

DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of)
ARM 24.301.138, 24.301.142,)
24.301.146, 24.301.154, 24.301.161,)
24.301.172, 24.301.173, 24.301.181,)
24.301.201, 24.301.202, 24.301.203,)
206, 24.301.207, 24.301.351,
24.301.401, 24.301.481, 24.301.501,
24.301.511, 24.301.515, 24.301.513,
24.301.515, 24.301.518, 24.301.523,
24.301.535, 24.301.543, 24.301.544,
24.301.545, 24.301.550, 24.301.557,
24.301.558, 24.301.561, 24.301.563,
24.301.564, 24.301.565, 24.301.567,
24.301.576, 24.301.903, 24.301.904,
and repeal of ARM 24.301.514,
24.301.516, 24.301.517, 24.301.519,
24.301.520, 24.301.521, 24.301.522,
24.301.525, 24.301.536, 24.301.537,
24.301.546, 24.301.547, 24.301.549,
24.301.559, 24.301.560 24.301.562,
pertaining to the state building code

TO: All Concerned Persons

1. On **[date]**, at **[time]** a.m./p.m., a public hearing will be held via remote conferencing to consider the proposed changes to the above-stated rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

a. Join Zoom Meeting, [https://mt-gov.zoom.us/j/\[meeting ID number, no spaces\]](https://mt-gov.zoom.us/j/[meeting ID number, no spaces])

Meeting ID: **[meeting ID number]**, Passcode: **[if required]**

-OR-

b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656

Meeting ID: **[meeting ID number]**, Passcode: **[if required]**

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 **[one week before the hearing]**, to advise us of the nature of the accommodation that you need. Please contact the department at P.O. Box 1728, Helena, Montana 59624-1728; telephone (406) 444-5466; Montana Relay 711; or e-mail laborlegal@mt.gov.

3. GENERAL STATEMENT OF REASONABLE NECESSITY: The department proposes the following amendments to the Building Codes rules to update grammar and language. The amendments are intended to clarify and simplify the rules for ease of use by the department, the public, and all interested parties. Amendments are also necessary to implement and comply with legislation enacted by the 2023 Legislature. Substantive changes to each rule, including changes resulting from legislation, are explained in the reasonable necessity statements following each rule.

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

Subchapter 1

24.301.138 CALCULATION OF FEES (1) International Building Code Section (IBC) 109.2, Schedule of 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 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 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 109.2 to read: "Requested Inspection Fee - \$75.00 per hour, with any portions of an hour rounded up to the next full hour. Travel and per diem may be charged as per the state of Montana's existing rates for these items."

(2) Both the building permit fee and the plan review fee must be paid before a building permit will be issued.

(3) The determination of value or valuation under any of the provisions of this code shall be made by the building official. The value to be used in computing the building permit and building plan review fees is the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, and any other permanent equipment.

(4) The value or valuation of a building or structure under any of the provisions of the ~~International Building Code~~ IBC will be determined using one of the following methods of determining valuation, listed in their order of priority:

(a) firm bids or contract amounts, if available;

(b) the design professional's preliminary cost estimate, if such estimate is available; or

(c) the cost per square foot method of valuation and the cost per square foot figures for the type of construction and occupancy group listed in the "Building Valuation Data" table of the January/February 2009 edition of "Building Safety Journal" magazine, published by the International Code Council.

(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 0.35 to arrive at a final calculated building valuation. For purposes of modifying firm bids or the design professional's preliminary cost estimate, the provided valuation shall be multiplied by a factor of 0.6 to arrive at a final building valuation.

(e) When in unusual circumstances the valuation calculated by the use of the "Building Valuation Data" table, the design professional's estimated project cost, firm bids, or contract amounts are determined to be unreasonable for the nature of the project, the department reserves the right to base the building permit fee and plan review fee on the best valuation information it has available to it.

(5) For purposes of calculation of fees, the building valuation shall be rounded off to the nearest \$1000 and any calculated building and plan review fees shall be rounded off to the nearest \$1.

(6) Fees for wind farm turbine foundations will be calculated as \$200 for the first turbine and \$100 for each additional turbine included in the project.

(7) Fees for solar fields will be calculated at \$100/megawatt.

(6) to (8) remain the same, but are renumbered as (8) to (10).

(6) As provided in ARM 24.301.203, local governments certified to enforce the state building code may establish their own permit fees. Local governments may also establish their own method of building valuation.

(7) For projects involving replacement of existing building components, such as roof coverings, siding, and windows, the department may use the requested inspection fee rate in calculating and assessing an appropriate and reasonable fee for projects in which such factors as material costs cause the plan review and building permit fee to exceed the cost of the service the department provides.

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

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. Inspections outside of normal business hours (minimum charge - two hours)	\$75.00 per hour
2. Inspections for which no fee is specifically indicated (minimum charge - one-half hour)	\$75.00 per hour
3. Additional plan review required by changes, additions, or revisions to plans (minimum charge - one-half hour)	\$75.00 per hour
4. For use of outside consultants for plan checking and inspections, or both	Actual costs ¹

¹ Actual costs include administrative and overhead costs.

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

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

REASON: The proposed amendment is necessary to provide the public notice of the cost of permits for wind turbine foundations and solar fields. The department has issued permits for wind turbines and solar fields in previous years, and adopting the permit amounts in rule provides notice to the public. Based on the previous three years, 2020, 2021, and 2022, the department estimates that it will inspect and collect fees from approximately one wind farm's turbine foundations per year, and the fees will total approximately \$13,000 per wind farm inspection. Based on historical data from approximately the last 10 years, the department estimates that approximately one or two solar field permits will be issued each year, and the fees collected will total approximately \$8,500 per year.

24.301.142 MODIFICATIONS TO THE INTERNATIONAL BUILDING CODE APPLICABLE ONLY TO THE DEPARTMENT'S CODE ENFORCEMENT PROGRAM

(1) The following modifications to the International Building Code (IBC) are applicable only to the department's building code enforcement program. The referenced sections remain without amendment for local government building code enforcement programs.

(2) The department will use 50-60-109 and 50-60-110, MCA, in cases requiring prosecution in lieu of Section 114, Violations, of the 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.

(3) No plumbing, mechanical, or electrical permit will be issued for a building or structure under the jurisdiction of the department, until:

- (a) the building permit has been issued;
- (b) it has been determined that a building permit is not required; or
- (c) special circumstances exist which make issuance of the permit

appropriate.

(4) An owner seeking to do work that the owner believes is not subject to a building code requirement shall provide to the department in writing, either electronically or via the U.S. mail, if in the state's jurisdiction, any documentation or information that it may reasonably require so that the department may determine whether the work is subject to the building code requirement. The documentation or information provided may be required to be in the form of an affidavit or affirmation.

(5) Subsection 107.1, General, of the IBC is amended to read as follows: "Submittal documents consisting of construction documents, statement of special inspections, geotechnical report, and other data shall be submitted electronically or on paper no larger than 11 by 17 inches. The construction documents shall be prepared by a registered design professional as required by specific provisions throughout the International Building Code (IBC) as adopted by the department in ARM 24.301.131. The department is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with the IBC as adopted by the department."

(6) Subsection 111.1, Change of occupancy, of the 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 111.2, Certificate issued, of the IBC is amended to read:

(a) "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 110, Inspections, 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) the building permit number;
- (ii) the address of the building;
- (iii) the name and address of the owner;
- (iv) a description of that portion of the building for which the certificate is issued;
- (v) a statement that the described portion of the building has been inspected and complies with the state building code for the group and division of occupancy and the use for which the proposed occupancy is classified;
- (vi) the name of the building official;
- (vii) the section of the code under which the permit was issued;

(viii) the use and occupancy, in accordance with the provisions of Chapter 3, Occupancy Classification and Use;

(ix) the type of construction as defined in Chapter 6, Types of Construction;

(x) the design occupant load;

(xi) if an automatic sprinkler system is provided, whether the sprinkler system is required; and

(xii) any special stipulations and conditions of the building permit."

(b) The department will issue certificates of occupancy only when all of the inspections applicable to construction projects have been performed and, based on those inspections, the department reasonably believes the construction has occurred in compliance with applicable state laws and administrative rules.

(i) Where inspections have been performed on various aspects of the same construction project by a combination of state, city, or county inspectors, the department will issue certificates of occupancy based upon written representations from the city or county inspectors that the portions of projects which they inspected caused them to believe those portions of the projects were constructed in compliance with the applicable codes.

(ii) Where certificates of occupancy are sought from certified city or county building code enforcement programs, but those programs' officials must rely on the department to complete a portion of the requisite inspections, the department inspectors will provide written representations, as described above, to city or county officials concerning those portions of the projects they inspected.

(c) "Formal Written Approval: In situations where the department was unable to perform the required inspections referenced in Section 110, Inspections, of the IBC, but no significant deficiencies from the state building code have been noted, the department 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 113, Board of Appeals, of the IBC.

(9) Subsection 1809.5, Frost protection, of the 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 three feet for single story wood or metal frame buildings, and 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) Delete Chapter 32 in its entirety.~~

AUTH: 50-60-203, MCA

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

REASON: The proposed amendment to section (1) is necessary to clarify the acronym IBC.

The proposed amendments to sections (2), (5), (6), (7), (8) and (9) are necessary to include the names of each code section for convenience and ease of use.

The proposed amendment deleting section (10) is necessary because IBC Chapter 32, Encroachments into the Public Right-of-Way, is not applicable to either the department's or local government's building code enforcement programs. The State Building Code does not provide authority over easements to the department or local governments for building code purposes. The section deleting IBC Chapter 32 is transferred to ARM 24.301.146 as proposed new section (33).

24.301.146 MODIFICATIONS TO THE INTERNATIONAL BUILDING CODE APPLICABLE TO BOTH THE DEPARTMENT'S AND LOCAL GOVERNMENT CODE ENFORCEMENT PROGRAMS (1) The following modifications to the

International Building Code are applicable to both the department's building code enforcement program and local government building code enforcement programs.

(2) Subsection 101.4, Referenced Codes, is modified by adding the following: "Any reference to a separate specialty code, by title, either in this subsection or elsewhere in this code, shall be considered deleted and replaced with the title of the model code adopted and in effect at the time, as applicable."

(3) Subsection 101.4.3, Plumbing, is modified by:

(a) Deleting "International Plumbing Code" and replacing with "Uniform Plumbing Code."

(b) Deleting the last sentence: "The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems."

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

(5) Subsection 101.4.5, Fire Prevention, is modified by deleting "International Fire Code" and replacing with "fire code adopted by the fire authority having jurisdiction."

(6) Subsection 101.4.7, Existing Buildings, is amended by the addition of the following sentence: "ARM 24.301.171 allows the provisions of either the International Building Code or the International Existing Building Code to be used for the remodel, repair, alteration, change of occupancy, addition, and relocation of an existing building."

(7) Subsection 105.1.1, Annual Permit, is deleted and replaced with the following: "At the discretion of the building official, a single annual permit may be issued for multiple buildings owned by a single entity, located in a single geographic location, which require similar and repetitive repair, restoration, and maintenance work."

(8) Subsection 107.2.8, Relocatable Buildings, is amended to delete "Section 3112" and replace it with "Section 3113."

(9) Subsection 107.3.1, Approval of Construction Documents, is deleted and replaced with 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."

(10) Section 116, Unsafe Structures and Equipment, is deleted in its entirety.

(11) The following modifications apply to riding arenas:

(a) Subsection 312.1, General, is amended by addition of the following paragraph: "Riding arenas limited to occupant loads of 200 or less and used for boarding, breeding, and training of horses, horse shows and competitions, clinics and rider instruction, and open riding are considered agricultural buildings subject to the provisions of Appendix Chapter C, as amended. Uses such as rodeos, barn dances, craft and other nonlivestock shows, conventions, and similar events which result in large numbers of spectators or occupants are not allowed in riding arenas classified as agricultural buildings."

(b) Appendix Chapter C, Subsection C101.1, Scope, is amended by addition of: "9. Riding arenas as defined in amended Subsection 312.1, General."

(c) Appendix Chapter C, Subsection C104.1, Exit Facilities, is amended by addition of the following sentences to Exception 2: "The portion of riding arena buildings where riding will occur or where spectators may be present or seating is provided shall be provided with a minimum of four exits directly to the outside, with the exits located in a manner acceptable to the department that enhances exit from spectator areas. Exits from this portion of the building shall not be provided with a latch or lock unless it is panic hardware."

(d) Appendix Chapter C, Subsection C104.1, Exit Facilities, is amended by addition of Exception 3: "Exit doors for riding arenas shall not be less than 3 feet wide by 6 feet 8 inches high."

(12) to (15) remain the same.

(12) Subsection 903.2.1.7, Multiple Fire Areas, is deleted in its entirety.

(13) In new or existing structures, the building official may allow the installation of noncode compliant equipment, facilities, or structural elements including but not limited to fire-extinguishing (sprinkler) systems or fire-resistive construction, which are not required by the building code, upon the finding that such installation does not negatively impact the overall compliance of the structure with the building code. Subsection 901.2, Fire Protection Systems, is modified by deleting the exception and replacing with the following: "Any fire protection system or portion thereof not required by this code shall be permitted to be installed for partial or complete protection at the discretion of the building official."

(14) 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, 2019 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 the hydraulically remote area for the response time of the local fire department. 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 $T = 6.5 \text{ minutes (mobilization time)} + 1.7 \text{ minutes/mile } D \text{ (travel time)}$, 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 reduction in water storage of up to 50 percent, but not less than that required for a 20-minute supply is allowed. All automatic fire sprinkler system designs and components shall be 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, 2019 edition."

(15) The following modifications apply to IBC Group A-3 occupancies, and IBC Group A-4 occupancies:

(a) Buildings with a fire area less than 6,000 square feet without feasible access to a municipal water supply shall be permitted to be constructed without a fire sprinkler system, provided the following conditions are met:

- (i) buildings are not more than one story above grade plane;
 - (ii) the occupant load factor of '5 net' shall be used to calculate egress requirements in accordance with IBC chapter 10;
 - (iii) at least 50 percent of the number and minimum width or required capacity of the exits shall discharge directly to the exterior of the building;
 - (iv) the maximum common path of egress travel distance shall not exceed 75 feet;
 - (v) local fire department response time is less than 20 minutes; and
 - (vi) a fire alarm system is installed in accordance with NFPA 72.
- (b) The building official may waive, in the building official's discretion, one of the required conditions in (a) if the exterior of the building is constructed of noncombustible materials.

(16) The standards for fire-extinguishing systems and standpipe systems referenced in Chapter 9 of the International Building Code shall be the following unamended National Fire Protection Association (NFPA) Standards:

- (a) Fire-extinguishing system.
 - (i) Installation of Sprinkler Systems: NFPA 13 Standard for the Installation of Sprinkler Systems, 2019 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~~ Low-Rise Residential Occupancies, 2019 edition.
- (b) Standpipe Systems: NFPA 14 Standard for the Installation of Standpipe and Hose Systems, 2019 edition.
- (c) Notwithstanding any other provisions or references to the contrary within the NFPA standards or fire code as referenced in (5), the authority having jurisdiction over any fire protection system required by the International Building Code shall be the building official. ~~The building official may delegate this authority to~~

~~governmental fire agencies organized under Title 7, chapter 33, MCA, that are approved by the Department of Justice, Fire Prevention and Investigation Section, to adopt and enforce a fire code in their fire service area.~~

(17) Delete Subsection 903.2.8, Group R, and replace with the following:

"1. An approved automatic sprinkler system installed in accordance with Section 903.3, Installation Requirements, shall be provided in all Group R buildings meeting any of the following criteria:

"a. 9 or more transient guests or 5 or more transient guestrooms in R-1 or R-2 occupancies;

"b. 9 or more occupants in other than dwelling units;

"c. 5 or more dwelling units; or

"d. more than 2 stories in other than dwelling units.

"2. In lieu of the above required automatic sprinkler system in buildings not more than three stories above the lowest level of exit discharge, each ~~transient guestroom~~ dwelling or sleeping unit may be provided with at least one door leading directly to an exterior exit access that leads directly to approved exits.

"3. "Transient guest" for the purpose of this subsection shall mean an occupant who is primarily transient in nature, staying at one location for 30 days or less."

"4. "The requirements for automatic sprinkler systems for R-4 occupancies are found in ARM 24.301.146."

(18) Subsection 903.2.4.2, Group F-1 Distilled Spirits, is amended to include: "Exception: An automatic sprinkler system is not required where a Group F1 fire area used for the manufacture of distilled spirits is not more than one story above grade plane, and not exceeding 2,500 square feet."

(19) Subsection 903.2.9.3, Group S-1 Distilled Spirits or Wine, is amended to include: "Exception: An automatic sprinkler system is not required where a Group S1 fire area used for the bulk storage of distilled spirits or wine is not more than one story above grade plane, and not exceeding 2,500 square feet."

(20) Subsection 903.3.1.2, NFPA 13R sprinkler systems, is amended as follows: Automatic sprinkler systems in Group R occupancies shall be permitted to be installed throughout in accordance with NFPA 13R where the Group R occupancy meets all of the following conditions:

"1. Four stories or fewer above grade plane.

"2. Building is 60ft in height or less above grade plane.

"3. The floor level of the lowest story is 30 feet (9144 mm) or less below the lowest level of fire department vehicle access.

"The number of stories of Group R occupancies constructed in accordance with Sections 510.2 and 510.4 shall be measured from grade plane."

(21) Subsection 905.3.1, Height, is amended as follows: "Class III standpipe systems shall be installed throughout buildings where any of the following conditions exist:

"1. Four or more stories are above or below grade plane.

"2. Building is 60ft in height or more above grade plane.

"3. The floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access."

(22) Table 1006.2.1, Spaces with One Exit or Exit Access Doorway, referenced in subsection 1006.2.1, Egress based on occupant load and common path of egress travel distance, shall be amended for R1, R2, R3, and R4 occupancies by deletion of NP and insertion of the number 100 for occupant loads less than 30 and 75 for occupant loads greater than 30.

~~(20)~~ (23) Subsection ~~1020.1~~ 1020.2, Construction, 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 lath 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."

~~(24)~~ (24) For "R" occupancies that are exempt from the requirements of a fire sprinkler system, pursuant to ARM 24.301.146(16), Table ~~1020.1~~ 1020.2, Corridor Fire-Resistance Rating, referenced in subsection ~~1020.1~~ 1020.2, Construction, shall be amended in regard to "R" occupancies by the deletion of the language "Greater than 10" and insertion of the language "Greater than 8" under the heading "Occupant Load Served By Corridor." The table shall also be amended by the deletion of the language "Not Permitted" and insertion of "1" under the heading "Without sprinkler system".

~~(22)~~ (25) Subsection ~~1030.1~~ 1031, Emergency Escape and Rescue, is amended as follows: "General. In addition to the means of egress required by this chapter, emergency escape and rescue openings shall be required in all sleeping rooms in Group R occupancies located in buildings that do not have an automatic sprinkler system and in the following occupancies:"

~~(23)~~ (26) Subsection ~~1608.2~~ Ground Snow Loads, is deleted and replaced with the following: "Snow loads shall be determined by the building official. In areas of the state outside of certified city, county, and town jurisdictions, the design snow load shall be based on the ground snow loads developed in "Snow Loads for Structural Design in Montana", Civil Engineering Department, Montana State University, 2004 Revised Edition. calculated using the 2022 edition of the American Society of Civil Engineer's "Minimum Design Loads and Associated Criteria for Buildings and Other Structures, ASCE/SEI 7-22." The information is available online using the "ASCE 7 Hazard Tool" at <https://asce7hazardtool.online/>. The minimum design roof snow load after allowed reductions shall be 30 psf unless justified by a Montana licensed design professional to the satisfaction of the building official.

Coefficients and factors other than those specified in the building code may be used when justified by a Montana licensed design professional to the satisfaction of the building official."

(24) Subsection 2902.1, Minimum Number of Fixtures, is modified by deleting and replacing with the following: "Plumbing fixtures shall be provided as established in ARM 24.301.351."

~~(25)~~ (28) Table 2902.1, MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES, is modified by deleting and replacing with ARM 24.301.351.

(26) and (27) remain the same, but are renumbered as (29) to (30)

(26) Subsection 2902.3, Required Public Toilet Facilities, is deleted and replaced with "Required public toilet facilities shall be provided in accordance with the Uniform Plumbing Code 2021 Subsection 422.4."

(27) Subsection 3001.2, Emergency elevator communication equipment systems for the deaf, hard of hearing, and speech impaired, is amended as follows: "Emergency elevator communication systems for the deaf, hard of hearing and speech impaired. An emergency two-way communication system shall be provided in accordance with the provisions of ASME A17.1/CSA B44 and NFPA 72."

~~(28)~~ (31) Delete Section 3107, General, in its entirety.

~~(29)~~ (32) Delete Section 3109, General, in its entirety and replace with the International Swimming Pool and Spa Code, 2021 edition as adopted in ARM 24.301.175.

~~(33)~~ Delete Chapter 32, Encroachments into the Public Right-of-Way, in its entirety.

~~(30)~~ (34) Delete Chapter 33, Safeguards During Construction, in its entirety.

(31) to (41) remain the same but are renumbered as (35) to (45).

(31) Community residential facilities are subject to this rule as follows:

(a) As specified in 76-2-412, MCA, building codes which are not applicable to residential occupancies may not be applied to a community residential facility serving eight or fewer persons or to a day care home serving 12 or fewer children.

(b) A community residential facility as defined in 76-2-411, MCA, includes an assisted living facility licensed under 50-5-227, MCA. Residential building codes are applicable to assisted living facilities with eight or fewer persons and a building permit will not be required by the department. Within the jurisdictional area of a local government that is certified to enforce the International Residential Code for single family dwellings, residential building codes shall be applied to assisted living facilities with eight or fewer persons.

(c) A licensed adult foster care home, as defined in 50-5-101, MCA, which by definition is limited to four or fewer residents, is the equivalent to a licensed adult foster family care home referenced in 76-2-411, MCA, and is therefore a community residential facility. Within the jurisdictional area of a local government that is certified to enforce building codes for single family dwellings, a licensed adult foster care home will be classified as a Group R, Division 3 structure for building permit and construction standard purposes. Within the state's jurisdictional area a licensed adult foster care home will be treated as a residential building exempt from the state building code as provided in 50-60-102, MCA.

(32) The building official may waive minor building code violations that do not constitute an imminent threat to property or to the health, safety, or welfare of any person.

(33) The building official may accept high quality, essentially defect-free, rough sawn lumber as being equal and an alternative to graded and stamped dimension lumber. The building official may require in-place installations of rough sawn lumber to be inspected and certified by a Montana licensed engineer or inspected and approved by a certified lumber grader.

(34) The building official may accept high quality log construction as being equal and an alternative to graded and stamped dimension lumber. Typically, nine inch or greater nominal diameter log wall construction is considered to be equivalent to one-hour fire-resistive construction provided the minimum dimension is five inches or more.

(35) A private garage is a building or a portion of a building in which only motor vehicles used by the tenants of the building or buildings on the premises are stored or kept. A building in which vehicles are repaired or stored as part of commercial enterprise or business, even if on the premises of a dwelling, is not a private garage.

(36) A private storage structure is a building:

- (a) used for storage of personal effects of the owner only;
- (b) not used for storage of items relating to any for profit or nonprofit venture which intends or contemplates any transfer or exchange of the stored items; and
- (c) not used for storage of equipment, vehicles, materials, supplies, or products used in connection with a business.

(37) Aircraft hangars, even if for private use, are not exempt as private garages or private storage structures unless located on the same parcel of private property or lot as the owner's residence. Aircraft hangars that are used in conjunction with a commercial activity of any kind are not exempt as private garages or private storage structures regardless of location. Aircraft hangars, less than 5000 square feet in size, that are used only for parking of an aircraft and where no repair work or welding is performed, where no fuel is dispensed, and where no other attached portions of the building are occupied and classified as an A, B, R, I, or M, will be classified as utility buildings (Group U).

(38) Upon the effective date of new requirements, administrative rules, and/or adoption of new editions of model codes, any building or project for which a legal building permit has been issued shall not be required to meet the new requirements. If the building or project is subsequently altered or remodeled, the alteration or remodel shall be subject to the applicable requirements in effect at the time of permit issuance for the new work. On a case-by-case basis, the building official shall have the discretion to determine if the process for issuance of a legal permit was substantially complete enough to warrant the exemption of the project or building from the new requirements, rules, or code provisions.

(39) The building official may require an applicant for a building permit to obtain, at the applicant's expense, an independent plan review from a plan review firm or agency acceptable to the building official. The independent plan review shall include, but is not limited to, a structural review for compliance with the requirements of the building code. The building official shall modify the plan review fee for

projects which were required to obtain the independent plan review to be commensurate with the services provided by the agency in relation to the fee charged the applicant by the independent plan review firm or agency.

(40) This section only applies to buildings that fall under the additional provisions of Title 18, MCA. A building must meet the requirements of Title 18, MCA, in addition to the requirements of Title 50, MCA, if it is owned by the state or one of its political subdivisions. The definition of public building in 50-60-101, MCA, does not apply for purposes of this section only, but does apply for purposes of every other section of this rule.

(a) The requirement of Title 18, MCA, is as follows: Construction documents for public buildings, owned by the state and its political subdivisions as outlined by 18-2-122, MCA, shall bear the seal of a design professional.

(i) The building official may waive the requirements for a design professional seal for minor projects such as storage sheds and minor renovations, which do not have a direct bearing on the public health and safety.

(ii) The requirement for the seal of a design professional may be waived for projects for which documentation has been submitted, including but not limited to, a letter from the attorney for the local jurisdiction where the project is located, which supports a conclusion that the scope of the project does not have the potential to have a direct bearing on public health and safety.

(41) The term "farm or ranch building" as used in 50-60-102, MCA, is defined as a building located on and used in conjunction with, or in support of an agricultural use of a parcel of land, that either totals 160 or more contiguous acres under one ownership or is classified as agricultural pursuant to Title 15, chapter 7, part 2, MCA. The term "farm and ranch building" does not include buildings which are classified as either Group F or Group M Occupancies by the International Building Code.

~~(42)~~ (46) Notwithstanding any other provisions within the International Building Code, the following adult group residential facilities, licensed by the Department of Public Health and Human Services will be classified and treated as follows:

(a) Assisted living facilities with 9 to 19 ambulatory residents, as referenced as a category A facility in 50-5-226, MCA, will be classified as an R-4 occupancy for building permit and construction standard purposes.

(i) Automatic fire sprinkler systems are not required.

(ii) A fire alarm system is required in all common spaces.

(b) Assisted living facilities with 5 or more non-ambulatory residents, as referenced as category B, C, and D facilities in 50-5-226, MCA, will be classified as an R-4 occupancy for building permit and construction standards purposes.

(i) An automatic fire sprinkler system is required.

(ii) Each non-ambulatory resident shall have an accessible sleeping room or space.

(c) An assisted living facility with 20 or more ambulatory or non-ambulatory residents will be classified as an R-2 occupancy for building permit and construction standards and shall meet accessibility standards as provided in IBC section 1103, Scoping Requirements.

(i) Automatic fire sprinkler systems are required.

(ii) A fire wall cannot be used to isolate and reduce occupant loads in order to avoid an R-2 classification.

~~(43)~~ (47) Section 50-60-102, MCA, exempts certain buildings from application of the state building codes. Provisions of the International Building Code shall not be applied in determining whether a building or structure is exempt from the state building codes. For example, fire walls as described in Section 706, Fire Walls, of the International Building Code shall not be used to separate buildings otherwise covered by the state building codes into smaller buildings that would, if alone, be exempted by 50-60-102, MCA.

(44) to (47) remain the same but are renumbered as (48) to (51).

(44) The exemptions in 50-60-102, MCA, do not apply to any building used as or in conjunction with a hotel, motel, inn, motor court, guest or dude ranch, tourist home, public lodging house, youth camp, church camp, dormitory, youth living quarters, adult prerelease centers, bed and breakfast establishment, or other places where sleeping accommodations are furnished for a fee to a transient guest. "Transient guest" means a guest staying at one location for 30 days or less.

(45) All references to the "International Plumbing Code" shall be deleted and replaced with "Uniform Plumbing Code."

(46) All references to the "International Property Maintenance Code" shall be deleted.

(47) All references to the "Sewage Disposal Code" shall be deleted.

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 proposed amendments to sections (6), (7), (8), (9), (11)(a)-(d), (17), (18), (19); and renumbered sections (24), (25), (26), (27), (29), (32), (34), (46)(c), and (47) are necessary to include the names of each code section for convenience and ease of use.

The proposed amendment to section 16(a)(ii) is necessary to correct the title to the National Fire Protection Association's (NFPA) "NFPA 13R Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies, 2019 edition," which is adopted unamended in this rule.

The proposed repeal of the last sentence of section (16)(c) is necessary because it conflicts with Title 50, Chapter 60, MCA, specifically including 50-60-202, MCA, which gives the department exclusive authority to promulgate building regulations. It is necessary to repeal this portion of the rule because a building official does not have the authority to delegate the department's responsibility to administer all portions of the IBC adopted by the Department.

The proposed new section (20) is necessary to match that the height restriction in item 2. with the 60-foot height restriction in the NFPA 13R, Section 1.1.

The proposed new section (21) is necessary to match that the height restriction in item 2. with the 60-foot height restriction in the NFPA 13R, Section 1.1.

The proposed new section (22), and the proposed amendments to renumbered sections (24) and (25), are necessary because the IBC, as written, does not allow R (residential) occupancies to be constructed without sprinkler systems. The department determined that certain R occupancies may be safely constructed without sprinkler systems if other fire protection and health and safety measures are required. The new section adopts values consistent with other occupancies under the IBC to protect health and safety.

The proposed amendment to renumbered section (26) is necessary to update the tool used to calculate snow loads for residential structures to the 2022 edition of the American Society of Civil Engineer (ASCE)'s "Minimum Design Loads and Associated Criteria for Buildings and Other Structures, ASCE/SEI 7-22." The department provided information to the ASCE to ensure that the 2022 ASCE materials are accurate for snow loads in this state. The ASCE's materials are also conveniently available online using the "ASCE 7 Hazard Tool."

The proposed new section (33) deleting IBC Chapter 32, Encroachments into the Public Right-of-Way, is necessary because the State Building Code does not grant the department or local governments statutory authority over easements or public rights-of-way for building code purposes. This section is transferred from ARM 24.301.142 because it applies to both the department and local government's building code enforcement programs.

24.301.154 INCORPORATION BY REFERENCE OF INTERNATIONAL RESIDENTIAL CODE (1) The International Residential Code (IRC) is a nationally recognized model code setting forth minimum standards and requirements for detached one- or two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade in height, and their accessory structures. The IRC also provides a framework for program administration.

(2) The department adopts and incorporates by reference the International Residential Code, 2021 Edition, referred to as the International Residential Code or IRC, together with:

(a) Appendix Q, Tiny Houses. Appendix Q may be adopted by a certified city, county, or town building code jurisdiction. Tiny houses do not meet the building code requirements for commercial or business occupancy and are therefore prohibited for these types of uses. The department will apply Appendix Q to factory-built buildings which meet the definition of a tiny house as having 400 square feet or less in floor area excluding lofts, and which are intended to be mounted on a permanent foundation and used as a single-family dwelling.

(b) Appendix S, Strawbale Construction. Appendix S may be adopted by a certified city, county, or town building code jurisdiction. The department shall not apply or enforce Appendix S.

(c) Appendix F, Radon Resistant New Construction. Appendix F may be adopted by a certified city, county, or town building code jurisdiction. The department shall not apply or enforce Appendix F.

(3) Chapters 11 through 14, inclusive, are deleted in their entirety and chapters 16 through 43, inclusive, are deleted in their entirety. Chapter 15, Exhaust Systems, is adopted as an alternative to the International Mechanical Code for exhaust systems only. All other requirements for mechanical systems in detached one- or two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade in height, and their accessory structures, shall be found in the latest adopted edition of the International Mechanical Code.

(4) Subsection R102.7, Existing Structures, is deleted and replaced with the following: "The legal occupancy of any structure existing on the date of this code shall be permitted to continue without change, except as is specifically covered in this code or the legally adopted fire code as administered by the fire authority having jurisdiction."

(5) Subsection R301.6, Roof Load, is deleted and replaced with the following: "Snow loads shall be determined by the building official. In areas of the state outside of certified city, county, or town jurisdictions, the design snow load shall be based on the ground snow loads developed in "~~Snow Loads for Structural Design in Montana~~", Civil Engineering Department, Montana State University, 2004 revised edition. calculated using the 2022 edition of the American Society of Civil Engineer's "Minimum Design Loads and Associated Criteria for Buildings and Other Structures, ASCE/SEI 7-22." The information is available online using the "ASCE 7 Hazard Tool" at <https://asce7hazardtool.online/>. The minimum design roof snow load after allowed reductions shall be 30 psf unless justified by a Montana licensed design professional to the satisfaction of the building official. Coefficients and factors other than those specified in the building code may be used when justified by a Montana licensed design professional to the satisfaction of the building official."

(6) Subsection ~~302.2.2~~ R302.2.2, Common walls, delete "Chapters 34 through 43" and replace with "the adopted electrical code in ARM Title 24, chapter 301, subchapter 4."

(7) Subsection ~~302.2.4~~ R302.2.6, Structural Independence, delete exception number five and replace with the following: "Townhouses separated by a common two-hour fire-resistance-rated wall as provided in Section R302.2."

(8) Subsection R302.13, Fire Protection of Floors, is deleted in its entirety.

(9) Subsection ~~309.5~~ R309.5, Fire Sprinklers, is deleted in its entirety.

(10) Subsection R311.7.5.1, Risers, is amended to allow a maximum riser height of 8 1/4 inches.

(11) Subsection R311.7.5.2, Treads, is amended to allow a minimum tread depth of nine inches.

(12) Subsection ~~312.1.4~~ R312.1.1, Where Required, delete the first sentence and replace with the following: "Guards shall be located along open-sided walking surfaces, including stairs, ramps, and landings, that are located more than 30 inches measured vertically to the floor or grade below."

(13) Section R313, Automatic Fire Sprinkler Systems, is deleted in its entirety.

(14) Subsection R403.1.1, Minimum size, is modified to add the following: "Exception: The building official may allow footings to be designed in accordance with Section R403 of the 2012 IRC or may allow footings engineered by a design professional."

(15) Subsection ~~403.1.6~~ R403.1.6, Foundation Anchorage, is deleted in its entirety and replaced with the following: "Where wood sill and sole plates are supported directly on continuous foundation walls or monolithic slabs with integral footings required by the provisions of this code, they shall be anchored to the foundation in accordance with this section. Cold-formed steel floor and wall framing shall be anchored to the foundation in accordance with Section R505.3.1 or R603.3.1. Wood sole plates at all exterior walls, wood sole plates of braced wall lines at building interiors on monolithic slabs with integral footings and all wood sill plates shall be anchored to the foundation with minimum one-half inch diameter anchor bolts spaced a maximum of six feet on center or approved anchors or anchor straps spaced as required to provide equivalent anchorage to the one-half inch diameter anchor bolts. Bolts shall extend a minimum of seven inches into concrete or grouted cells of concrete masonry units. A nut and washer shall be tightened on each anchor bolt. There shall be a minimum of two bolts per plate section with one bolt located not more than 12 inches or less than seven bolt diameters from each end of the plate section. Interior bearing wall sole plates on monolithic slab foundations with integral footings that are not part of a braced wall line shall be positively anchored with approved fasteners. Sill plates and sole plates shall be protected against decay and termites where required by sections R317 and R318.

Exceptions:

1. Walls 24 inches total length or shorter connecting offset braced wall panels shall be anchored to the foundation with a minimum of one anchor bolt located in the center third of the plate section and shall be attached to adjacent braced wall panels at corners as shown in item 8 of Table R602.3(1).

2. Connections of walls 12 inches total length or shorter connecting offset braced wall panels to the foundation without anchor bolts shall be permitted. The wall shall be attached to adjacent braced wall panels at corners as shown in item 8 of table R602.3(1)."

(16) Subsection R405.1 is amended by adding the following: "A drainage system is not required when continuous rain gutters are installed incorporating drain extensions which divert storm water a minimum of six feet (1.83 m) away from the foundation and grading is done in accordance with R401.3. A drainage system may be required where high water tables are known to exist or geological conditions which require a soils engineering report, performed in accordance with R401.4, specify the need for foundation drainage."

(17) Subsection ~~602.10~~ R602.10, Wall Bracing, delete the first sentence and replace with the following: "Building shall be braced in accordance with this section or, when applicable, Section R602.12, or the most current version of APA System Report SR-102 as an alternate method.

(18) Subsection R602.10.10, Cripple Wall Bracing, add the following sentence: "The distance between adjacent edges of braced wall panels shall be 20 feet."

(19) Subsection R703.4, Flashing, delete the first paragraph in its entirety and replace with the following: "Flashing shall be provided in accordance with this section to prevent entry of water into the wall cavity or penetration of water to the building structural framing components. Flashing shall extend to the surface of the exterior wall finish or to the water-resistive barrier for drainage and shall be installed at all of the following locations:"

Further, delete Number "1", number "1.1", number "1.2", and number "1.3" in their entirety and replace with the following: "1. Exterior window and door openings. Number "2" through "7" remain unchanged in Subsection R703.4.

(20) ~~Add new~~ Replace subsection R703.4.1 as follows: "R703.4.1, Flashing Materials. Approved flashing materials shall be corrosion-resistant. Self-adhered membranes used as flashing shall comply with AAMA 711. Pan Flashing shall comply with Subsection R703.4.2. Installation of flashing materials shall be in accordance with Subsection R703.4.3.

(21) Add new subsection as follows: "R703.4.2, Pan Flashing. Pan Flashing installed at the sill of exterior window and door openings shall comply with this section. Pan Flashing shall be corrosion-resistant and shall be permitted to be pre-manufactured, fabricated, formed, or applied at the job site. Self-adhered membranes complying with AAMA 711 shall be permitted to be used as Pan Flashing. Pan Flashing shall be sealed or sloped in such a manner as to direct water to the surface of the exterior wall finish or to the water-resistive barrier for subsequent drainage."

(22) Add new subsection as follows: "R703.4.3, Flashing Installation. Installation of flashing materials shall be in accordance with one or more of the following methods:

1. The fenestration manufacturer's installation and flashing instructions.
2. The flashing manufacturer's installation instructions.
3. Flashing details approved by the Building Official.
4. As detailed by a Registered Design Professional."

(23) Subsection R905.1.2 is amended by deletion of the language "areas where there has been a history of ice forming along the eaves causing a backup of water as designated in Table R301.2" and insert "the State of Montana."

(23) Appendices do not apply to a certified city, county, or town building code jurisdiction unless specifically authorized or adopted by the department and adopted by the certified city, county, or town building code jurisdiction.

(24) A copy of the International Residential Code may be obtained from the International Code Council at www.ICCsafe.org.

AUTH: 50-60-203, MCA

IMP: 50-60-102, 50-60-201, 50-60-203, MCA

REASON: The proposed amendments to sections (6), (7), (9), (15), (17), and (20) are necessary to update referenced sections of the International Residential Code (IRC).

The proposed amendment to section (5) is necessary to update the tool used to calculate snow loads for residential structures to the 2022 edition of the American

Society of Civil Engineer (ASCE)'s "Minimum Design Loads and Associated Criteria for Buildings and Other Structures, ASCE/SEI 7-22." The department provided information to the ASCE to ensure that the 2022 ASCE materials are accurate for snow loads in this state. The ASCE's materials are also conveniently available online using the "ASCE 7 Hazard Tool."

The proposed amendment adding new section (23) is necessary because the IRC requires ice dams only in areas where there is a history of ice forming along eaves, and all areas of this state have a history of ice forming along eaves of roofs; therefore, it is necessary to require ice dams for the entire state without exception.

24.301.161 INCORPORATION BY REFERENCE OF INTERNATIONAL ENERGY CONSERVATION CODE (1) The department adopts and incorporates by reference the International Code Council's International Energy Conservation Code, 2021 edition, referred to as the International Energy Conservation Code, unless another edition is specifically stated, together with the following Appendix and amendments:

(a) Subsections C103.1 and R103.1, General, are deleted and replaced with the following: "With each application for a building permit, and when required by the building official, plans and specifications shall be submitted. The building official may require plans and specifications be prepared by an engineer or architect licensed to practice by the state, except for owner-occupied, single-family dwelling houses."

(i) Exception:

"The code official is authorized to waive the requirements for construction documents or other supporting data if the code official determines they are not necessary to confirm compliance with this code."

(b) Subsections C105.2 and R105.2, Required Inspections, are deleted in their entirety when the code is used by the department. It remains undeleted and available for use for certified local governments using the code.

(c) "C402.5.1.2 Air barrier compliance is deleted and replaced with the following: "A continuous barrier for the opaque building envelope shall comply with the following: Buildings or portions of buildings, including group R and I occupancies, shall meet the provisions of Section C402.5.2 or C402.5.3 or R402.4.1.2 [402.4.1.2] & R402.4.1.3 [402.4.1.3]."

(d) Subsection C405.2.4.2 Sidelit daylight zone is amended to remove requirement (3) in its entirety.

(e) Subsection C405.11 Automatic receptacle control function is deleted in its entirety.

(f) Subsection C405.12 Energy monitoring is deleted in its entirety.

(g) Table R402.1.2 R402.1.3, INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT, is amending requirements for Climate Zone 6 as WOOD FRAMED WALL R-VALUE 'R-21 or R-20 + R-5ci R13 + R-5ci or R-13 + R-10ci or R-15ci.'

(h) Table R402.1.4, EQUIVALENT U-FACTORS 402.1.2, MAXIMUM ASSEMBLY U-FACTORS AND FENESTRATION REQUIREMENTS, is amending requirements as shown below in the table:

Climate Zone	Fenestration <i>U-Factor</i>	Sky-light <i>U-Factor</i>	Ceiling <i>U-Factor</i>	Frame Wall <i>U-Factor</i>	Mass Wall <i>U-Factor</i>	Floor <i>U-Factor</i>	Base-ment Wall <i>U-Factor</i>	Crawl Space Wall <i>U-Factor</i>
6	0.30	0.55	0.026	0.045	0.060	0.033	0.050	0.055

(e) Subsection R402.2.2, Ceilings Without Attics, is deleted and replaced with the following: "Where Table R402.1.3 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Table R402.1.3, shall be limited to 250 square feet or ten percent of the total insulated ceiling area, whichever is less. This reduction shall not apply to the *U-factor* alternative approach in Section R402.1.4, and the total UA alternative in Section R402.1.5."

(f) Subsection R402.2.10, Crawl Space Walls, is deleted and replaced with the following: "As an alternative to insulating floors over crawl spaces, crawl space walls shall be permitted to be insulated when the crawl space is not vented to the outside. Temporary crawl space vent openings are allowed during construction for crawl spaces that have insulated crawl space walls. These temporary crawl space vent openings shall be closed, sealed, and insulated to the same R-value of the surrounding crawl space wall insulation once construction is complete and prior to the time that the final building inspection would occur. Crawl space wall insulation shall be permanently fastened to the wall and shall extend downward from the floor, the entire height of the crawl space wall. Exposed earth in unvented crawl space foundations shall be covered with a continuous Class I vapor retarder. All joints of the vapor retarder shall overlap six inches and be sealed or taped. The edges of the vapor retarder shall extend at least six inches up the stem wall and shall be attached and sealed to the stem wall."

(g) Subsection R402.4.1.2, Testing, is deleted and replaced with the following: The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding four air changes per hour in Climate Zone 6. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Where required by the code official, testing shall be conducted by an approved party. A written report of the results of the test shall be signed by the party conducting the test and provided to the code official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope. During testing:

"(i) exterior windows and doors, fireplace and stove doors shall be closed, but not sealed;

"(ii) dampers shall be closed, but not sealed, including exhaust, intake, makeup air, back draft and flue dampers;

"(iii) interior doors shall be open;

"(iv) exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;

"(v) heating and cooling system(s) shall be turned off;

"(vi) "B" or "L" vents, combustion air vents, and dryer vents shall be sealed;

and

"(vii) supply and return registers, where installed at the time of test, shall be fully open.

(h) Subsection R402.4.1.3, Leakage Rate, is amended as follows: "When complying with Subsection R401.2.1, the building or dwelling unit shall have an air leakage rate not exceeding 4.0 air changes per hour in Climate Zone 6, when tested in accordance with Subsection R402.4.1.2."

(i) Subsection R403.3.7, Exception: Building framing cavities may be used for return ducts if there is no atmospherically vented furnace, boiler, or water heater located in the house outside of a sealed and insulated room that is isolated from inside the thermal envelope and if the duct system has been tested as having a maximum total leakage not greater than 4 cfm/SF. The room walls, floor, and ceilings shall be insulated in accordance with the basement wall requirements of Table R402.1.3. A duct air leakage test shall not be required where the ducts and air handlers are located entirely within the building thermal envelope.

(j) Subsection R403.4, Mechanical System Piping Insulation, is deleted and replaced with "Mechanical system piping shall be insulated in accordance with subsections 610.11 and L 501.2 of the Uniform Plumbing Code (UPC) 2021 edition."

(k) Subsection R403.5, Service Hot Water Systems, is deleted and replaced with "Service hot water systems shall be insulated in accordance with subsection L 503.3.3 of the Uniform Plumbing Code (UPC) 2021 edition."

(l) Subsection R403.5.2, Hot Water Pipe Insulation, is deleted and replaced with "Hot water pipe insulation shall be insulated in accordance with subsections 610.11 and L 501.2 of the Uniform Plumbing Code (UPC) 2021 edition."

(m) Appendix CB, Solar-Ready Zone - Commercial. Appendix CB may be adopted by a certified city, county, or town building code jurisdiction. The department shall not apply or enforce Appendix CB.

~~(n) Appendix CC, Zero Energy Commercial Building Provisions. Appendix CC may be adopted by a certified city, county, or town building code jurisdiction. The department shall not apply or enforce Appendix CC.~~

(o) Appendix RB, Solar-Ready Provisions—Detached One- and Two-Family Dwellings and Townhouses. Appendix RB may be adopted by a certified city, county, or town building code jurisdiction. The department shall not apply or enforce Appendix RB.

(2) The purpose of the International Energy Conservation Code is to provide minimum requirements for the design of new buildings and structures and additions to existing buildings, regulating their exterior envelopes and selection of their heating, ventilating, air conditioning, service water heating, electrical distribution and illuminating systems, and equipment for effective use of energy.

(a) The department encourages owners, design professionals, and builders to voluntarily implement greater levels of energy efficiency in building design and construction than those required by the International Energy Conservation Code. Information regarding voluntary building standards for greater levels of energy efficiency can be obtained from the department by contacting the Department of Labor and Industry, Building Codes Program, P.O. Box 200517, Helena, MT 59620-

0517, by telephone at 406-841-2056, or at the department's web site, <http://bsd.dli.mt.gov/building-codes-permits>.

(3) The International Energy Conservation Code is a nationally recognized model code for energy efficient construction of buildings. A copy of the International Energy Conservation Code may be obtained from the International Code Council at www.ICCsafe.org.

AUTH: 50-60-203, 50-60-803, MCA
IMP: 50-60-201, 50-60-203, 50-60-803, MCA

REASON: The proposed amendments to renumbered sections (1)(g) and (1)(h) are necessary to update references to the International Energy Conservation Code (IECC).

The proposed amendments adding new section (1)(c) is necessary because it allows residential units inside commercial buildings to be tested in accordance with either the commercial requirements as a whole or residential requirements for individual units. This flexibility in testing will reduce costs and allow for alternatives that existed in the 2018 IECC.

Section (1)(d) is amended to remove the requirement for a second sidelit daylight zone under C405.2.4.2(3) because one zone is adequate, and the cost to the lighting controls is high compared to the gain in energy efficiency. Sections (1)(e) and (1)(f) are necessary to delete subsections C405.11 and C405.12 because the requirements of those subsections significantly increase cost for while providing little improvement in energy conservation.

The repeal of section (1)(n), adopting Appendix CC of the IECC, is necessary to comply with the requirements of House Bill 241, 2023 Mont. Laws Ch. 578. House Bill 241 amended 50-60-203(4), MCA, to state that the state building code cannot require buildings to be "constructed to have solar panels or wiring, batteries, or other equipment for solar panels or electric vehicles." Appendix CC of the IECC, if implemented, could lead to the requirement for solar panel installation on buildings; therefore, it is necessary to repeal the department's adoption of Appendix CC.

24.301.172 INCORPORATION BY REFERENCE OF INTERNATIONAL MECHANICAL CODE (1) The department adopts and incorporates by reference the International Mechanical Code, 2021 edition, published by the International Code Council, unless another edition is specifically stated, together with the following amendments:

(a) Subsection 102.8, Referenced Codes and Standards, is modified by adding the following: "Any reference to a separate specialty building regulation, by title, either in this subsection or elsewhere in this code, shall be considered deleted and replaced with the title of the model code adopted by the department and in effect at the time."

(b) All references to the International Plumbing Code shall be deleted and replaced with the Uniform Plumbing Code.

(c) Subsection 101.2 is amended to delete Exception 1 in its entirety.

(d) The fees established in Subsection ~~406.5.2~~ 109.2, Schedule of Permit Fees are as follows:

"(1) The mechanical cost shall be the cost to the owner of all labor charges and all mechanical materials and equipment installed as part of the mechanical system. The cost of the plumbing system, which is covered by the Uniform Plumbing Code, is not to be included.

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

Cost of Mechanical System	Mechanical Permit Fee
\$0 - \$10,000	\$48 for first \$1000 plus \$14 for each additional \$1000 or fraction thereof, to and including \$10,000
\$10,001 - \$50,000	\$166 for first \$10,000 plus \$9 for each additional \$1000 or fraction thereof, to and including \$50,000
\$50,001	\$514 for first \$50,000 plus \$6 for each additional \$1000 or fraction thereof.

(e) Section ~~408~~ 115 of the International Mechanical Code will be left as is for use by certified cities, counties, and towns. The department will use 50-60-109 and 50-60-110, MCA, in cases requiring prosecution, in lieu of Section ~~408~~ 115. When a person fails to submit required plans, obtain a permit, correct plans or comply with an order of the department, the department will, as authorized by 50-60-109, MCA, seek injunctive relief.

(f) Section ~~409~~ 113 of the 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 113 of the 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 ~~409~~ 113.

(g) Chapter 10 is deleted in its entirety.

(h) Table 403.3.1.1 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. Structures built to the provisions of the International Residential Code may provide mechanical ventilation per Section M1505 of the International Residential Code."

(i) Subsection 307.3, Condensate pumps, is modified by adding the following exception at the end: "Exception: A water sensor with audio alarm may be substituted for an appliance/equipment disconnect to allow for continued operation of the appliance/equipment."

(j) Subsection 506.5.2, Pollution-control units, is amended to state as follows: "506.5.2 Pollution-control units. When pollution-control units are required by the

authority having jurisdiction, the installation shall be in accordance with the manufacturer's installation instructions and all of the following:"

(k) Subsection ~~4404.10~~ 1101.9, Locking access port caps, is modified by adding the following: "This subsection shall not apply to single-family dwellings."

(2) The department shall not enforce the 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) As specified in 76-2-412, MCA, mechanical codes which are not applicable to residential occupancies may not be applied to a community residential facility serving eight or fewer persons or to a day care home serving 12 or fewer children.

(4) The purpose of this code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators, and other miscellaneous heat-producing appliances.

(5) No mechanical permit shall be issued for a building or structure, under the jurisdiction of the department, until the building permit has first been issued for that building or structure.

(6) The 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 IMC may be obtained from the International Code Council 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

REASON: The proposed amendments to sections (1)(d), (1)(e), (1)(f), and (1)(k) are necessary to update references to the International Mechanical Code.

24.301.173 INCORPORATION BY REFERENCE OF INTERNATIONAL FUEL GAS CODE (1) The department adopts and incorporates by reference the International Fuel Gas Code, 2021 edition, published by the International Code Council, IFGC, unless another edition is specifically stated, together with the following amendments:

(a) Subsection 102.8, Referenced Codes and Standards, is modified by adding the following: "Any reference to a separate specialty building regulation, by title, either in this subsection or elsewhere in this code, shall be considered deleted and replaced with the title of the model code adopted by the department and in effect at the time. For example, all references to the International Plumbing Code shall be deleted and replaced with the Uniform Plumbing Code."

(b) The permit fees for the fuel gas code are calculated the same way as provided in ARM 24.301.172, and substituting the fuel gas system for the

mechanical system. The inspection fees for the fuel gas code are the same as provided in ARM 24.301.172.

(c) Section ~~408 of the International Fuel Gas Code~~ 115, Violations, will be left as is for use by certified cities, counties, and towns. The department will use 50-60-109 and 50-60-110, MCA, in cases requiring prosecution, in lieu of Section 108. When a person fails to submit required plans, obtain a permit, correct plans, or comply with an order of the department, the department will, as authorized by 50-60-109, MCA, seek injunctive relief.

(d) Section ~~409 of the IFGC~~ 113, Means of Appeal, 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 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 ~~409~~ 113.

(e) Subsection 307.6, Condensate pumps, is modified by adding the following exception at the end: "Exception: A water sensor with audio alarm may be substituted for an appliance/equipment disconnect to allow for continued operation of the appliance/equipment."

(f) Subsection 403.4.2, Steel, is amended to state as follows: "403.4.2 Steel. Steel, stainless steel, and wrought-iron pipe shall be not lighter than Schedule 40 and shall comply with the dimensional standards of ASME B36.10M and one of the following standards:"

(2) The department shall not enforce the 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) As specified in 76-2-412, MCA, fuel gas codes which are not applicable to residential occupancies may not be applied to a community residential facility serving eight or fewer persons or to a day care home serving 12 or fewer children.

(4) The purpose of this code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators, and other miscellaneous heat-producing appliances.

(5) No mechanical permit shall be issued for a building or structure, under the jurisdiction of the department, until the building permit has first been issued for that building or structure.

(6) The 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 IFGC may be obtained from the International Code Council 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

REASON: The proposed amendments to sections (1)(c) and (1)(d) are necessary to update references to the International Fuel Gas Code.

24.301.181 INCORPORATION BY REFERENCE OF INTERNATIONAL WILDLAND-URBAN INTERFACE CODE (IWUIC) (1) The department adopts and incorporates by reference the International Wildland-Urban Interface Code, 2021 edition, published by the International Code Council, unless another edition is specifically stated, together with Appendix "B" (Vegetation Management Plan) and Appendix "C" (Fire Hazard Severity Form).

(2) Section 302 is deleted in its entirety and replaced with the following: "The governmental body or some other official state or local agency shall declare the wildland-urban interface areas within the jurisdiction. Such declaration or designation shall be based on findings of fact or some other process already completed such as mapping, boundary designations, or other informative processes such as wildland fire plans. Cities, counties, and towns that have adopted the International Building Code or the International Residential Code in connection with their certification to enforce building codes will, if they elect to enforce the International Wildland-Urban Interface Code, record the official wildland-urban interface areas on maps available for inspection by the public.

(3) Chapter 4 is deleted in its entirety.

(4) Subsection 101.2, Scope, is modified by:

(a) Deleting the first sentence and replacing with: "The provisions of this code shall apply to the construction, alteration, movement, repair, addition, change-of-use or remodeling of any building, structure, or premises within the designated wildland-urban interface within the jurisdiction."

(5) Subsection 101.4, Retroactivity, is deleted in its entirety.

(6) Subsection 101.5, Additions or Alterations, delete the written exception.

(7) Subsection 101.6, Maintenance, is deleted in its entirety.

(8) Subsection 102.6, Existing Conditions, is modified by:

(a) Deleting "International Property Maintenance Code."

(9) Section 103, Enforcement Code Compliance Agency, is deleted in its entirety.

(10) Subsection ~~407.2~~ 106.2, Permits Required, retain the first sentence and delete the remainder of the subsection.

(11) Subsection 110.4.4, Citations, is deleted in its entirety.

(12) Subsection 110.4.5, Unsafe Conditions, is deleted in its entirety.

(13) Subsection 110.4.5.1, Record, is deleted in its entirety.

(14) Subsection 110.4.5.2, Notice, is deleted in its entirety.

(15) Subsection 110.4.5.2.1, Method of Service, is deleted in its entirety.

(16) Subsection 110.4.5.3, Placarding, is deleted in its entirety.

(17) Subsection 110.4.5.3.1, Placard Removal, is deleted in its entirety.

(18) Subsection 110.4.5.4, Abatement, is deleted in its entirety.

(19) Subsection 110.4.5.5, Summary Abatement, is deleted in its entirety.

(20) Subsection 110.4.5.6, Evacuation, is deleted in its entirety.

(21) Replace Table 503.1 "Ignition-Resistant Construction" with the one below:

DEFENSIBLE SPACE	Fire Hazard Severity		
	Moderate Hazard	High Hazard	Extreme Hazard
Nonconforming	IR2	IR1	IR1 N.C.
Conforming	IR3	IR2	IR1
1.5 X Conforming	Not Required	IR3	IR2

(22) Section 602, Automatic Sprinkler Systems, is deleted in its entirety.

(23) Section 604, Maintenance of Defensible Space, is deleted in its entirety.

(24) The IWUIC adopted by reference in (1) is a nationally recognized model code setting forth minimum standards and requirements for the safeguarding of life and property. A copy of the IWUIC may be obtained from the International Code Council at www.ICCSafe.org.

AUTH: 50-60-203, MCA

IMP: 50-60-201, 50-60-202, 50-60-203, MCA

REASON: : The proposed amendments to sections (9) and (10) are necessary to update references to the International Wildland-Urban Interface Code.

Subchapter 2

24.301.201 EXTENT OF LOCAL PROGRAMS (1) A city, county, or town, as provided by 50-60-102, MCA, may adopt codes that may not be more stringent than the codes that have been adopted by the department to cover buildings within their respective jurisdiction. However, as provided by 50-60-102, MCA, a city, county, or town may not cover residential buildings containing less than five dwelling units or their attached-to structures, any farm or ranch building and any private garage or private storage structure used only for the owner's own use unless the local legislative body or board of county commissioners by ordinance or resolution makes the building code specifically applicable to those structures. A city, county, or town may accomplish this by making its building codes applicable to nonexempt building construction within the respective jurisdiction.

(2) When a city, county, or town is approved to enforce building, mechanical, electrical, plumbing, fuel gas, swimming pool and spa, medical gas, and/or wildland-urban interface codes for limited types of buildings, the department retains authority to enforce building, mechanical, electrical, plumbing, fuel gas, swimming pool and spa, medical gas, and/or wildland-urban interface codes for all other buildings not covered by the city, county, or town and which are not exempt from department regulation.

(3) The International Building Code includes the A117.1 Accessibility Code, the International Energy Conservation Code, the International Swimming Pool and Spa Code, and the International Existing Building Code.

(4) The International Residential Code includes the International Energy Conservation Code.

AUTH: 50-60-203, 50-60-302, 50-60-504, 50-60-603, MCA
IMP: 50-60-202, 50-60-203, 50-60-301, 50-60-302, 50-60-504, 50-60-603,
MCA

REASON: The proposed amendment is necessary to comply with Senate Bill 406, 2023 Mont. Laws Ch. 411, which amended 50-60-301(2)(a), MCA, to state, “[e]xcept as provided in subsection (2)(b) a county, city, or town may not adopt or enforce a building code that is more stringent than the building code adopted by the department or as required by state law.”

24.301.202 ADOPTION OF CODES (1) The codes adopted by cities, counties, and towns ~~must be the same as~~ may not be more stringent than those adopted by the department. However, cities, counties, or towns shall only adopt those codes that they are certified to enforce, which include plumbing, electrical, building, mechanical, medical gas, or the International Wildland-Urban Interface Code. ~~The codes adopted by cities, counties, and towns must be the same edition with the same amendments as those adopted by the department.~~ Each time the department modifies the codes, cities, counties, and towns must modify their codes to conform to the department's codes. The department will notify cities, counties, and towns of these code modifications, at which time they will have 90 days from receipt of the notice to conform their codes. Cities, counties, and towns shall notify the department in writing when the updated codes have been adopted and are being enforced. Such notification shall include a copy of the appropriate code adoption ordinance(s) or administrative action.

(2) An ordinance authorizing the adoption of a building code by administrative action must state, at a minimum:

(a) the type of codes which will be enforced, i.e., plumbing, electrical, building, mechanical, medical gas, or the International Wildland-Urban Interface Code; and

(b) the individual, identified by position title, who has the authority to sign the administrative action.

(3) Discretionary provisions of a city, county, or town building code, i.e., provisions which are not mandated by the department, may not be adopted by administrative action.

(4) An automatic adoption ordinance which simply refers to the codes as may be adopted by the department, is not an acceptable code adoption ordinance as it is not sufficiently clear as to what codes are being enforced.

AUTH: 50-60-302, MCA
IMP: 50-60-301, 50-60-302, MCA

REASON: The proposed amendment is necessary to comply with Senate Bill 406, 2023 Mont. Laws Ch. 411, which amended 50-60-301(2)(a), MCA, to state, “[e]xcept as provided in subsection (2)(b) a county, city, or town may not adopt or enforce a building code that is more stringent than the building code adopted by the department or as required by state law.”

MAR Notice No. 24-[**MAR Notice No.**]

24.301.203 FUNDING OF CODE ENFORCEMENT PROGRAM (1) The establishment of permit fees shall be left to the city, county, or town. A list of current permit fees must be submitted to the department when the fees are first established or subsequently amended.

(2) Permit fees must ~~only be used for those costs related to~~ only for activities in support of reviewing and issuing a building permit and for building code enforcement activities, except for the building codes education fund as provided in 50-60-116, MCA, with building codes being only those codes adopted by the department in subchapters 1, 3, 4, and 15 of ARM Title 24, chapter 301. It is not intended that permit fees be used to support fire departments, planning, zoning, or other activities, except to the extent that employees in those programs provide direct plan review, inspection, or other building code enforcement services for the city, county, or town's building code enforcement programs. Permit fees shall not be used to support the inspection of existing buildings for maintenance or for abatement of dangerous buildings.

(3) Costs related to building code enforcement activities include:

(a) those necessary and reasonable costs directly related and specifically identifiable to the enforcement of codes adopted by the city, county, or town as provided by 50-60-302, MCA; and

(b) a proportionate share of the city, county, or town's indirect costs, which are those costs incurred for common or joint purposes that benefit more than one program or activity. Indirect costs shall be treated as provided by 50-60-106(2)(g)(i), MCA.

(4) The cities, counties, and towns must maintain a system and adequate records to:

(a) document that permit fees are only used for those costs related to building code enforcement activities, as defined in (2) and (3) above;

(b) document the amount by which revenues from permit fees differs from the costs related to building code enforcement activities each year;

(c) document the amount maintained as a reserve and the percentage of the costs of building code enforcement activities that the reserve represents;

(d) document that any reserve is utilized only for the cost of building code enforcement activities; and

(e) document that permit fees were reduced as required in (5) in the event the reserve exceeds the maximum reserve allowed in (5).

(5) Permit fees collected ~~in a given~~ each year in excess of the costs of administering city, county, or town building code enforcement programs shall be placed in reserve to be used in subsequent years, provided that the reserve amount does not exceed the amount needed to support the building code enforcement programs for ~~42~~ 36 months. Fees must be reduced if necessary to avoid creation of excess reserve.

AUTH: 50-60-203, 50-60-302, MCA

IMP: 50-60-106, 50-60-302, MCA

REASON: The proposed amendment is necessary to implement House Bill 465, 2023 Mont. Laws Ch. 269, which amends 50-60-106, MCA, to clarify local governments' acceptable uses of building permit fees and increases the amount of local governments' reserve funds allowed for building code enforcement.

24.301.206 STAFF QUALIFICATION (1) City, county, or town plumbing inspectors must be Montana licensed journeymen or master plumbers, or inspector certified in plumbing.

(2) City, county, or town electrical inspectors must be Montana licensed journeyman or master electricians, or inspector certified in electrical.

(3) City, county, or town building ~~and mechanical~~ inspectors must be either inspector certified or have a construction related engineering or architecture degree or license. ~~A mechanical inspector may also be qualified by having a Montana plumbing license.~~

(4) City, county, or town mechanical inspectors must be either inspector certified, have a construction related engineering or architecture degree or license, or hold an active plumbing license.

(4) Plans examiners must be either plans examiner certified, or be building inspector qualified as allowed in (3).

(5) Certification must be by a nationally recognized entity for testing and certification in the same code as is adopted by the department. The certification must be considered current by the certifying entity. In the situation where a new edition or replacement code has been published but is not yet adopted by the department, certification in the most recent published edition or replacement code is acceptable.

~~(6)~~ (7) Plumbing, electrical, mechanical, or building inspector certification may be obtained as part of a combination inspector certification to the extent the individual inspector certifications meet the requirements of (5) (6). In lieu of combination inspection certification, inspectors must hold commercial certification in a discipline to inspect commercial projects and must hold residential certification in a discipline if inspecting residential projects. Equivalent Certifications may be approved by the department upon review and determination that the certification is substantially equivalent or exceeds the required certifications.

(7) The types of buildings that may be inspected or plans examined by any certification classification shall be determined by the department utilizing the standards and recommendations of the entity administering the certification program. However, residential building inspector certification shall be acceptable for inspections of residential buildings containing less than five dwelling units.

(8) Newly hired building inspectors, mechanical inspectors and plans examiners who do not meet the certification standards listed above may conduct inspections and review plans if they obtain the necessary certification within six months of the date of hiring, and are supervised in the interim by appropriately certified personnel. If the city, county, or town code enforcement programs cannot provide supervision by a certified person, the newly hired noncertified building inspector or plans examiner must have actual practical experience in the construction trade, and must participate in six working days of on-the-job training with the department. Such training shall be at the expense of the city, county, or

town employing the inspector. There shall be no fee charged by the department. Upon approval by the department, on-the-job training with another code enforcement program may be accepted. Upon approval by the department, four days of classroom training may be substituted for six days of on-the-job training.

(9) A city, county, or town may opt to have a medical gas piping permit and inspection program as part of a plumbing permit and inspection program. If the city, county, or town does not opt to have a medical gas permit and inspection program then such program will be administered by the department. Medical gas piping inspectors must either possess a Montana medical gas piping endorsement or have 30 hours of medical gas piping inspection training acceptable to the department.

AUTH: 50-60-203, 50-60-302, MCA

IMP: 50-60-302, MCA

REASON: The proposed amendment to section (3) and adoption of new section (4) are necessary to clarify the rules and prevent confusion in certification requirements for city, county, or town inspectors. Section (3) is amended to only address certification requirements for building inspectors. New section (4) is necessary to clarify the requirements for mechanical inspectors. The proposed amendments to section (6) are necessary to clarify residential and commercial inspector certification requirements and to allow for review and approval of substantially equivalent certification.

24.301.207 REPORTING REQUIREMENTS (1) A city, county, or town with a certified code enforcement program shall report to the department changes to its code enforcement program within 30 days of the change. Changes to inspection staff or inspection staff qualifications must be reported within ten days with proof of certification.

(2) All certified jurisdictions, whether or not the program has changes to report, must file a report with the department on or before September at least every three years for the immediately preceding fiscal year. Information provided in the report should correspond directly to each item listed in ~~(3)~~ (2)(a), and each item should be answered and presented separately from all other report information. An example report format is available to all Montana cities, counties, and towns upon request.

(a) The report must contain all of the following information:

- (i) an official map or certified legal description of the jurisdictional area;
- (ii) a list of building related codes, including edition dates, being enforced by the city, county, or town;
- (iii) copies of ordinances which adopt each building-related code or each administrative order used to adopt each building-related code if not previously provided in accordance with ARM 24.301.202;
- (iv) a list of the type of structures subject to and a list of the type of structures exempted from the building related codes;
- (v) a schedule of fees charged for permits;
- (vi) an accounting of the collection and expenditure of fees and charges for the immediately preceding fiscal year;

(vii) a copy of the ordinance establishing the appeal procedure or the acknowledgment that the International Building Code appeals procedure will be followed;

(viii) a list of the members of the appeals board and their qualifications;

(ix) the current plan for enforcement, which must include:

(A) a general description of how permits are applied for and issued;

(B) how plan reviews are conducted;

(C) how and when inspections are made;

(D) how final approvals or certificates of occupancy are issued; and

(E) how factory-built buildings and manufactured homes are permitted and inspected;

(x) a list of employees inspecting, reviewing plans, or approving any installation with descriptions of responsibilities and proof of qualifications for each employee as provided in ARM 24.301.206; and

(xi) if any services relating to building code enforcement are provided through contractual arrangements, a current copy of all such contracts.

(3) By January 31 of each year, the department shall notify each city, county, and town expected to file its report on September 1.

(4) The department may request a city, county, or town with a certified code enforcement program to provide a report to the department in accordance with this rule to respond to inquiries regarding its code enforcement program so the department can ensure program functions are being properly performed as required by 50-60-302(2), MCA. The department may also make similar inquiries to clarify or further examine details provided in reports.

AUTH: 50-60-203, 50-60-302, MCA

IMP: 50-60-302, MCA

REASON: The proposed amendment to sections (2) and (2)(a) are necessary to correct an internal cross-reference within the rule and to clarify language. Subchapter 3

24.301.351 MINIMUM REQUIRED PLUMBING FIXTURES (1) The following table will be used. The department adopts Table 2902.1 of the 2021 version of the International Building Code to determine the minimum number of required plumbing fixtures to be installed in new buildings. Table 2902.1 is available on the department's website, or by contacting the bureau to request a copy. The department explains and amends Table 2902.1 as follows:

[TABLE 2902.1 REMOVED]

a. The fixtures shown in Table 2902.1 are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by the building code.

(1)b. to (1)d. remain the same.

b. Fixtures located in adjacent buildings under the ownership or control of the church shall be made available during periods the church is occupied.

c. Toilet facilities for employees shall be separate from facilities of inmates or patients.

d. A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient rooms shall be permitted where such room is provided with direct access from each patient room and with provisions for privacy.

e. ~~For day nurseries, a maximum of one bathtub~~ child day care one bathtub or shower shall be required.

f. Food service establishments or any establishment that sells alcoholic beverages for on-site consumption requires at least one urinal.

~~g. Single-user unisex facilities shall include a urinal in food service establishments or any establishment that sells alcoholic beverages for on-site consumption.~~

(1)h. to (1)q. remain the same, but are renumbered as (1)g. to (1)p.

h. Contact the Department of Public Health and Human Services for additional requirements for food service establishments.

i. At the discretion of the building official, certain nonassembly buildings where food and beverages are not consumed on the premises, may be allowed to furnish only one unisex public toilet if it is accessible in accordance with ICC A117.1.

j. At the discretion of the building official, business and mercantile classifications intended for quick transactions, including takeout, pickup, and drop off businesses having a floor area less than 1200 sq. ft., may utilize facilities located in another building within 500 feet provided the building is open and available during business hours and is accessible in accordance with ICC A117.1.

k. For business and mercantile classifications with an occupant load of 15 or fewer, a service sink shall not be required.

l. Keyed toilets under employee control of the type available at service stations are permitted.

m. Where urinals are provided, notwithstanding the required urinal in footnote g. above, one water closet less than the number specified may be provided for each urinal installed, except the number of water closets in such cases shall not be reduced to less than one-half of the minimum specified.

n. Where single-user unisex facilities are present, the aggregate fixture count shall be equal to the required number of separate facilities. Where single-user unisex toilet rooms or bathing rooms are clustered at a single location, at least 50 percent but not less than one room for each user at each cluster shall be accessible.

o. Riding arenas as defined in ARM 24.301.146(11) are required to provide separate male and female accessible restrooms which contain a minimum of one water closet and one lavatory.

p. See ARM 24.301.903 for additional requirements and provisions concerning building accessibility.

q. If a specific occupancy is not shown in the table, the building official shall determine on an individual case-by-case basis the requirements for that occupancy.

~~r.g.~~ On an individual case-by-case basis the building official may approve an alternative source of potable drinking water, such as, but not limited to, a bottled

water cooler, in lieu of a drinking fountain. Drinking fountains shall not be required in buildings with an occupant load of 30 or less.

r. Beauty salons must have a sink in accordance with ARM 24.121.1507.

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

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

REASON: The proposed amendment to section (1) is necessary to remove the printed version of Table 2902.1 of the IBC because the table was difficult to read and understand as printed in these rules. Table 2902.1 is adopted by reference, and the rule includes where to find the table online and in print.

The proposed amendment to Footnote e. is necessary because daycare facilities can have either a bathtub or shower.

The proposed repeal Footnote g. is necessary because urinals are not required in establishments that serve food or alcohol under the IBC, the IPC, or the UPC; urinals are optional in the codes, but not required.

The proposed amendment Footnote r., renumbered as Footnotes q., is necessary because Uniform Plumbing Code 415.2 does not require drinking fountains in occupancies with an occupant load less than 30.

New Footnote r. is necessary because salons are required to have sinks under ARM 24.121.1507.

Subchapter 4

24.301.401 INCORPORATION BY REFERENCE OF NATIONAL ELECTRICAL CODE (1) remains the same. (1) The department adopts and incorporates by reference the National Fire Protection Association Standard NFPA 70, National Electrical Code, 2020 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.

(2) Subsection 210.8 (A), Dwelling Units, is amended to delete 250-volt receptacles.

(3) Subsection 210.8 (B), Other than Dwelling Units, is amended to delete 250-volt receptacles.

(2) and (3) remain the same, but are renumbered as (4) and (5).

(2) Subsection 210.12, Arc-Fault Circuit-Interrupter Protection, is amended to delete all references to "kitchen" or "kitchens."

(3) A copy of the National Electrical Code may be obtained from the National Fire Protection Association at www.nfpa.org/NEC.

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

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

REASON: The proposed amendment is necessary to remove references to 250-volt receptacles because this technology is not readily available in this state, and the technology adds a significant increase in cost that is not commensurate with the increase in safety. The bureau shall monitor and address requirements for this new technology as it becomes more readily available in this state.

24.301.481 CARNIVALS, FAIRS, OUTDOOR CONCERTS AND SIMILAR AMUSEMENT ESTABLISHMENTS AND OTHER PUBLIC ASSEMBLIES OF A TEMPORARY NATURE (1) ~~Temporary electrical~~ Electrical power and lighting installations for amusement or public assembly may be permitted for a period not to exceed 30 days. The installation must comply with Article 525 of the National Electrical Code.

(2) The electrical inspection fee for each temporary installation shall be \$45 for the entirety of the temporary installation, provided that such inspection can be completed within one hour. If additional inspection time is required, it will be charged at the rate of \$25 for each additional 30 minutes or fractional parts thereof.

(3) Each time a temporary amusement or public assembly electrical installation is erected or relocated, another electrical inspection will be required.

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

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

REASON: The proposed amendment is necessary to remove the term “temporary power” which has a separate and distinct meaning in building code laws and regulations.

Subchapter 5

24.301.501 APPLICABILITY OF STATE STATUTES AND ADOPTED ADMINISTRATIVE RULES (1) These rules and standards are based on the provisions of Title 50, chapter 60, MCA, ~~in order to implement, interpret and make specific and otherwise to~~ carry out the statutory provisions relating to the manufacture and sale of factory-built buildings and components thereof.

(2) Factory-built buildings shall meet the requirements of the following nationally recognized construction standards:

(a) the International Building Code as adopted and amended by ARM 24.301.131 or, as applicable, the International Residential Code as adopted and amended by ARM 24.301.154;

(b) the National Electrical Code as adopted and amended by ARM 24.301.401;

(c) the International Mechanical Code as adopted and amended by ARM 24.301.172;

(d) the Uniform Plumbing Code as adopted and amended by ARM 24.301.301;

(e) the International Energy Conservation Code as adopted and amended by ARM 24.301.161; and

~~(f) the International Swimming Pool and Spa Code as adopted and amended by ARM 24.301.175; and~~

~~(g) the International Wildland-Urban Interface Code as adopted and amended by ARM 24.301.181.~~

~~(h) The ICC/MBI 1200 Standard for Off-Site Construction: Planning, Design, Fabrication and Assembly as adopted and amended by NEW RULE I.~~

~~(i) The ICC/MBI 1205 Standard for Off-Site Construction: Inspection and Regulatory Compliance as adopted and amended by NEW RULE I.~~

~~(3) The requirement listed in 50-60-402(1), MCA, for new factory-built buildings applies to all new units, whether offered for sale, lease or rent, which are first utilized in the state of Montana, regardless of the unit's point of origin or route of delivery. A person cannot arrange to accept delivery of a new unit in an out-of-state location ~~in order to avoid the need for a state of Montana insignia of approval~~ on the unit.~~

AUTH: 50-60-203, 50-60-401, MCA

IMP: 50-60-201, 50-60-203, 50-60-401, MCA

REASON: Reworded (1) for easier reading. Removing (f) as the International Swimming Pool and Spa Code does not apply to factory-built buildings. Added the standards being proposed for adoption.

24.301.511 DEFINITIONS For the purposes of this subchapter, the following definitions shall apply.

~~(4) (a) "Bureau" means the Building and Commercial Measurements Bureau of the Department of Labor and Industry.~~

~~(2) "Components" means the prefabricated wall, floor, ceiling, or roof panels or pre-cut building kits or similar units of construction or any combination of such units.~~

~~(3) "Engineer" means a professional engineer who, by reason of special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired the right to practice engineering as attested by his registration as a professional engineer.~~

~~(4) "Factory-built building" has the meaning provided in 50-60-101, MCA and includes Industrialized Building and Industrialized Housing as defined in chapter two of the ICC/MBI 1205, 2021 edition. means a factory assembled structure or structures equipped with the necessary service connections, but not made so as to be readily movable as a unit or units and designed to be used with a permanent foundation.~~

~~(5) "Insignia" means a seal or label issued by the bureau to indicate compliance on the date of issuance with these rules and Title 50, chapter 60, MCA.~~

~~(6) "Listing agency" means an agency approved by the bureau which is in the business of listing or labeling, and which maintains a periodic inspection program on current production of listed models, and which makes available at least an annual published report of such listing in which specific information is included and that the product has been tested to approved standards and found safe for use in the specified manner.~~

~~(7) "Local enforcement agency" means the zoning or building department of a city, town, or county.~~

~~(8) "Alteration or conversion" means the replacement, addition, modification, or removal of any equipment or installations which may affect construction, fire safety, occupancy, plumbing, heat-producing, or electrical systems or the functions thereof, of units subject to these rules.~~

~~(9) "Model" means a specific design width of factory-built building or components thereof as designed by the manufacturer.~~

~~(10) "Model group" means two or more manufacturer-designed factory-built buildings or components thereof, which constitute one model.~~

(5) Manufactured Home has the meaning provided in 15-24-201, MCA.

(6) Mobile Home has the meaning provided in 15-24-201, MCA.

~~(11)(7) "Prohibited sales notice" means a printed notification issued by the bureau that the unit may not be offered for sale because of violations of these rules.~~

~~(12)(8) "Recreational vehicles" has the same meaning as in 50-60-101, MCA.~~

~~(13) "System" means an arrangement or method based on maximum capacity for structural, plumbing, heating, or electrical installations.~~

~~(14) "Testing agency" means an organization, which is:~~

~~(a) in the business of testing equipment and installations;~~

~~(b) qualified and equipped for such experimental testing;~~

~~(c) not under the jurisdiction or control of any manufacturer or supplier for any affected industry;~~

~~(d) making available a published report in which specific information is included stating that the equipment and installations tested were found to meet the applicable standards in the specified manner;~~

~~(e) conducting tests computed under the control of a licensed professional engineer;~~

~~(f) approved by the bureau.~~

~~(15) "Third party certification and inspection agency" means an agency which:~~

~~(a) inspects and certifies, in lieu of state inspectors, that any unit conforms to the requirements and standards set forth herein; and~~

~~(b) is not under the control or jurisdiction of any supplier, manufacturer, or dealer, except by a contract for quality control and/or inspections of units for conforming to the requirements and standards set forth herein.~~

(16)(9) "Unit" means a factory-built building and components thereof has the same meaning as module as defined in chapter two of the ICC/IMB 1200 and ICC/IMB 1205, 2021 edition.

AUTH: 50-60-203, 50-60-401, MCA

IMP: 50-60-203, 50-60-401, MCA

REASON: Removing definitions for terms defined in the standards proposed for adoption or found in 50-60-101, MCA. Kept definitions not found in the standards or referenced terms in the code that have the same meaning as terms used within the rules.

24.301.513 USE OF MOBILE HOMES AND RECREATIONAL VEHICLES FOR COMMERCIAL OR BUSINESS OCCUPANCY PROHIBITED--EXCEPTION

(1) Mobile homes and recreational vehicles are designed only to meet building code requirements applicable to mobile homes used as residences and recreational vehicles used as temporary residences.

(2) These units do not meet code requirements for commercial or business occupancy and are therefore prohibited for these types of uses. Except as provided in (4), manufactured homes, ~~(mobile) homes~~, and recreational vehicles shall not be utilized for any occupancy other than as a single-family dwelling, whether for transient stay or longer periods. "Transient stay" means a guest staying at one location for 30 days or less.

(3) Units used in one location for not more than 14 days in conjunction with a circus, fair, or other similar use would not fall into this category.

(4) Units used as temporary offices by manufactured (mobile) home dealers, on the premises (lot) where said units are sold, would not fall into this category provided the unit utilized as an office:

(a) is not used for a period exceeding five years;
(b) is offered for sale;
(c) is not used to store flammable materials;
(d) is not altered to accommodate office space;
(e) meets the exiting sign requirements imposed by the International Building Code; and

(f) is provided with a handicap accessible entrance pursuant to the requirements imposed by the International Building Code.

AUTH: 50-60-203, 50-60-401, MCA

IMP: 50-60-402, MCA

REASON: Separated manufactured home and mobile home as these terms have separate definitions in statute

24.301.515 BUREAU INSPECTORS (1) All inspectors of the bureau shall have a working knowledge of the specified editions of the adopted model codes and shall not be under the control of any listing agency, testing agency, third party inspection agency, ~~dealer~~ retailer or manufacturer.

AUTH: 50-60-203, 50-60-401, MCA

IMP: 50-60-203, 50-60-401, MCA

REASON: Changed dealer to retailer to reflect language in the standards proposed for adoption.

24.301.518 INSPECTION OF RETAILER DEALER (1) ~~Any inspector of the bureau is~~ Bureau inspectors are authorized to enter any premises in Montana where units are sold or offered for sale with or without prior announcement ~~whether or not requested by the dealer.~~ He The inspector may make such visual inspections as are

necessary to determine whether units are being sold or offered for sale with the required insignia of approval.

AUTH: 50-60-203, 50-60-401, MCA
IMP: 50-60-203, 50-60-401, MCA

REASON: Changed dealer to retailer to reflect language in the standards proposed for adoption; clarified that retailers located in Montana can be inspected; and changed 'he' to 'the inspector' to be gender neutral.

24.301.523 RECIPROCITY (1) Any unit manufactured in a reciprocal state which has been reviewed as meeting the standards of that state shall be deemed to meet the standards of the state of Montana. Reciprocal status shall be granted to other states at the discretion of the bureau. In addition to the insignia of the reciprocal state, a Montana insignia of approval is necessary on all units manufactured or offered for sale within the state of Montana.

(2) The bureau chief shall have the authority to enter into reciprocal agreements with other states.

(3) Reciprocal status for factory-built buildings may be granted to HUD-approved Category III states.

AUTH: 50-60-203, 50-60-401, MCA
IMP: 50-60-203, 50-60-401, MCA

REASON: Added the word approval to indicate the insignia signifies approval.

24.301.535 APPLICATION FOR MODEL PLAN REVIEW (1) Any manufacturer of modular buildings or components thereof ~~units~~ shall make application to the bureau for plan review of a model or model group prior to construction. The application shall include:

(a) the plan and system inspection fees as required by ARM 24.301.565;

(b) the ~~quality control~~ assurance manual as outlined in chapter 5 of the ICC/MBI 1205, 2021 edition ~~ARM 24.301.536 and 24.301.543~~;

(c) the approved third-party inspection agency responsible for on-site inspections; and

(d) all applicable plan approval items provided for in Chapter 3 of the ICC/MBI 1205, 2021 edition.

(e) the first page of the construction document shall include the wind load (Vult), construction type, seismic design category, and ground snow load.

(2) If the permanent site location of the building is unknown (nonsite-specific) the building must meet the following structural design loads:

(a) Wind load of 115 MPH.

(b) Seismic design category of D.

(c) Snow load of 30 psf.

(c) ~~substantiating calculations or test results indicating details of construction, plumbing, mechanical, and electrical plans when such details are required;~~

~~(d) one copy of the complete plans and specifications drawn on paper of sufficient size to provide complete details of work proposed or presented electronically in such a manner as to provide complete details of work proposed which must show:~~

- ~~(i) dimensioned floor plan(s);~~
- ~~(ii) proposed use of rooms and method of ventilation;~~
- ~~(iii) size, type and location of windows and exterior doors;~~
- ~~(iv) all necessary cross sections;~~
- ~~(v) floor, wall, ceiling, and roof construction details;~~
- ~~(vi) typical connections;~~
- ~~(vii) design live and dead loads;~~
- ~~(viii) grade and quality of materials; and~~
- ~~(ix) substantiating calculations or test results, where required including energy calculations as applicable.~~

~~(e) the following electrical specifications must be set forth in the plan:~~

- ~~(i) type and size of feeder assembly;~~
- ~~(ii) voltage and amperage of branch circuit panelboard;~~
- ~~(iii) branch circuit identification, amperage, or overcurrent protection device wire size and type;~~

- ~~(iv) voltage and amperage of fixed appliances;~~
- ~~(v) location of all appliances and fixtures;~~
- ~~(vi) location of all electrical outlets (receptacles and lights);~~
- ~~(vii) number of outlets and appliances on each circuit and circuit rating.~~

~~(f) the plan may be drawn to scale or schematic. It must set forth the following mechanical information:~~

- ~~(i) description of all materials, appliances, fittings, pipe, tubing, vents, and ducts;~~
- ~~(ii) BTUH input rating of all fuel burning appliances;~~
- ~~(iii) size of openings for combustion air, except where combustible air is an integral part of an approved appliance;~~
- ~~(iv) size, length, type, and location of vents and vent connectors;~~
- ~~(v) type, minimum dimension, and gauge of air ducts;~~
- ~~(vi) minimum free area and location of circulating air supply inlet; and~~
- ~~(vii) minimum free area and location of all air openings.~~

~~(g) the plan may be drawn to scale or schematic. It must set forth the following plumbing specifications:~~

- ~~(i) description of all materials, fixtures, fittings, pipe tubing, shower stalls, and walls;~~
- ~~(ii) diameter and type of pipe and tubing, and length of all trap arms;~~
- ~~(iii) size and type of fittings;~~
- ~~(iv) grade of drainage piping; and~~
- ~~(v) method of securing all piping.~~

AUTH: 50-60-203, 50-60-401, MCA

IMP: 50-60-203, 50-60-401, 50-60-402, MCA

REASON: A list of items required for plan review is now found in Chapter 3, Section 303 of the ICC/MBI 1205 standard being proposed for adoption. Nonsite-Specific is a term defined in the standards as a building for which the permanent site location is not known; in this case the proposed loads would be required to ensure that the building could withstand loads commonly experienced in much of the State.

24.301.543 IN-PLANT QUALITY CONTROL (1) The manufacturer shall submit a quality assurance manual ~~or shall reference an applicable manual previously reviewed by the bureau, outlining a program of quality control assurance, prior to or concurrent with their first request for plan review.~~ The program outlined must meet the standards of and be reviewed and approved by the bureau. In addition, ~~the manufacturer shall designate a company or corporate officer or other responsible person to be responsible for the quality control program, and shall maintain records to substantiate that each unit has been inspected and complies with the plans as reviewed and approved by the bureau. The bureau may make periodic inspections and may condition the issuance of insignia on compliance with these rules by the manufacturer. Approval of in-plant quality control does not constitute approval of any submitted application, plans, or insignia.~~

(2) ~~The following specific information is required for the quality assurance control manual~~ must include all applicable items as listed in Chapter 5 of the ICC/MBI 1205, 2021 edition and be reviewed and approved by the bureau prior to the approval of plan review.:

- ~~(a) scope and purpose of the manual;~~
- ~~(b) inspection procedure for basic materials;~~
- ~~(c) material storage and stock rotation procedure;~~
- ~~(d) drawings and bill of material;~~
- ~~(e) types and frequency of product inspection;~~
- ~~(f) sample of inspection control form used;~~
- ~~(g) record-keeping procedures for quality control forms;~~
- ~~(h) list of major pieces of production equipment;~~
- ~~(i) where responsibility for quality control program lies;~~
- ~~(j) test procedural manual, including electrical, gas line, water systems and drain/vent/plumbing fixture tests and type of test equipment used; and~~
- ~~(k) list of test equipment.~~

(3) When the quality assurance manual is revised; one copy of the revised manual shall be submitted to the bureau for review accompanied by a quality assurance manual fee pursuant to ARM 24.301.565.

AUTH: 50-60-203, 50-60-401, MCA

IMP: 50-60-203, 50-60-401, MCA

REASON: Changed quality control manual to quality assurance manual to reflect term used in the standards proposed for adoption and added requirement to submit revised manual to the bureau with required fee. Items required for the quality assurance manual are now found in chapter 5 of the ICC/MBI 1205, 2021 edition.

24.301.544 TRANSMISSION OF REVIEW MATERIALS TO RECIPROCAL STATE (1) ~~When plan~~ Plan review(s) and/or panelized system review(s) and quality control assurance manual review(s) are acceptable to a reciprocal state, they may be transmitted to the a reciprocal state by the state issuing the original review in the following manner:

(a) A manufacturer shall make a formal request in writing to the bureau for transmittal of the plan review(s) and/or panelized system review(s) and quality control assurance manual review(s).

(b) The request shall designate the model(s) and/or system review(s) numbers to be transmitted.

(c) ~~Two reproductions of the~~ The original manufacturer's review shall be submitted to the reciprocal state electronically. ~~The reproductions shall show the review stamp of the reviewing state.~~

(d) The reciprocal state will follow their procedure for notifying the manufacturer ~~After recording of transmitted plan review(s) and/or system review(s), the reviewing state shall notify the manufacturer of its acceptance or rejection of the plan(s) and/or panelized system(s). One copy of the plan(s) and/or system(s) bearing the mark or stamp of review of both states shall then be returned to the manufacturer by the state receiving the transmittal and granting the additional review.~~

AUTH: 50-60-203, 50-60-401, 50-60-402, MCA

IMP: 50-60-203, 50-60-401, 50-60-402, MCA

REASON: Clarified how a manufacturer would request that a review be sent to a reciprocal state for review. Changed system to panelized system to reflect the terminology found in the standards proposed for adoption. Removed verbiage that dictated what the reciprocal state would do as it would be up to their program how they would handle this.

24.301.545 CHANGES TO REVIEWED PLANS (1) Where the manufacturer proposes changes in the construction, plumbing, mechanical, or electrical equipment or installations or where these rules are amended to necessitate such change, an application for revision and one set of supplemental detailed plans and specifications of such changes shall be submitted to the bureau for plan checking review and comparison. Plans shall be accompanied by a letter of transmittal and the plan inspection resubmission or revision fee(s) pursuant to ARM 24.301.565. When such supplemental details do not constitute a new model, the supplemental details will be filed with and become part of the existing plan review. Where the supplemental details constitute a model change, application for plan review is to be processed will be required as for a new model.

(2) A model designation may be changed or added by filing an amended application and plan inspection and system review fee(s) pursuant to ARM 24.301.565.

(3) ~~Where the manufacturer proposes changes to the quality control manual, one copy of such changes shall be submitted to the bureau for approval~~

accompanied by a quality control manual inspection fee pursuant to ARM 24.301.567.

AUTH: 50-60-203, 50-60-401, MCA
IMP: 50-60-203, 50-60-401, 50-60-402, MCA

REASON: Changed language in (1) for clarification. Removed (3) as this language has been moved to ARM 24.301.543(3).

24.301.550 PLAN RENEWAL (1) Except as established in ARM 24.301.542 for original plan approvals, the manufacturer shall make application to have their plans renewed for the following year prior to the December 31 expiration date of ~~each year shown on the permit~~. At the time of renewal, plans which have not been changed do not require the submission of plans.

(2) If any changes have been made, the plans cannot be renewed; a new application and an updated plan plans must be submitted with the applicable fees. ~~The application shall be accompanied by the fee listed in ARM 24.301.565.~~

(3) If the department adopts new versions of codes applicable to the plans, then renewal of existing plans reviewed under the previous codes are not allowed and the manufacturer must send a new application and fees for plan review and approval of the model demonstrating compliance with the new codes and an updated plan is required.

AUTH: 50-60-203, 50-60-401, MCA
IMP: 50-60-203, 50-60-401, 50-60-402, MCA

REASON: Clarifying that a change to the adopted codes does not allow renewal and the manufacturer must reapply.

24.301.557 INSIGNIA--WHEN REQUIRED (1) All units manufactured or delivered prior to sale or sold or offered for sale in Montana shall bear a bureau insignia of approval and if applicable the insignia of a reciprocal state or the certified third-party inspection agency. Each insignia of approval shall be assigned and affixed to a specific unit. Assigned insignia are not transferable ~~and are void when not affixed or assigned, and all such insignias shall be returned to or may be confiscated by the bureau.~~ The insignia of approval shall remain the property of the bureau and may be revoked or reappropriated by the bureau in the event of violation of the conditions of approval.

(2) No person or persons may remove or cause to be removed an insignia of approval without prior authorization of the bureau.

AUTH: 50-60-203, 50-60-401, MCA
IMP: 50-60-203, 50-60-401, 50-60-402, MCA

REASON: Added approved to the term insignia to indicate the significance of the insignia and removed old or unnecessary wording. Moved (2) from ARM 24.301.560 INSIGNIA REMOVAL proposed for repeal to this rule.

24.301.558 APPLICATION FOR INSIGNIA PURSUANT TO PLAN REVIEW

(1) The unit manufacturer shall make application for an insignia of approval for each individual unit manufactured. The application shall be submitted to the bureau on the proper bureau form, accompanied by the insignia fees pursuant to ARM 24.301.566. The application shall include the approved model number of the approved model the insignia will be applied to and the serial number(s) for each individual unit the insignia(s) of approval will be applied to.

(2) ~~The third party inspector of record for the manufacturer producing the model shall receive the insignia(s) from the bureau and will be responsible to permanently imprint the unit serial number on the insignia when insignia is affixed to attach the insignia to each unit. pursuant to ARM 24.301.549.~~

(3) An insignia obtained pursuant to ~~the provisions provided by ARM 24.301.558~~ this rule shall be utilized within 12 months of the date of issuance. An insignia which is not utilized within said period, shall be deemed void ~~and shall be promptly returned to the bureau.~~ No refund or credit for an insignia fee shall be issued for a void insignia.

AUTH: 50-60-203, 50-60-401, MCA

IMP: 50-60-201, 50-60-203, 50-60-401, 50-60-402, MCA

REASON: Added approved to the term from insignia to indicate the significance of the insignia. Removed language regarding return of insignia as we can now reflect a void insignia in the database and no longer require labels to be returned to the bureau. Labels are no longer imprinted since they are electronic so changed wording to reflect this. (2) was changed to remove reference to ARM 24.301.549 as it is being proposed for repeal and to reflect that the manufacturer will receive the insignia instead of the third-party inspection agency as the change reflects what actually happens with an insignia; this change also meets the definition of insignia found in the standards proposed for adoption which provides that the insignia is a form of certification issued by the authority having jurisdiction to the manufacturer to be attached to the modular building.

24.301.561 LOST OR DAMAGED INSIGNIA (1) When an insignia of approval becomes lost or damaged, the bureau shall be notified immediately in writing by the third-party certification and inspection agency as soon as is practical. ~~The notice shall specify the manufacturer, the unit's serial number and, when possible, the insignia number.~~

(2) Upon notification that an insignia of approval has been damaged or lost, the bureau shall send replacement insignia to the manufacturer.

(3) All damaged insignia shall be promptly returned to the bureau or destroyed. If a lost insignia is later found, it must be returned to the bureau or destroyed. Duplicate insignia must not be used. Damaged and lost insignia will not be replaced by the bureau. An application for a new insignia will be required and

delivered by the bureau upon payment of the insignia fee as provided in ARM 24.301.566.

AUTH: 50-60-203, 50-60-401, MCA
IMP: 50-60-203, 50-60-401, MCA

REASON: The bureau can now replace lost or damaged insignia at no cost since they are now electronic. Added of approval to the term insignia to indicate significance of the insignia.

24.301.563 ALTERATION OR CONVERSION OF UNIT BEARING INSIGNIA

(1) Any manufacturer or dealer proposing to ~~make an alteration or conversion~~ alter or revise an approved unit prior to or during the installation of a unit bearing a bureau insignia of approval shall make application to the bureau. Such application shall include:

(a) make and model of the unit;
(b) serial number;
(c) bureau insignia number;
(d) complete description of the work to be performed, together with plans and specifications when required;

(e) location of the unit where work is to be performed;

(f) alteration or ~~conversion inspection~~ revision fee;

(g) name and address of the manufacturer or dealer of the unit.

(2) Upon completion of the alteration or ~~conversion~~ revision, the applicant shall request the bureau to perform an inspection.

(3) The following changes shall not be considered alterations:

(a) repairs with approved component parts;

(b) conversion of listed fuel burning appliances in accordance with the terms of their listing;

(c) adjustment and maintenance of equipment; and

(d) replacement of equipment in kind.

(4) If alterations made do not follow the requirements of this rule the related review and insignia will be void.

AUTH: 50-60-203, 50-60-401, MCA
IMP: 50-60-203, 50-60-401, MCA

REASON: Added of approval to the term insignia to indicate significance of the insignia and moved language from ARM 24.301.562 ALTERATION VOIDS REVIEW--RETURN OR CONFISCATION OF INSIGNIA paragraph (2) to paragraph (3) of this rule and clarified that alterations not following the rule voids the insignia of approval.

24.301.564 EFFECT OF INSIGNIA (1) All units bearing the bureau insignia of approval or the insignia of a reciprocal state pursuant to the provisions of ARM 24.301.557 through 24.301.563 shall be acceptable as meeting the requirements of Title 50, chapter 60, MCA, throughout the state of Montana without further inspection

or fees except for zoning, utility connections, and foundation permits as required by the authority having jurisdiction local ordinance. ~~Reciprocal status shall be granted to other states at the discretion of the bureau.~~

(2) Any new unit delivered to the state of Montana, either to a sales lot or placed on location, that does not bear a bureau insignia of approval, pursuant to ARM 24.301.557(1), will not be considered to meet the requirements of Title 50 Chapter 60 as provided for in (1) of this rule. The building shall be treated as an existing building and required to meet all requirements of the authority having jurisdiction ~~shall be posted with a prohibited sales notice and shall not be sold and/or occupied until such time as it bears said insignia.~~

AUTH: 50-60-203, 50-60-401, MCA
IMP: 50-60-203, 50-60-401, 50-60-402, MCA

REASON: Changed wording to reflect insignia of approval to indicate the significance of the insignia

24.301.565 IN-STATE PLAN AND SYSTEM REVIEW FEES FOR FACTORY-BUILT BUILDINGS (1) The following are the plan and system review fees to be charged by the department:

(a) Quality control manual <u>review</u> :	\$20
<u>(b) Third-party inspection agency application review:</u>	<u>\$20</u>
(b) <u>(c)</u> Units with one or two parts:	
(i) structural review	325
(ii) plumbing review	35
(iii) electrical review	35
(iv) mechanical review	35
(c) <u>(d)</u> Units with three or four parts:	
(i) structural review	450
(ii) plumbing review	55
(iii) electrical review	55
(iv) mechanical review	55
(d) <u>(e)</u> Units with five or more parts:	
(i) structural review	650
(ii) plumbing review	75
(iii) electrical review	75
(iv) mechanical review	75
(e) <u>(f)</u> Plan resubmission or revision:	
(i) structural review	125
(ii) plumbing review	20
(iii) electrical review	20
(iv) mechanical review	20
(f) <u>(g)</u> Plan supplement:	\$20 per unit
(g) <u>(h)</u> Plan renewal:	<u>\$100</u>
(i) \$100 for each set of documents describing a unit which is to be utilized during the next approved plan period. Obsolete plans or specifications are to be	

removed at the time of plan renewal by written notification at no additional cost. Any approved units that will be used during the next approved plan period must be renewed.

(ii) Units that are not renewed by the December 31 deadline shall expire, and a new application must be submitted to the bureau for review.

AUTH: 50-60-104, 50-60-203, 50-60-401, MCA

IMP: 50-60-104, 50-60-203, 50-60-401, MCA

REASON: The proposed amendment is necessary to update language and add a fee for third party inspection agency. The new standards require more information from the third-party inspector that will need to be reviewed and approved by agency staff.

24.301.567 MISCELLANEOUS FEES (1) Field technical service fees are as follows:

(a) ~~-\$45, provided that such service is not in excess of Forty-five dollars for services up to one hour~~ in duration; and,

(b) Twenty-five dollars for every additional 30 minutes, or fractional part amount thereof, in excess of one hour after the first hour of service.

(2) Out-of-state manufacturers may be subject to at least one on-site review per year. They shall pay the following on-site review fee which shall be the same as those to be paid by manufacturers who request inspections:

(a) Requested out-of-state inspection or field technical service fee - total travel cost based on published air fare, or equivalent rate, between Helena, Montana, and the point of inspection, plus necessary supplemental surface transportation, reimbursement for food and lodging consistent with state of Montana out-of-state travel per diem and mileage rate under 2-18-501, MCA, and inspection fees of ~~\$45~~ forty-five dollars per hour, not to exceed eight hours in any one day.

AUTH: 50-60-104, 50-60-203, 50-60-401, MCA

IMP: 50-60-104, 50-60-203, 50-60-401, MCA

REASON: The proposed amendments are necessary to clarify and simplify language, and to clarify that the state of Montana out-of-state travel per diem and mileage rates apply.

24.301.576 NOTICE OF VIOLATIONS (1) When an inspection reveals that a unit is in violation of any provisions of Title 50, chapter 60, MCA, or rules adopted pursuant thereto, the bureau shall serve upon a corporate officer or designated representative of the manufacturing company a notice of violation, setting forth in what respect a violation has been committed. The bureau shall also post the unit with a prohibited sales notice. Should a violation not be corrected in the allotted time, the insignia of approval shall be confiscated after a hearing has been conducted, as provided for in ARM 24.301.577.

(2) Upon receipt of a notice of violation, the manufacturer shall notify the bureau in writing within 10 days of the action taken to correct the violations. The

manufacturer so served shall not move said unit or cause it to be moved until the bureau is notified of its destination or disposition. If the unit is posted with a prohibited sales notice, such notice shall not be removed until authorized by the bureau.

(3) Upon correction of a violation as posted, a reinspection shall be called for and appropriate fees shall be paid as listed in ARM 24.301.565 through 24.301.567.

AUTH: 50-60-203, 50-60-401, MCA
IMP: 50-60-203, 50-60-401, MCA

REASON: Changed wording to reflect insignia of approval to indicate the significance of the insignia.

Subchapter 9

24.301.903 BUILDING ACCESSIBILITY (1) Section 1109, Special Occupancies, IBC, is amended to clarify that not every restroom installed in a building or structure is required to be accessible as long as the required facilities are accessible and reasonably available from all areas of the primary function areas of the building. Primary function area means an area of a building or facility in which a major activity for which the building or facility is designed is carried out.

(a) Subsection ~~1109.1~~ 1110.1, General, is amended by adding the following: "When buildings or portions of buildings are required to be accessible, required building facilities shall be accessible as provided in this section. A person or entity may not be required to meet fully the accessibility requirements for buildings, in those rare circumstances where the person or entity can demonstrate that it is structurally impracticable, due to unique characteristics of terrain and/or not practicable in relation to the proposed usage of the building, as determined on a case-by-case basis, at the discretion of the building official."

(b) Subsection ~~1109.2~~ 1110.2, Toilet and Bathing Facilities, is amended to read as follows: "Required toilet rooms and bathing facilities shall be accessible. Where a floor level is not required to be connected by an accessible route, the only toilet rooms or bathing facilities provided within the facility shall not be located on the inaccessible floor. At least one of each type of fixture, element, control, or dispenser in each accessible toilet room and bathing facility shall be accessible."

(1)(b)(i) to (1)(f) remain the same.

(i) A person or entity may not be required to meet fully the accessibility requirements for required toilet facilities, where the person or entity can demonstrate that it is structurally impracticable, due to unique characteristics of terrain and/or not practicable in relation to the proposed usage of the building, as determined on a case-by-case basis, at the discretion of the building official.

(c) The following examples are not intended to be inclusive of the provisions established in (a) and (b) above, but are provided to help clarify which facilities and plumbing fixtures are required to be accessible:

(i) In occupancies which include an office and a shop area, that requires one accessible restroom for employees, and the owner chooses to install an additional restroom, only one restroom is required to be accessible.

(ii) In occupancies which provide one accessible restroom and a shower is installed that is not a required fixture, the shower is not required to be accessible, even if it is located in the accessible restroom.

(d) In the new construction of establishments which serve food or beverages to be consumed on premises, on a case-by-case basis, the building official shall have the discretion to approve the installation of one unisex accessible restroom which includes a urinal, in lieu of one male and one female accessible restroom, when it can be demonstrated that due to an occupant load which will not exceed 20 seated persons, it would not be reasonable to require two separate accessible restrooms. The International Building Code shall be used to determine occupant load.

(e) In existing establishments, including those which serve food or beverages to be consumed on premises, on a case-by-case basis, the building official shall have the discretion to approve the addition of one unisex accessible restroom or to allow the alteration of the two existing restrooms to make one restroom single occupant unisex accessible and the other restroom single occupant unisex, when it can be demonstrated that it would be impractical to alter the existing facilities to include two separate accessible restrooms, one male and one female. In establishments which serve food or beverages to be consumed on premises, which provide two single occupant unisex restrooms, the unisex accessible restroom shall have a urinal.

(f) Business or commercial occupancies which are open to the public and located in portions of a private residence are required to be accessible even if those portions used for the business or commercial purposes are also used for residential purposes. The accessibility requirements extend to and include an accessible route from the sidewalk, through the doorway, through the hallway and other portions of the home, such as restrooms, used by clients and customers of the business or commercial occupancy.

AUTH: 50-60-203, MCA

IMP: 50-60-201, 50-60-214, MCA

REASON: The proposed amendment is necessary to update references to the IBC.

24.301.904 SITE ACCESSIBILITY (1) Section 50-60-213, MCA, requires that construction of a public building or alteration of primary function areas of a public building, which have not been issued a legal building permit prior to October 1, 1997, include compliance with the requirements of the IBC and the requirements established by 2017 ICC/ANSI A117.1, Accessible and Usable Buildings and Facilities, which include the building site, parking areas, passenger loading zones, private sidewalks and the accessibility from adjacent sidewalks, public streets and public transportation stops. Existing public buildings that are not undergoing an alteration to a primary function area are not subject to the accessibility requirements. Primary function area means an area of building or facility in which a major activity for which the building or facility is designed is carried out.

(2) An accessible exterior route must be provided to the building's accessible entrance from public transportation stops, accessible parking spaces and accessible

passenger loading zones within the boundaries of the building site and from public sidewalks, if they exist, that are immediately adjacent to the building site. When more than one public building is on a building site, at least one accessible exterior route must connect all accessible buildings, facilities and elements on the site. An accessible exterior route must be the most direct route from the accessible public parking to the accessible public entrance. An accessible route is not required in cases when there is not a pedestrian route for the general public.

(3) Sections 1104, Accessible Route, and 1106, Parking and Passenger Loading Facilities, of the IBC are each amended by addition of the following: "A person or entity may not be required to meet fully the accessible exterior route requirements for new buildings or alterations to existing buildings, where the person or entity can demonstrate that due to unique characteristics of the terrain, it is structurally impractical to fully comply, as determined on a case-by-case basis, at the discretion of the building official. Full compliance may be considered structurally impractical only in those rare circumstances when the unique characteristics of the terrain prevent the incorporation of accessibility features. The person or entity shall comply with the accessible facilities requirements to the extent that compliance is not structurally impractical."

(4) An alteration which affects the access to a primary function area of a building must be made accessible to the fullest extent possible to ensure that the path of travel to the altered primary function area and the restrooms, telephones and drinking fountains serving the altered primary function area are readily accessible and useable by persons with disabilities.

(5) During an alteration to a primary function area of a building or structure, a person or entity is not required to make alterations to the accessible path of travel if the costs are disproportionate to the cost of the alterations to the primary function area. Disproportionate costs are considered to be an amount that exceeds 20 percent of the cost of the alteration being performed to the primary function area. If the cost of altering a path of travel is disproportionate as referenced above, the path of travel must be made accessible to the extent possible without incurring disproportionate costs, utilizing the order of priority established in 50-60-214(2)(b), MCA.

(6) Each new building or alteration to an existing building which provides off street parking shall provide at least one accessible parking space with required additional parking spaces as established in ~~Table 1106.1~~ 1106.2, Accessible Parking Spaces, and Section 1106, Parking and Passenger Loading Facilities. One van accessible parking space shall be provided for every eight accessible parking spaces, or fraction thereof. If only one accessible parking space is required, the space shall be a van accessible parking space.

AUTH: 50-60-203, MCA

IMP: 50-60-201, 50-60-213, MCA

REASON: The proposed amendment is necessary to update references to the IBC.

5. The rules proposed to be repealed are as follows:

24.301.514 ENFORCEMENT GENERALLY (1) The Building and Commercial Measurements Bureau shall administer and enforce all the provisions of Title 50, chapter 60, MCA, and the rules adopted pursuant thereto.

AUTH: 50-60-203, 50-60-401, MCA
IMP: 50-60-203, 50-60-401, MCA

REASON: The proposed repeal is necessary because it is duplicative of 50-60-202, MCA.

24.301.516 THIRD PARTY INSPECTIONS TO BE MONITORED (1) State inspectors shall monitor the third party inspection agencies regarding the accuracy and quality of their inspections and reports, and shall inspect and monitor all manufacturers, dealers, and installers regarding compliance with the applicable statutes and these rules. When, upon inspection, the inspector finds that a unit is in violation of these rules, he shall serve a notice of violation upon the manufacturer, dealer, and installer which will set forth the specific statutes or rules which have been violated. The inspector shall post a prohibited sales notice upon each unit and may confiscate the insignia of approval issued by the bureau.

AUTH: 50-60-203, 50-60-401, MCA
IMP: 50-60-203, 50-60-401, MCA

REASON: The proposed repeal is necessary as this information is provided for in Section 402, Subsection 402.1 of the IC/IMB 1205, 2021 edition.

24.301.517 INSPECTION OF MANUFACTURER (1) Any inspector of the bureau is authorized to enter any premises where units are manufactured, whether or not requested by the manufacturer. He may inspect and examine any plans, specifications, in-plant quality control procedures, third party agency procedures, units and unit equipment and installations to ensure compliance with the provisions of these rules. When it becomes necessary to determine compliance, the inspector may require that a portion or portions of such units be removed or exposed in order that any inspection may be made. Manufacturers in nonreciprocal states may be subject to at least one in-plant inspection per year, by the bureau, for which the inspection fees in ARM 24.301.565 through 24.301.567 will be charged.

AUTH: 50-60-203, 50-60-401, MCA
IMP: 50-60-203, 50-60-401, MCA

REASON: The proposed repeal is necessary as this is now found in Chapter 6, Section 601, Subsection 601.5 of the ICC/IMB 1205, 2021 edition.

24.301.519 PRODUCT STANDARDS (1) All manufacturers of factory-built buildings shall use only plumbing, heating and electrical products which are listed and approved by a listing agency. Products not listed and approved may be used if the bureau first determines that such products are adequate for the protection of health, safety and the general welfare.

AUTH: 50-60-203, 50-60-401, MCA

IMP: 50-60-203, 50-60-401, MCA

REASON: The proposed repeal is necessary as listed and labeled components installed according to their listing and the ability of the department to allow alternatives is found in Chapter 1, Section 101, Subsection 101.4 of the ICC/MBI 1200 and ICC/MBI 1205, 2021 editions.

24.301.520 ALTERNATIVES (1) Any construction, products or installations may be submitted to the bureau for review as an alternate or equivalent method. Requests for bureau review of alternates and equivalents shall be submitted to the bureau with an alternate review inspection fee pursuant to ARM 24.301.565 through 24.301.567.

AUTH: 50-60-203, 50-60-401, MCA

IMP: 50-60-203, 50-60-401, MCA

REASON: The proposed repeal is necessary as the allowance of alternatives is found in Chapter 1, Section 101, Subsection 101.4 of the ICC/MBI 1200 and ICC/MBI 1205, 2021 edition and requires approval of the authority having jurisdiction.

24.301.521 APPROVAL OF MANUFACTURER (1) Every manufacturer of units subject to these rules shall be reviewed and obtain an insignia for each approved unit by the systems review method pursuant to the provisions of ARM 24.301.544 or by the model plan review method pursuant to the provisions of ARM 24.301.535.

AUTH: 50-60-203, 50-60-401, MCA

IMP: 50-60-203, 50-60-401, MCA

REASON: The proposed repeal is necessary as registration and approval of manufacturers is provided for in Chapter 6, Section 601, of the ICC/MBI 1205, 2021 edition.

24.301.522 STATE BUILDING CODE INTERPRETATION (1) State building code interpretations shall be made by the bureau. Anyone wishing to appeal such an interpretation may do so as provided under ARM 24.301.577.

AUTH: 50-60-203, 50-60-401, MCA
IMP: 50-60-203, 50-60-401, MCA

REASON: The proposed repeal is necessary as this rule is duplicative of 50-60-117, MCA and ARM 24.301.577.

24.301.525 REQUIREMENTS FOR DATA PLATE (1) All factory-built units manufactured or delivered prior to sale or sold or offered for sale in this state must bear a data plate giving the model, serial number, date of completion, and design load maximums: i.e., wind, snow, floor live load, and seismic design.

(2) The data plate must be permanently affixed either to the inside or the outside of the electrical distribution panel door or other location easily visible without the use of tools or special knowledge to access the data plate.

AUTH: 50-60-203, 50-60-401, MCA
IMP: 50-60-402, MCA

REASON: The proposed repeal is necessary as requirements for data plate now found in section 701.4 of the ICC/MBI 1205, 2021 edition.

24.301.536 APPLICATION FOR IN-PLANT QUALITY CONTROL MANUAL REVIEW (1) Manufacturers of units shall make application to the bureau for an in-plant quality control manual review. The application submittal shall contain at least the following:

- (a) an outline of the procedure which will direct the manufacturer to construct units in accordance with the reviewed plans as set forth in ARM 24.301.543;
- (b) one copy of all documents submitted for review, which shall be on substantial paper or cloth not less than 8 1/2" x 11" or electronically in a format acceptable to the department;
- (c) an application on forms supplied by the bureau; and
- (d) inspection fees as required by ARM 24.301.565.

AUTH: 50-60-203, 50-60-401, MCA
IMP: 50-60-203, 50-60-401, 50-60-402, MCA

REASON: The proposed repeal is necessary because the information for submitting a quality control manual for review is condensed into ARM 24.301.543.

24.301.537 CALCULATIONS AND TEST PROCEDURES (1) Where it is necessary to substantiate any structural design or method of construction, calculations and supporting data, signed by a licensed architect or engineer, shall be submitted to the bureau.

(2) The load bearing capacity of elements or assemblies may be established either by calculations in accordance with generally established principles of engineering design or by tests acceptable to the bureau. When the composition or configuration of elements, assemblies or details of structural members are such that

calculations of their safe load-carrying capacity and basic structural integrity cannot be accurately determined in accordance with generally established principles of engineering design, structural properties of such members or assemblies may be established by the results of tests acceptable to the bureau.

(3) All tests shall be performed by a testing agency as defined in ARM 24.301.511 or shall be directed, witnessed and evaluated by an independent licensed architect or engineer. The architect or engineer shall submit his evaluation of test results and recommendations accompanied by test reports from the laboratory to the bureau.

AUTH: 50-60-203, 50-60-401, MCA
IMP: 50-60-203, 50-60-401, MCA

REASON: The proposed repeal is necessary as required calculations and test procedures is now addressed in Chapter 3 of the ICC/MBI 1205 standard being proposed for adoption.

24.301.546 CHANGE OF OWNERSHIP (1) Where there is a change of ownership of a manufacturing business under department plan review, the new owner shall notify the bureau of such change within 10 days after delivery and possession. If the new owner submits a statement that he will continue to manufacture in accordance with previously approved plans, new applications and plan inspection fees shall not be required.

AUTH: 50-60-203, 50-60-401, MCA
IMP: 50-60-203, 50-60-401, MCA

REASON: The proposed repeal is necessary as this is addressed in Chapter 6, Section 601, Subsection 601.2 of the ICC/MBI 1205, 2021 edition.

24.301.547 CHANGE OF NAME OR ADDRESS (1) In the event of a change of name or address of a manufacturer, the manufacturer shall so notify the bureau in writing within 10 days after such change of name or address.

AUTH: 50-60-203, 50-60-401, MCA
IMP: 50-60-203, 50-60-401, MCA

REASON: The proposed repeal is necessary as this is addressed in Chapter 6, Section 601, Subsection 601.2 of the ICC/MBI 1205, 2021 edition.

24.301.549 UNIT IDENTIFICATION (1) Each unit manufactured, sold, or offered for sale in this state shall bear a legible manufacturer's identifying serial number. Each unit shall also bear a separate identification which shall include the date of manufacture and, where applicable, the plan review number. When the date of manufacture is coded, the bureau shall be informed of the method of coding.

(2) The manufacturer's identifying serial number and the bureau's insignia shall be permanently attached to the exterior wall adjacent to the rear or side exit.

AUTH: 50-60-203, 50-60-401, MCA
IMP: 50-60-203, 50-60-401, MCA

REASON: The proposed repeal is necessary as this is addressed in Chapter 7, Section 7017 of the ICC/MBI 1205, 2021 edition.

24.301.559 DENIAL OF INSIGNIA (1) Should inspection reveal that a manufacturer is not manufacturing units according to plans approved by the bureau, and such manufacturer, after having been served with a notice setting forth in what respect the provisions of these rules have been violated continues to manufacture units in violation of these rules, applications for new insignia shall be denied and the insignia previously issued shall be confiscated after a proper hearing as provided for in ARM 24.301.577. Upon satisfactory proof of compliance such manufacturer may resubmit an application for insignia.

AUTH: 50-60-203, 50-60-401, MCA
IMP: 50-60-203, 50-60-401, MCA

REASON: The proposed repeal is necessary as denial of insignia and hearing is adequately address in ARM 24.301.577 VIOLATION AND HEARINGS

24.301.560 INSIGNIA REMOVAL (1) In the event that any unit bearing the insignia is found to be in violation of these rules, the bureau may remove the insignia after furnishing the manufacturer with a written statement of such violations. The bureau will not issue a new insignia until corrections have been made and the manufacturer has requested an inspection pursuant to ARM 24.301.567.

(2) No person or persons may remove or cause to be removed an insignia of inspection without prior authorization of the bureau.

AUTH: 50-60-203, 50-60-401, MCA
IMP: 50-60-203, 50-60-401, MCA

REASON: The proposed repeal is necessary because section (1) duplicates ARM 24.301.576 NOTICE OF VIOLATIONS and ARM 24.301.577 VIOLATION AND HEARINGS. The department proposes transferring section (2) to ARM 24.301.559 DENIAL OF INSIGNIA.

24.301.562 ALTERATION VOIDS REVIEW--RETURN OR CONFISCATION OF INSIGNIA (1) Any alteration or conversion of the construction, plumbing, mechanical, or electrical equipment prior to or during installation of a factory-built building, which bears an insignia, shall void such review, and the insignia shall be returned to or be confiscated by the bureau, unless the review of the bureau is first obtained.

(2) The following changes shall not constitute alterations according to the provisions of this rule:

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- (a) repairs with approved component parts;
- (b) conversion of listed fuel burning appliances in accordance with the terms of their listing;
- (c) adjustment and maintenance of equipment; and
- (d) replacement of equipment in kind.

AUTH: 50-60-203, 50-60-401, MCA

IMP: 50-60-203, 50-60-401, MCA

REASON: The proposed repeal is necessary as the necessary information in this rule has been moved to ARM 24.301.563 ALTERATION OR CONVERSION OF UNIT BEARING INSIGNIA

6. New Rules are proposed as follows:

NEW RULE I INCORPORATION BY REFERENCE OF ICC/MBI STANDARDS

(1) The department adopts and incorporates by reference the ICC/MBI 1200 Standard for Off-site Construction: Planning, Design, Fabrication and Assembly 2021 edition.

(2) The department adopts and incorporates by reference the ICC/MBI 1205 Standard for Off-site Construction: Inspection and Regulatory Compliance 2021 edition.

(3) A copy of the Off-site standards may be obtained from the International Code Council at www.ICCSafe.org.

AUTH: 50-60-203, 50-60-401, MCA

IMP: 50-60-203, 50-60-401, MCA

REASON: The department is adopting a national standard for regulation of factory-built buildings to provide clear guidance to requirements for manufacturers and inspectors of factory-built structures.

NEW RULE II – MANUFACTURER REGISTRATION (1) Each manufacturer shall obtain approval from the department and be subject to Section 601 of the ICC/MBI 1205 Standard for Off-Site Construction: Inspection and Regulatory Compliance as adopted by the department.

(2) Manufacturers applying for model plan review per ARM 24.301.535, once approved, will be listed as an approved manufacturer in Montana.

AUTH: 50-60-203, 50-60-401, MCA

IMP: 50-60-203, 50-60-401, MCA

REASON: Clarifying that a manufacturer must be approved and how they would obtain approval. Noting the section of the standard proposed for adoption that applies to manufacturers seeking approval.

NEW RULE III – THIRD PARTY INSPECTION AGENCY APPROVAL (1) Third party inspection agencies shall meet the requirements of Section 401 of the ICC/MBI 1205 Standard for Off-Site Construction: Inspection and Regulatory Compliance as adopted by the Department.

(2) Third-party inspection agencies shall apply on an application form supplied by the department along with the third-party inspection agency fee required by ARM 24.301.565.

(3) Once approved by the department the third-party inspection agency will be listed as an approved third-party agency in Montana.

AUTH: 50-60-203, 50-60-401, MCA

IMP: 50-60-203, 50-60-401, MCA

REASON: Clarifying that third party inspection agencies are subject to the standard proposed for adoption and how an agency would obtain approval.

7. Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728; Helena, Montana 59624. Comments must be received no later than 5:00 p.m., **[date]**.

8. An electronic copy of this notice of public hearing is available at dli.mt.gov/rules and sosmt.gov/ARM/register.

9. The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728; Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

10. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor for HB 465 was contacted on May 22, 2023, by electronic mail. The primary bill sponsor for SB 406 was contacted on December 19, 2023, by electronic mail. The primary bill sponsor for HB 241 was contacted on January 16, 2024, by electronic mail.

11. Pursuant to 2-4-111, MCA, the agency has determined that the rule changes proposed in this notice will not have a significant and direct impact upon small businesses.

12. Department staff has been designated to preside over and conduct this hearing.

/s/
[Rule Reviewer Name]
Rule Reviewer

/s/ SARAH SWANSON
Sarah Swanson, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State **[Date]**.