4~~ 107.3.1 is amended by the addition of the following sentence: "When the building official issues the permit where plans are required, the building official shall approve the construction documents, with corrections as required, or with adequate written resolution of deficiencies noted in plan review comments."

(9) and (10) remain the same but are renumbered (8) and (9).

~~(11)~~ (10) Subsection 903.3.5, Inadequate Water Supply, is amended by addition of the following: "This subsection shall apply to buildings which are required by the International Building Code to be provided with an automatic fire extinguishing system and do not have access to an existing multiple user water supply system, such as a municipal water supply system or a private community water supply system, capable of providing the water supply requirements of National Fire Protection Association Standard for the Installation of Sprinkler Systems, ~~2002~~ 2007 Edition ~~edition~~ (NFPA 13). Under such circumstances, water storage requirements may be modified by the building official. The modified design shall include sufficient storage onsite to operate ~~50 percent~~ of the hydraulically remote area for the response time of the local fire department. ~~This reduction shall not reduce the number of operating sprinklers to less than four.~~ Response time is the time from alarm to the time the fire department can apply water to the fire. Response time shall be established by the use of the formula  $T = 0.65 + 1.7D$  6.5 minutes (mobilization time) + 1.7 minutes/mile D (travel time), where T is response time, in minutes, and D is distance, in miles, from the fire station to the building. The modified water supply shall be sufficient to operate the system for the response time calculated above, but not be less than 20 minutes. Water supply requirements shall be established by using the area/density method as defined in NFPA 13. A ~~50 percent~~ reduction in water storage of up to 50 percent, but not less than that required for a 20 minute supply is allowed. ~~Density shall not be modified.~~ All automatic fire sprinkler system designs and components shall be in ~~storage for 50 percent of the sprinkler discharge requirements~~ in compliance with NFPA 13. When a modified water storage is allowed, the automatic fire sprinkler system must be equipped with a flow alarm, digital alarm communicator transmitter, and a fire department connection. The automatic fire sprinkler system shall be monitored by an approved central station in accordance with NFPA 72, National Fire Alarm Code, ~~2002~~ 2007 edition."

(12) remains the same but is renumbered (11).

(a) remains the same.

(i) Installation of Sprinkler Systems: NFPA 13 Standard for the Installation of Sprinkler Systems, ~~2002~~ 2007 Edition ~~edition~~.

(ii) Installation of Sprinkler Systems in Group R Occupancies Four Stories or Less: NFPA 13R Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height, ~~2002~~ 2007 Edition ~~edition~~.

(b) Standpipe Systems: NFPA 14 Standard for the Installation of Standpipe and Hose Systems, ~~2003~~ 2007 Edition ~~edition~~.

(c) remains the same.

~~(13)~~ (12) Delete Subsection ~~903.2.7~~ 903.2.8 and replace with the following:

"1. remains the same.

"a. ~~20~~ 16 or more transient guests or ~~40~~ 8 or more transient guestrooms;

"b. ~~20~~ 16 or more occupants in other than dwelling units;

"c. ~~46~~ 8 or more dwelling units; or

"d. through "4. remain the same.

~~(14)~~ (13) Subsection ~~907.2.8.1~~, Manual Fire Alarm System, is amended with the addition of the following: "Exception 3: A manual fire alarm system is not required in buildings with five or fewer guestrooms or ten or fewer guests where the building does not exceed two stories in height and is equipped with multiple-station smoke alarms installed in accordance with Subsection ~~907.2.10.4~~ 907.2.11."

~~(15)~~ (14) Subsection ~~1017.1~~ 1018.1 is amended by addition of the following:

"Upgrading of corridors in existing E occupancies serving an occupant load of 30 or more, may have walls and ceilings of not less than one-hour fire-resistive construction as required by this code. Existing walls surfaced with wood lathe and plaster in good condition or 1/2-inch gypsum wallboard or openings with fixed wired glass set in steel frames are permitted for corridor walls and ceilings and occupancy separations when approved. Doors opening into such corridors shall be protected by 20-minute fire assemblies or solid wood doors not less than 1 3/4 inches (45 mm) thick. Where the existing frame will not accommodate the 1 3/4-inch-thick door, a 1 3/8-inch-thick solid bonded wood-core door or equivalent insulated steel door shall be permitted. Doors shall be self-closing or automatic closing by smoke detection. Transoms and openings other than doors from corridors to rooms shall comply with this code or shall be covered with a minimum of 3/4-inch plywood or 1/2-inch gypsum wallboard or equivalent material on the room side. Exception: Existing corridor walls, ceilings, and opening protection not in compliance with the above may be continued when such buildings are protected with an approved automatic sprinkler system throughout. Such sprinkler system may be supplied from the domestic water system if it is of adequate volume and pressure."

(15) For "R" occupancies that are exempt from the requirements of a fire sprinkler system, pursuant to ARM 24.301.146(12), Table 1018.1, referenced in subsection 1018.1, shall be amended by the deletion of the language "Not Permitted" under the heading "Required Fire-Resistive Rating (hours) – Without sprinkler system" for "R" occupancies with an occupant load served by corridor of greater than ten. Under that same location where "Not Permitted" is to be deleted, the language "1" shall be inserted instead, which will require those corridors to have one-hour fire-resistive ratings.

(16) through (18) remain the same.

(19) Subsection ~~2902.4~~ 2902.3, Required Public Toilet Facilities, is deleted in its entirety.

(20) through (37) remain the same.

(38) Subsection 903.2.7, condition #4 is deleted and replaced with the following: "A Group M occupancy is used for the display and sale of upholstered furniture which exceeds 2500 square feet of display and sale area."

AUTH: 50-60-203, MCA

IMP: 50-60-101, 50-60-102, 50-60-104, 50-60-201, 50-60-203, 50-60-205,  
MCA

REASON: The department determined it is reasonably necessary to delete (3) as it includes a section no longer included in the 2009 edition of the IBC and therefore needs no modification. The department is amending (10) (renumbered) to indicate the publication of the 2007 edition of the National Fire Protection Association Standard for the Installation of Sprinkler Systems (NFPA 13) and the 2007 edition of the National Fire Alarm Code (NFPA 72). Additionally, the response time formula is spelled out in (10) to more specifically describe the factors in the formula.

The remaining changes affecting density modification are proposed to reduce confusion on the modification to emphasize storage modification, rather than density modification. Section (11) (renumbered) indicates the publication of the 2007 editions of the NFPA 13, NFPA 13R, and NFPA 14. Changes in (12) (renumbered) modify the IBC thresholds for when group R occupancies in the IBC will require a fire sprinkler system. Section (15) is amended to modify the subsequent Table in "R" occupancies that are exempt from the installation of a fire sprinkler system under ARM 24.301.146(12), to allow for a higher fire-resistive rating of those corridors. The Table in the code assumes that all "R" occupancies are sprinkled, which is not the case due to the previous modification of the code in that section. Section (38) is being amended to allow a minimum threshold to be inserted on Group M occupancies, which will allow small businesses with minimal upholstered sales items to be exempt from the requirements of IBC 903.2.7.

24.301.171 INCORPORATION BY REFERENCE OF INTERNATIONAL EXISTING BUILDING CODE (1) ~~The Department of Labor and Industry department~~ adopts and incorporates by reference the International Existing Building Code (IEBC), ~~2006 2009 Edition edition~~, which may be used as an alternate prescriptive method(s) for the remodel, repair, alteration, change of occupancy, addition, and relocation of existing building.

(a) through (3) remain the same.

(4) A copy of the ~~International Existing Building Code~~ IEBC may be obtained from the Department of Labor and Industry, ~~Bureau of Building Codes Bureau and Measurement Standards~~, P.O. Box 200517, 301 South Park, Helena, MT 59620-0517, at cost plus postage and handling. A copy may also be obtained by contacting the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, or on their web site at [www.ICCSafe.org](http://www.ICCSafe.org).

AUTH: 50-60-203, MCA

IMP: 50-60-103, ~~50-60-109~~, 50-60-201, 50-60-203, MCA

24.301.172 INCORPORATION BY REFERENCE OF INTERNATIONAL MECHANICAL CODE (1) ~~The Department of Labor and Industry department~~ adopts and incorporates by reference the International Mechanical Code, ~~2006 2009 Edition edition~~, published by the International Code Council, unless another edition

is specifically stated, together with the following amendments:

(a) through (c)"(1) remain the same.

"(2) The mechanical permit fees are calculated as follows:

Cost of Mechanical System	Mechanical Permit Fee
\$0 - \$10,000	\$ <del>40</del> <u>48</u> for first \$1000 plus \$ <del>12</del> <u>14</u> for each additional \$1000 or fraction thereof, to and including \$10,000
\$10,001 - \$50,000	\$ <del>148</del> <u>166</u> for first \$10,000 plus \$ <del>7</del> <u>9</u> for each additional \$1000 or fraction thereof, to and including \$50,000
\$50,001	\$ <del>428</del> <u>514</u> for first \$50,000 plus \$ <del>4</del> <u>6</u> for each additional \$1000 or fraction thereof.

(d) remains the same.

(e) Section 109 of the ~~International Mechanical Code~~ IMC will be left as is for use by certified cities, counties, or towns, which by 50-60-303, MCA, must provide an appeal procedure. Cities, counties, and towns may use a board of appeals created in accordance with Section 442 113 of the ~~International Building Code~~ IBC to serve as their boards of appeal. The department and state of Montana, however, will use the applicable provisions of the Montana Administrative Procedure Act in all cases of appeal, in lieu of Section 109.

~~(f) Subsection 506.3.3.1, Grease duct test, is amended as follows for use only by the department: "Prior to the use of concealment of any portion of a grease duct system, a leakage test shall be performed by the installer. Installer shall provide documentation to the department of satisfactory test results. Ducts shall be considered to be concealed where installed in shafts or covered by coatings or wraps that prevent the ductwork from being visually inspected on all sides. The permit holder shall be responsible to provide the necessary equipment and perform the grease duct leakage test. A light test or an approved equivalent test method shall be performed to determine that all welded and brazed joints are liquid tight. A light test shall be performed by passing a lamp having a power rating of not less than 100 watts through the entire section of duct work to be tested. The lamp shall be open so as to emit light equally in all directions perpendicular to the duct walls. A test shall be performed for the entire duct system, including the hood-to-duct connection. The ductwork shall be permitted to be tested in sections, provided that every joint is tested."~~

(g) remains the same but is renumbered (f).

(g) Table 403.3 is amended by the addition of a footnote "i". Footnote "i" is to be referenced in the table at, "Private Dwellings, Single and Multiple". The footnote at the end of the table should be as follows: "i. Every dwelling unit shall have installed a minimum 100 CFM exhaust fan controlled by either an automatic timer or humidistat."

(2) The ~~Bureau of Building and Measurement Standards~~ Building Codes Bureau shall not enforce the ~~International Mechanical Code~~ IMC in buildings exempted from state building codes by 50-60-102, MCA. Cities, counties, and towns that have made the state building regulations applicable to buildings exempt from state enforcement, except for mines and buildings on mine property regulated under

Title 82, chapter 4, MCA, may enforce within their jurisdictional areas the International Mechanical Code as adopted by those units of government.

(3) through (5) remain the same.

(6) The ~~International Mechanical Code~~ IMC adopted by reference in (1) is a nationally recognized model code setting forth minimum standards and requirements for certain mechanical installations. A copy of the ~~International Mechanical Code~~ IMC may be obtained from the Department of Labor and Industry, ~~Bureau of Building Codes Bureau and Measurement Standards~~, P.O. Box 200517, Helena, MT 59620-0517, at cost plus postage and handling. A copy may also be obtained by writing to the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, or on their web site at [www.ICCSafe.org](http://www.ICCSafe.org).

AUTH: 50-60-203, MCA

IMP: 50-60-102, 50-60-103, 50-60-109, 50-60-201, 50-60-203, 50-60-303, MCA

REASON: The department is amending this rule to increase fees for mechanical permits based on a fiscal analysis performed over the last two fiscal years. The analysis revealed that the costs of issuing mechanical permits and performing mechanical inspections across the state has outpaced the revenue gained from issuing mechanical permits. See also the general statement of reasonable necessity for this notice.

24.301.173 INCORPORATION BY REFERENCE OF INTERNATIONAL FUEL GAS CODE (1) The ~~Department of Labor and Industry~~ department adopts and incorporates by reference the International Fuel Gas Code, ~~2006~~ 2009 edition, published by the International Code Council, ~~referred to as the International Fuel Gas Code~~ IFGC, unless another edition is specifically stated, together with the following amendments:

(a) through (c) remain the same.

(d) Section 109 of the ~~International Fuel Gas Code~~ IFGC will be left as is for use by certified cities, counties, or towns, who by 50-60-303, MCA, must provide an appeal procedure. Cities, counties, and towns may use the board of appeals created in accordance with Section ~~442~~ 113 of the International Building Code to serve as the board of appeals. The department and state of Montana, however, will use the applicable provisions of the Montana Administrative Procedure Act in all cases of appeal, in lieu of Section 109.

(2) The ~~Bureau of Building and Measurement Standards~~ Building Codes Bureau shall not enforce the ~~International Fuel Gas Code~~ IFGC on those buildings exempted from state building codes by 50-60-102, MCA. Cities, counties, and towns that have made the state building regulations applicable to buildings exempt from state enforcement, except for mines and buildings on mine property regulated under Title 82, chapter 4, MCA, may enforce within their jurisdictional areas the International Fuel Gas Code as adopted by those units of government.

(3) through (5) remain the same.

(6) The ~~International Fuel Gas Code~~ IFGC adopted by reference in (1) is a nationally recognized model code setting forth minimum standards and requirements

for certain mechanical installations. A copy of the ~~International Fuel Gas Code~~ IFGC may be obtained from the Department of Labor and Industry, ~~Bureau of Building Codes Bureau and Measurement Standards~~, P.O. Box 200517, Helena, MT 59620-0517, at cost plus postage and handling. A copy may also be obtained by writing to the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, or on their web site at www.ICCSafe.org.

AUTH: 50-60-203, MCA

IMP: 50-60-102, 50-60-103, 50-60-109, 50-60-201, 50-60-203, 50-60-303, MCA

24.301.301 INCORPORATION BY REFERENCE OF UNIFORM PLUMBING CODE (1) The ~~Department of Labor and Industry~~ department adopts and incorporates by reference the Uniform Plumbing Code, ~~2006~~ 2009 edition, ~~referred to as the Uniform Plumbing Code~~, unless another edition is specifically stated, together with the following appendix chapters and amendments:

- (a) through (1)(f) remain the same.
- (i) for issuing each permit \$20 30\*
- (ii) for each plumbing fixture 7 10
- (iii) water service - domestic or commercial 7 10
- (iv) for each building sewer and each trailer park sewer 44 15
- (v) storm drains and storm drainage 7 10
- (vi) for each water heater 7 10
- (vii) for each industrial water pretreatment interceptor, including its tray and vent, excepting kitchen type grease interceptors functioning as fixture traps 7 10
- (viii) for installation, alteration, or repair of water piping and/or water treatment equipment 7 10
- (ix) for repair or alteration of drainage or vent piping 7 10
- (x) for each lawn sprinkler system and fire protection system or any one meter, including backflow protection devices therefore 7 10
- (xi) for vacuum breakers or backflow protective devices on tanks, vats, etc., or for installation on unprotected plumbing fixtures, including necessary water piping
  - (A) one to four each 7
  - (B) remains the same.
- (xii) requested plumbing inspection fee (provided that such service is not in excess of one hour in duration, and then \$25 for each 30 minutes or fractional part thereof in excess of one hour. Travel and per diem will be charged as per the state of Montana's existing rate for these items) 45 65
- (xiii) remains the same.
- ~~(xiv) for each gas piping system of one to four outlets~~ ~~7~~
- ~~(xv) for each gas piping system of five or more, per outlet~~ ~~2~~
- ~~(xvi)~~ (xiv) for each medical gas piping system serving one to five inlet(s)/outlet(s) for a specific gas 50 75
- ~~(xvii)~~ (xv) for each additional medical gas piping inlet(s)/outlet(s) 5 10

(xvi) for each gray water system (commercial or residential) 75  
\* and (g) remain the same.

~~(h) Subsection 405.2, Prohibited Urinals, is amended by adding the following:  
"Exception: Nonwater supplied urinals may be installed and shall be maintained in accordance with manufacturer's installation instructions and required maintenance schedule. A properly sized drain, vent, and water supply line, permanently capped, shall be installed for future use in the event the owner decides or is ordered to replace the nonwater supplied urinal with a water supplied urinal."~~

(i) through (r) remain the same but are renumbered (h) through (q).

(r) Subsection 704.3, is amended by deleting the first sentence and replacing it with, "There may not be a direct connection between the sewerage system and any drains originating from equipment in which food, portable equipment, or utensils are placed."

(s) Subsection 707.4, first paragraph, is amended by deleting the first sentence and replacing with, to read as follows: "Each horizontal drainage pipe shall be provided with a cleanout at its upper terminal and each run of piping, which is more than 50 feet in total developed length, shall be provided with a cleanout for each 50 feet, or fraction thereof, in length of such piping."

(t) through (z) remain the same.

~~(aa) Section 908.0, is amended to read as follows: Wet venting.~~

~~(ab) (aa) Subsection 908.1, is amended to read, as follows: "Wet Venting."~~

(i) (ab) Subsection 908.1.1 is deleted and replaced with, "Wet venting is limited to drainage piping receiving the discharge from the trap arm of one and two fixture unit fixtures that also serves as a vent for not to exceed four fixtures.

(ii) All wet vented fixtures shall be within the same story; provided, further, that fixtures with a continuous vent discharging into a wet vent shall be within the same story as the wet vented fixtures."

(ac) Subsection 908.2, 980.1.2 is amended to read as follows: "The piping between any two consecutive inlet levels shall be considered a wet vented section. Each wet vented section shall be a minimum of one pipe size larger than the required minimum waste pipe size of the upper fixture or shall be one pipe size larger than the required minimum pipe size for the sum of the fixture units served by such wet vented section, whichever is larger, but in no case less than 2 two inches."

(ad) remains the same.

(ae) Chapter 13, Health Care Facilities and Medical Gas and Vacuum Systems, is deleted except for subsection 1303.0, 1304.0, 1305.0, 1306.0, 1307.0, and 1308.0. In lieu of Chapter 13, except for the subsections not deleted, the Department of Labor and Industry adopts and incorporates by reference the National Fire Protection Association's Standard NFPA 99C, Gas and Vacuum Systems, 2005 edition, referred to as NFPA 99C, unless a different edition date is specifically stated, as the standard for the installation of medical gas and vacuum systems. The requirements of this rule shall not be construed as to replace or supersede any additional requirements for testing and certification of medical gas and vacuum systems, including independent third party certification of systems, as may be applicable. NFPA 99C is a nationally recognized standard setting forth minimum standards and requirements for medical gas and vacuum systems. A copy of NFPA

99C may be obtained from the National Fire Protection Association, One Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

(2) remains the same.

AUTH: 50-60-203, 50-60-504, 50-60-508, MCA

IMP: 50-60-201, 50-60-203, 50-60-504, 50-60-508, MCA

**REASON:** The department determined it is reasonably necessary to amend the fees for plumbing permits based on fiscal analysis performed over the last two fiscal years. The analysis revealed that the costs of issuing plumbing permits and performing plumbing inspections across the state has outpaced the revenue collected from issuing the plumbing permits. See also the general statement of reasonable necessity for this notice.

Additionally, the department is amending (1)(r) to align with food and consumer safety laws of the Department of Public Health and Human Services.

**24.301.351 MINIMUM REQUIRED PLUMBING FIXTURES** (1) remains the same.

**MINIMUM NUMBER OF PLUMBING FACILITIES<sup>a, n, q</sup>**  
 Fixtures (Number of fixtures per number of occupants)

Occupancy or Use		Water Closets (Urinals - see footnotes g & m)		Lavatories	Bathtubs/ Showers	Drinking Fountains <sup>f</sup>
		Male	Female			
A S S E M B L Y	Theaters	1 per 125	1 per 65	1 per 2 water closets		1 per 1,000
	Nightclubs <sup>g,n,p</sup>	1 per 40	1 per 40			
	Restaurants <sup>g,n,p</sup>	1 per 75	1 per 75			
	Halls, museums, coliseums, arenas <sup>o</sup> , stadiums, pools, etc.	1 per 125	1 per 75			1 per 1,000
	Churches <sup>d</sup>	1 per 150	1 per 75			1 per 1,000
	Business <sup>i,j,l,p</sup>	1 per 25	1 per 25			
	Educational Elementary	1 per 100	1 per 35	1 per 2 water closets		1 per floor
	Educational Secondary	1 per 100	1 per 45	1 per 2 water closets		1 per floor
	Factory and industrial	1 per 100	1 per 100	1 per 100		1 per 400
	High hazard	1 per 100	1 per 100	1 per 100		1 per 1,000
I N S T	Residential care	1 per 10	1 per 10	1 per 10	1 per 8	
	Hospitals, ambulatory nursing home patients <sup>c</sup>	1 per room		1 per room <sup>e</sup>	1 per 15	1 per 100

I T U T I O N A L	Day nurseries <sup>k</sup> , sanitariums, nonambulatory nursing home patients, etc. <sup>c</sup>	1 per 15	1 per 15	1 per 15	1 per 15 <sup>f</sup>	1 per 100
	Employees, other than residential care <sup>c</sup>	1 per 25	1 per 25	1 per 35		1 per 100
	Visitors, other than residential care	1 per 75	1 per 75	1 per 100		1 per 500
	Prisons <sup>c</sup>	1 per cell		1 per cell	1 per 15	1 per 100
	Asylums, reformatories, etc. <sup>c</sup>	1 per 15	1 per 15	1 per 15	1 per 15	1 per 100
	Mercantile <sup>l</sup>	1 per 500	1 per 500	1 per 750		
R E S I D E N T I A L	Hotels, motels	1 per guestroom		1 per guestroom	1 per guestroom	
	Lodges	1 per 10	1 per 10	1 per 10	1 per 8	
	Multiple family	1 per dwelling unit		1 per dwelling unit	1 per dwelling unit	
	Dormitories	1 per 10	1 per 10	1 per 10	1 per 8	1 per 100
	One and two-family dwelling <sup>d</sup>	1 per dwelling unit		1 per dwelling unit	1 per dwelling unit	

Footnotes (a) through (n) remain the same.

- o. Riding arenas as defined in ARM ~~24.301.107(14)~~(e) 24.301.146(9)(b) are required to provide separate male and female accessible restrooms which contain a minimum of one water closet and one lavatory. Footnotes (p) through (r) remain the same.

AUTH: 50-60-203, 50-60-504, MCA  
 IMP: 50-60-203, 50-60-504, MCA

**REASON:** The department is amending this rule to include use of building in determining fixture requirements. Since building use and occupancy are not always synonymous, the change will allow greater flexibility for the design and build community to address the number of fixtures required.

24.301.371 PLUMBING INSPECTIONS (1) and (2) remain the same.

- (3) Upon completion of the inspection and approval of the plumbing work, the department shall, if requested, issue the permit holder a certificate of compliance.
- (4) remains the same.

AUTH: 50-60-203, 50-60-504, MCA  
 IMP: 50-60-510, 50-60-511, MCA

**REASON:** The issuing of a certificate of compliance for plumbing work installed currently is a requirement whether or not the permittee requested or required it, when many installations do not require such certification. To reduce the time and cost associated with this process, the department is amending this rule so the certificates are issued only when requested by the permittee.

24.301.401 INCORPORATION BY REFERENCE OF NATIONAL ELECTRICAL CODE (1) The Department of Labor and Industry department, by and through the Bureau of Building and Measurement Standards Building Codes Bureau, adopts and incorporates by reference the National Fire Protection Association Standard NFPA 70, National Electrical Code, ~~2005~~ 2008 edition referred to as the National Electrical Code, unless another edition date is specifically stated. The National Electrical Code is a nationally recognized model code setting forth minimum standards and requirements for electrical installations. A copy of the National Electrical Code may be obtained from the Department of Labor and Industry, Bureau of Building and Measurement Standards Building Codes Bureau, P.O. Box 200517, Helena, MT 59620-0517 or the National Fire Protection Association, One Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

AUTH: 50-60-203, 50-60-603, MCA

IMP: 50-60-201, 50-60-203, 50-60-601, 50-60-603, MCA

24.301.402 DEFINITIONS (1) For the purposes of this chapter subchapter, the following definitions shall apply:

(1) remains the same but is renumbered (e).

(a) "Maintenance Work" means ordinary and customary in-plant or onsite installations, modification, additions, or repairs, which shall be limited to: relamping fixtures, replacing ballasts, trouble-shooting, motor controls, replacing motors, breakers, magnetic starters, in a kind-for-kind manner. "Maintenance Work" will also include the connection of listed factory-assembled equipment that can be directly connected to an existing branch-circuit or panelboard by means of a factory-installed lead. If a new circuit is required to operate the equipment, or if the size of the supply conductors needs to be increased, this will be considered new work and not "Maintenance Work."

(b) "Permittee" means the property owner that is responsible for the installation of electrical wiring and equipment authorized by an electrical permit, or the license holder named as the "Responsible Licensed Electrician" for an "Electrical Contractor," who is responsible for the installation of electrical wiring and equipment authorized by an electrical permit. On farm and ranch installations used in conjunction with an agricultural or livestock raising operation, the term "Permittee" will mean the owner, owner's agent, and/or person(s) employed by the owner on a full-time basis as a farm or ranch employee(s) at the farm or ranch involved.

(c) "Provisional Power" means the connection of electrical power to any part of a premises wiring system from any source of energy, prior to the final inspection and approval of the installation by the electrical inspector.

(d) "Rental Property" means any property utilized by any person(s) for other than the owner's personal use with or without the consideration of compensation for the use.

AUTH: 50-60-603, MCA

IMP: 50-60-603, MCA

REASON: The department is amending this rule to set forth additional definitions to clarify and align with the proposed changes rules in part 4 regarding electrical requirements. Some of these definitions were previously located within the amended rules and are relocated here for convenience and ease of use.

24.301.411 WIRING STANDARDS (1) remains the same.

(a) NEC ARTICLE 440-2 110.2 (SUPPLEMENTARY). When requested, complete wiring diagrams shall be provided prior to installation of conductors and equipment indicating the conductor's and equipment's intended use.

(b) NEC Article 550-32(a) 550.32(A): The allowable distance for service equipment from the exterior wall of a manufactured or mobile home is increased from 30 ft (9.14 m) to 50 ft (15.24 m).

(c) NEC Article 550-32(b)(2) 550.33(A): Add the following: It shall be permissible to feed a manufactured (mobile) home with type SER cable when the service equipment is mounted on the exterior of the home. Physical protection of the cable is required by enclosing the cable in an approved raceway where the cable is run on the outside of the home. The cable is to be properly supported and attached per Article 338, where installed under the home.

(d) NEC Article 760-4 760.1 (SUPPLEMENTARY). Smoke ~~detectors~~ alarms shall be installed in any building or structure as required under the currently adopted International Building Code or International Residential Code, whichever applies, regardless of whether or not the building or structure is exempt by 50-60-102, MCA.

REASON: The department is amending this rule to correct an inaccurate reference to smoke detectors. It is reasonably necessary to change the term to smoke alarms to align with terminology used in the National Electrical Code, International Building Code, and the International Residential Code.

AUTH: 50-60-203, 50-60-603, MCA

IMP: 50-60-203, 50-60-603, MCA

24.301.421 ELECTRICAL INSPECTORS (1) Only persons appointed ~~and certified~~ by the department shall act as electrical inspectors to represent the state of Montana.

(2) Inspectors shall give information as to the meaning or application of the code, ~~but shall not perform duties for or assume the responsibilities of a consultant or advisor with respect to contractors, electricians, or owners, or users for whom the inspectors perform compliance inspections under the authority granted to them by virtue of their employment as department inspectors.~~ The inspector shall not design circuitry or perform engineering tasks for the permittee.

(3) remains the same.

(4) State electrical inspectors shall have powers as are vested in them by the department, including but not limited to the power to make inspections and to ascertain that none of the provisions of ~~the Electrical Safety Law~~ Title 50, chapter 60, part 6, MCA, the National Electrical Code, as amended from time to time, or the ~~rules of the section~~ Administrative Rules of Montana, Title 24, chapter 301, subchapter 4, Electrical Requirements are being violated.

(5) remains the same.

AUTH: 50-60-203, 50-60-603, MCA

IMP: 2-2-101, 50-60-103, 50-60-201, 50-60-203, 50-60-603, 50-60-604,  
MCA

REASON: It is reasonably necessary to amend (1) to clarify that the department appoints, but does not certify, electrical inspectors. Because the current language may mislead people to believe there is a testing or competency requirement for these inspectors, the department is amending this rule to eliminate any confusion.

The department is amending (2) to clarify the electrical inspectors' duties and responsibilities with regard to design and layout of electrical installations. Inspectors only perform electrical inspections and are neither required nor allowed to do design work or instruct homeowners on electrical wiring. The board is amending (4) to specify the laws and specific documents that inspectors utilize in checking compliance of electrical installations.

24.301.431 ELECTRICAL PERMIT (1) remains the same.

(2) Prior to the commencement of any electrical installation, in an area where the electrical code is enforced by the department, the ~~installer or owner~~ permittee shall submit an official and complete request for electrical permit to the department in Helena with fee(s) as provided in ARM 24.301.461. If the permittee fails to obtain a permit for an electrical installation, a "Failure to Permit Investigation Fee" may be required in addition to the standard permit fee. ~~Request for electrical~~ Electrical permit forms will be made available by the department and may also be available at any power supplier or from the electrical inspector. ~~At the time of application for a permit, the applicant shall indicate on the application for a permit whether or not the applicant will be the permittee for the entire project. Owners shall designate which electrical contractor will be performing work on the project.~~

~~(a) The department may issue a provisional electrical permit authorizing electrical installations for a period not to exceed 14 days when the applicant remits an application with fees that exceed the current fee required. The department will notify the applicant of the correct fee due and retain the original permit fee until the applicant remits the correct fee. If the applicant fails to remit the correct fee within 14 days, the department will return the incorrect fee and application and request the power supplier disconnect the electrical service until such time as the required electrical permit is issued.~~

(3) The term "~~owner~~ permittee" listed in ARM 24.301.431(2), applies to owners doing electrical work on their own residence, farm, or ranch property provided that said property is maintained for their personal, private use. The property or residence shall not be built on speculation of resale or intended as rental property. ~~On farm and ranch installations used in conjunction with an agricultural or livestock raising operation, the term "owner" applies to the owner, owner's agent and/or person(s) employed by the owner on a full time basis as a farm or ranch employee(s) at the farm or ranch involved.~~

(4) remains the same.

(5) The requirements listed in 50-60-605, MCA, requiring an "electrical permit" before the energizing of an electrical installation by a power supplier means the power supplier may energize said installation with provisional power, before an inspection has been performed by the department, after issuing a power supplier limited service certificate as allowed in ARM 24.301.472, or upon receipt of the power supplier's copy of the electrical permit issued by the department.

(6) An individual that energizes an electrical installation without first obtaining an electrical permit for that installation is guilty of a misdemeanor per 50-60-607, MCA. The bureau may require a utility per 50-60-605, MCA, to not energize or to remove provisional power from the permittee's electrical system if the permittee connects new wiring to a new or existing power source, thereby causing the utility to energize the electrical installation without first receiving the required permit for the connection.

(6) and (7) remain the same but are renumbered (7) and (8).

~~(8)~~ (9) Electrical permits ~~on which the fees, as provided in ARM 24.301.461, are under \$350~~ are valid for a period of 18 months from the date of issuance. One Renewals renewal of one year 18 months may be granted by the department as long as the application for renewal is made not more than 30 days following expiration of the original permit. Original electrical permits expire after 18 months from the date of issuance if not renewed. Renewed electrical permits will expire 18 months after the renewal date.

~~(9)~~ (10) The electrical permit is transferable ~~one time~~, with application for permit transfer being made in writing on forms provided by the department and the payment of a \$20.00 transfer fee. The permit transfer shall be completed prior to the subsequent permittee commencing work under the transferred permit.

~~(10)~~ (11) The exception to permit requirements listed in 50-60-602(2), MCA, for regularly employed maintenance personnel doing maintenance work on the business premises applies to personnel on the regular payroll rather than personnel under contract. ~~Maintenance work includes ordinary and customary in-plant or on-site installations, modification, additions or repairs which shall be limited to: relamping fixtures, replacing ballasts, trouble shooting, motor controls, replacing motors, breakers, magnetic starters, in a kind-for-kind manner. Also included are connection of specific items or specialized equipment that can be directly connected to an existing branch circuit panel by means of factory installed leads. However, if a new circuit is required to operate the equipment, or if the size of the supply conductors need to be increased, this will be considered new work.~~

(11) remains the same but is renumbered (12).

AUTH: 50-60-203, 50-60-603, ~~50-60-607~~, MCA

IMP: 50-60-201, 50-60-203, 50-60-603, 50-60-604, 50-60-605, MCA

REASON: The department is amending (2) to clarify the proper method for permit application and the consequences for not properly obtaining an electrical permit. These modifications are aimed at reducing compliance costs. It is reasonably necessary to delete (2)(a) as unnecessary due to changes made to permit application forms.

The department is adding (6) to set forth the consequences for energizing an electrical installation without a permit which will reduce the associated compliance costs in this area.

The department is amending (9) to allow a renewal on all permits and limit all permit renewals to a single 18-month period. The department determined that these changes will reduce permits over \$350.00 in value from expiring, yet also require that other permits have an end date to keep the installation requirements contemporary with electrical code requirements.

The department is amending (10) to eliminate the one-time limit on transfer of electrical permits and set a fee for transfers. The department notes that when allowed more than one transfer, permit holders will no longer need to buy entirely new permits at considerable cost. The department issues between 400 and 600 electrical transfers each year with a resultant \$1000 increase in annual revenue.

The board is striking the definition of maintenance work from (11) as it is being relocated to ARM 24.301.402 in this notice.

24.301.441 COVER (ROUGH-IN) INSPECTIONS (1) and (2) remain the same.

(3) Whenever violations are found upon inspection, the inspector will notify the ~~installer~~ permittee verbally, with a written inspection report, or a written compliance order as to the nature of the violations.

(4) Provisional power may be removed from the installation if code violations discovered during the cover (rough-in) inspection are of such a nature to be considered an immediate threat of fire to the structure or shock hazard.

AUTH: 50-60-203, 50-60-603, ~~50-60-604~~, MCA

IMP: 50-60-103, 50-60-201, 50-60-203, 50-60-603, 50-60-604, MCA

REASON: It is reasonably necessary to amend this rule and correct the term installer to permittee to ensure the written inspection report is sent to the person who obtained the permit. The department is adding (4) to provide a more responsive and timely mechanism for removing power to an installation when public health or safety is threatened. The department determined that injunctions do not provide an adequate remedy for these types of code violations and is amending this rule to better protect the public.

24.301.451 FINAL INSPECTION (1) remains the same.

(2) Upon completing final inspections, state inspectors will date and sign the inspection reports. Inspectors will apply a green "approved" tag ~~or an orange "conditionally approved" tag~~ to installations. ~~Green "approved" tags will be applied when installations have been inspected and approved by the department. Orange Inspectors will apply an orange "conditionally approved" tags tag will only be applied to those installations that violate the cover inspection provision as provided in ARM 24.301.441. Upon approval, the department will remove the provisional power designation~~ If the installation is disapproved, notice thereof, together with reasons for disapproval, will be given by inspectors to installers of record. After removal or repair of the cause for disapproval, installers must make a request for reinspection

by the inspector who issued the disapproval. When the inspector approves the corrected installation as identified on the permit and inspection documents, an appropriate tag will be applied to the installation.

(3) If the installation is disapproved, inspectors will provide the permittee with notice of and reasons for the disapproval. After correcting the cause for disapproval, the permittee must make a request for reinspection to the department. Failure to make corrections or request the final reinspection may cause the department to cancel the provisional power. When the inspector approves the corrected installation as identified on the permit and inspection documents, the inspector will apply the proper final inspection tag to the installation and the department will remove the "provisional power" designation.

AUTH: 50-60-203, 50-60-603, ~~50-60-604~~, MCA

IMP: 50-60-103, 50-60-201, 50-60-203, 50-60-603, 50-60-604, MCA

REASON: The department determined it is reasonably necessary to amend and reformat this rule section to more clearly distinguish between approved and disapproved installations and the procedures for each when encountered. The changes are intended to improve the clarity and intent of the rule.

24.301.461 ELECTRICAL INSPECTIONS FEES (1) remains the same.

Type of Installation	Permit Fee
<u>(a) single-family dwellings or cabins (includes attached or detached garage if wired at the same time as the house or cabin). A cabin is a structure designed for use for overnight stays that may not meet the definition of a dwelling unit.</u>	
(i) <del>400 up to 300</del> <u>200</u> amp service	<del>\$150*</del> <u>200</u>
(ii) <del>301 or more</del> <u>201 to 400</u> amp service	<del>\$300*</del> <u>380</u>
<del>*Fee includes maximum of three inspections. Additional inspections charged at requested electrical inspection rates.</del>	
(iii) <u>401 to 600 amp service</u>	<u>600</u>
(iv) <u>601 and up amp service</u>	<u>800</u>
<u>(b) remains the same.</u>	
(i) up to 200 amp panel	<del>60</del> <u>80</u>
(ii) 201 to 300 amp panel	<del>120</del> <u>150</u>
(iii) 301 or more amp panel	<del>150</del> <u>250</u>
<u>(c) multi-family dwellings (duplex through 12 units)</u>	<u>120 per bldg*</u>
(i) <u>Up to 200 amp service</u>	<u>180</u>
(ii) <u>201 to 400 amp service</u>	<u>380</u>
(iii) <u>401 to 600 amp service</u>	<u>580</u>
(iv) <u>601 and up amp service</u>	<u>780</u>
<del>* remains the same.</del>	
<u>(d) multi-family dwellings (duplex through 12 units) rewire or remodel only - per dwelling unit</u>	<u>80</u> <u>100</u>

(e) <u>single-family dwelling interior/exterior wiring/rewiring</u> <u>rewire only or new addition to a home</u>	
<u>(includes (i) more than three circuits and change of service</u> <u>and/or interior panelboard if installed at the same time)</u>	80 <u>120</u>
<u>(ii) more than three circuits only (does not include change of</u> <u>service or panelboard)</u>	<u>100</u>
<u>(iii) two or three additional circuits or pieces of equipment only</u>	<u>70</u>
<u>(iv) one additional circuit or piece of equipment (hot tub,</u> <u>air conditioner, etc.)</u>	<u>45</u>
(f) change of service	<u>25</u>
<u>(i) exterior meterbase and interior/exterior main disconnect only</u>	<u>45</u>
<u>(ii) exterior meterbase and interior/exterior main disconnect</u> <u>with feeder and distribution panelboard replacement</u>	<u>75</u>
(g) remains the same.	
(i) wiring to a mobile or modular home with wiring of a basement and/or <u>garage addition</u> at the same time	400 <u>120</u>
(ii) wiring to a mobile, modular, or RV only on privately owned property	60* <u>80</u>
(iii) wiring to a mobile or RV on rental space at a licensed court with previously existing electrical service	25* <u>40</u>
*Fee includes only one inspection; reinspections require new permit.	
(h) through (h)(ii) remain the same.	
(i) new service and wiring for utilization equipment such as livestock well, <u>residential irrigation well</u> , etc.	40 <u>50</u>
(j) <u>agricultural irrigation pumps or machines on a common service</u> (i) <u>per unit (one pump and/or one pivot)</u>	40 <u>50</u>
(ii) <u>multiple pumps or pivots (\$50 for first pump or pivot plus</u> <u>\$25 for each additional piece of equipment supplied by a</u> <u>common service.) (Note: A separate permit is required for each</u> <u>service installed supplying either a single piece of equipment or a combination of</u> <u>equipment.)</u>	
(k) permit renewal fee	45 <u>60</u>
(l) remains the same.	
(m) remains the same, but is renumbered (o).	
<u>(m) permit transfer fee</u>	<u>20</u>
<u>(n) failure to permit investigation fee</u>	<u>45/hour</u>
<del>(n)</del> <u>(p) provisional temporary construction service</u> <u>(for nonresidential jobs only) 25 \$60.00 (Note: A provisional</u> <u>construction service permit may only be closed when the permit</u> <u>expires and power is removed or upon the permittee obtaining</u> <u>a new permit applicable for the wiring of the structure being built.</u> <u>The utility power supplier shall be ordered by the inspector to</u> <u>remove power from a "Provisional construction service" upon</u> <u>expiration of the permit, if no additional permit has been obtained.)</u>	
NOTE: <del>this additional \$25 fee is required in addition to the above inspection</del> <del>fees if a temporary service will be used, and is to be paid at the same time as the</del> <del>regular permit fee before construction begins.</del>	

(o) ~~permit issuance fee\*~~

20

~~\*This fee does not apply to permits issued pursuant to (1)(k) or (2).~~

(2) A requested inspection is limited to the inspection of existing electrical installations that an owner or occupant may wish to have inspected. The fee for a requested inspection is payable prior to or at the time of the inspection. The fee for a requested electrical inspection is \$45 ~~60~~, provided that such service, including all time spent preparing all paperwork furnished as documentation by the inspector regarding the inspection, is not in excess of one hour in duration, and then \$25 ~~30~~ for each 30 minutes or fractional part thereof in excess of one hour. Travel and per diem will also be charged at the rates established under Title 2, chapter 18, part 5, MCA, when considered by the department to be applicable for the situation.

~~(3) If the application for permit and the proper fees, as determined under (1) of this rule, are not sent to the department prior to or upon commencement of the electrical work, the fees will be doubled and will have to be paid before the permit will be issued.~~

AUTH: 50-60-104, 50-60-203, 50-60-603, 50-60-604, MCA

IMP: 50-60-104, 50-60-203, 50-60-603, 50-60-604, MCA

REASON: The department is amending this rule to amend fees for electrical permits. The proposed changes are based on fiscal analysis performed over the last two fiscal years, which revealed that the costs of issuing electrical permits and performing electrical inspections across the state has outpaced the revenues from issuance of the permits. See also the general statement of reasonable necessity for this notice.

The department is amending electrical inspection fees in (1)(a) and (c) for single and multi-family dwellings due to a fiscal analysis finding of a direct link between inspection time and electrical service size. Because larger service sizes require more inspections and greater inspection time, it is reasonably necessary to correlate inspection fees with larger service size and more equitably assign costs to those services requiring greater time and attention. The department is also amending (1)(a) to specify that detached garages are actually accessory buildings which will be covered under (1)(b) following the amendment, and to clarify that cabins are also not accessory buildings.

It is reasonably necessary to amend (1)(e) and (f) to further distinguish the fees for remodel or change of service situations. The department determined that assessing the same fee for a single circuit or a large remodel is inequitable. Further, the current single fee does not cover the costs of larger project inspections. Following amendment, the fees will be equitably allocated with higher fees assessed for larger and more complex inspection projects.

The department is amending (1)(j) to differentiate inspection fees based upon the number of irrigation pumps or pivots and more equitably assess larger fees to inspections that require more time and labor to complete. It is necessary to add a permit transfer fee at (1)(m) to implement changes proposed in ARM 24.301.431 in this notice. The department is adding a failure to permit investigation fee at (1)(n) and deleting (3) from this rule to align with new processes for commencing work without a permit as proposed in this notice at ARM 24.301.139.

24.301.491 REFUNDS OR CREDITS (1) and (2) remain the same.

(3) A refund or credit issued for a permit fee on a project, which was inspected by the department, shall have the refund or credit prorated at the rate of \$~~25~~ 45 per required inspection performed, in addition to the \$25 refund/credit fee.

(4) No refund or credit for permit fees shall be issued for duplicate permits, when the permittee failed to transfer the original permit pursuant to ARM 24.301.431~~(9)~~ (10), and a subsequent permit was obtained for the same project.

(5) remains the same.

AUTH: 50-60-203, 50-60-603, 50-60-604, MCA

IMP: 50-60-203, 50-60-603, 50-60-604, MCA

REASON: The department is amending the inspection rate for prorating a refund due to inspection costs that have risen beyond the historic \$25 per inspection, and now average \$45.00 per inspection due to increases in factors effecting inspection costs such as fuel increases, travel costs, personnel costs, and equipment costs. The department is proposing this change following the fiscal analysis as outlined in the general statement of reasonable necessity.

5. The proposed new rule provides as follows:

NEW RULE I DEFINITIONS (1) As used in this chapter:

- (a) "Department" means the Department of Labor and Industry.
- (b) "IBC" means the International Building Code, 2009 edition.
- (c) "IMC" means the International Mechanical Code, 2009 edition.
- (d) "IFGC" means the International Fuel Gas Code, 2009 edition.

AUTH: 50-60-203, MCA

IMP: 50-60-203, MCA

REASON: The department is proposing New Rule I to identify standardized terms and acronyms that are used consistently throughout this chapter.

6. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Dave Cook, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2050, or by e-mail to dcook@mt.gov, and must be received no later than 5:00 p.m., June 25, 2010.

7. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at [www.buildingcodes.mt.gov](http://www.buildingcodes.mt.gov). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep

its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

8. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to Dave Cook, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2050, e-mailed to dcook@mt.gov, or made by completing a request form at any rules hearing held by the agency.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. Colleen White, attorney, has been designated to preside over and conduct this hearing.

/s/ DARCEE L. MOE  
Darcee L. Moe  
Alternate Rule Reviewer

/s/ KEITH KELLY  
Keith Kelly, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State May 17, 2010