Subchapter 1

Adoption and Incorporation by Reference
of Uniform and Model Codes
Having General Applicability

24.301.109 DEFINITIONS (1) As used in this chapter:
(a) "Department" means the Department of Labor and Industry.
(b) "IBC" means the International Building Code, 2018 2021 edition.
(c) "IMC" means the International Mechanical Code, 2018 2021 edition.
(d) "IFGC" means the International Fuel Gas Code, 2018 2021 edition.

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

REASON: Changes are made to reflect the new code addition.

24.301.131 INCORPORATION BY REFERENCE OF INTERNATIONAL
BUILDING CODE (1) The department adopts and incorporates by reference the
International Building Code, 2018 2021 edition, unless another edition is specifically
stated, together with Appendix Chapter C (Group U - Agricultural Buildings).
(2) The IBC is a nationally recognized model code setting forth minimum
standards and requirements for building design, construction, alteration, and repair.
The IBC also provides a framework for program administration.
(3) A copy of the IBC may be obtained from the International Code Council at

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

REASON: Changes are made to reflect the new code addition.

24.301.134 OPTIONAL APPENDIX CHAPTERS FOR LOCAL
GOVERNMENT ADOPTION (1) The following appendix chapters of the
International Building Code are adopted for use by local governments, in part or in
whole, if the local government has specifically provided for their adoption. These
appendix chapters are not adopted for use by the department:
(a) Appendix Chapter B (Board of Appeals); and
(b) Appendix Chapter H (Signs).

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

24.301.138 CALCULATION OF FEES (1) International Building Code
Section 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 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 0.70 0.35 to arrive at a final calculated building valuation. For Purposes of modifying firm bids, or the design professional's preliminary cost estimate shall be multiplied by a factor of .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) 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.
<table>
<thead>
<tr>
<th>Range</th>
<th>Fee Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1 to $500</td>
<td>$23.50</td>
</tr>
<tr>
<td>$501 to $2000</td>
<td>$23.50 for first $500 plus $3.05 for each additional $100, or fraction thereof, to and including $2000</td>
</tr>
<tr>
<td>$2001 to $25,000</td>
<td>$69.25 for the first $2000 plus $14 for each additional $1000, or fraction thereof, to and including $25,000</td>
</tr>
<tr>
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<td>$391.75 for the first $25,000 plus $10.10 for each additional $1000, or fraction thereof, to and including $50,000</td>
</tr>
<tr>
<td>$50,001 to $100,000</td>
<td>$643.75 for the first $50,000 plus $7 for each additional $1000, or fraction thereof, to and including $100,000</td>
</tr>
<tr>
<td>$100,001 to $500,000</td>
<td>$993.75 for the first $100,000 plus $5.60 for each additional $1000, or fraction thereof, to and including $500,000</td>
</tr>
<tr>
<td>$500,001 to $1,000,000</td>
<td>$3,233.75 for the first $500,000 plus $4.75 for each additional $1000, or fraction thereof, to and including $1,000,000</td>
</tr>
<tr>
<td>$1,000,001 and up</td>
<td>$5,608.75 for the first $1,000,000 plus $3.15 for each additional $1000, or fraction thereof</td>
</tr>
</tbody>
</table>

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

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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:** 24.301.138(4)(d) the multiplier reduced and a new multiplier for firm bids and design professional’s estimates is added to affect a reduction in fees necessary to maintain less than 2 times appropriation in Building Code’s Account.

24.301.139 INVESTIGATION FEES ASSESSED FOR WORK COMMENCING WITHOUT BUILDING PERMIT (1) In accordance with subsection 109.4 of the International Building Code and pursuant to the requirements of fees being commensurate with costs, the department may assess an investigation fee for any work commenced on a building or structure prior to obtaining the required building permits. The investigation fee will be charged on an hourly rate of $75.00 per hour, for every hour, including portions of an hour spent on investigating the work commenced without the proper building permits. This investigation fee shall be
in addition to the regular plan review and building permit fee assessed in ARM 24.301.138(1)(a) and (b).

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

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 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 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) 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 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 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 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, 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;
(ix) the type of construction as defined in Chapter 6;
(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 of the IBC, but no significant deficiencies from the state building code have been noted, the bureau may issue a letter of formal written approval in lieu of a certificate of occupancy."
(8) The department will use the applicable provisions of the Montana Administrative Procedure Act in all cases of appeal in lieu of Section 113 of the IBC.
(9) Variance Procedure- PLACEHOLDER

(9) (10) Subsection 1809.5 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 multi-story 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
A 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) (11) 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

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 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 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 is amended to delete "Section 3112" and replace it with "Section 3113."

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

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

(11) The following modifications apply to riding arenas:
   (a) Subsection 312.1 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 is amended by addition of: "9. Riding arenas as defined in amended Subsection 312.1."

(c) Appendix Chapter C, Subsection C104.1 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 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) 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, 2016 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, 2016-2019 edition."

(15) The following modifications apply to Group A-2 occupancies without cooking facilities, Group A-3 occupancies, and Group A-4 occupancies:
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 all 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% 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.
vi. The posted occupant load of the building shall not exceed 299.
vii. A fire alarm system is installed in accordance with NFPA 72.

Exception: At the discretion of the building official one of the above listed criteria may be waived if the exterior of the building is constructed of noncombustible materials.

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.
(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.

Delete Subsection 903.2.8 and replace with the following:

1. An approved automatic sprinkler system installed in accordance with Section 903.3 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;
   b. 9 or more occupants in other than dwelling units;
   c. 5 or more dwelling units; or
   d. more than 2 stories.
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 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 is amended by adding the following paragraph:
"Exception: An automatic sprinkler system is not required where a Group F1 fire area is 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 is amended by adding the following paragraph:
"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."

(17) (20) Subsection 1020.1 is amended by addition of the following: "Upgrading of corridors in existing E occupancies serving an occupant load of 30 or more, may have walls and ceilings of not less than one-hour fire-resistive construction as required by this code. Existing walls surfaced with wood lathe and plaster in good condition or 1/2-inch gypsum wallboard or openings with fixed wired glass set in steel frames are permitted for corridor walls and ceilings and occupancy separations when approved. Doors opening into such corridors shall be protected by 20-minute fire assemblies or solid wood doors not less than 1 3/4 inches (45 mm) thick. Where the existing frame will not accommodate the 1 3/4-inch-thick door, a 1 3/8-inch-thick solid bonded wood-core door or equivalent insulated steel door shall be permitted. Doors shall be self-closing or automatic closing by smoke detection. Transoms and openings other than doors from corridors to rooms shall comply with this code or shall be covered with a minimum of 3/4-inch plywood or 1/2-inch gypsum wallboard or equivalent material on the room side. Exception: Existing corridor walls, ceilings, and opening protection not in compliance with the above may be continued when such buildings are protected with an approved automatic sprinkler system throughout. Such sprinkler system may be supplied from the domestic water system if it is of adequate volume and pressure."

(18) (21) For "R" occupancies that are exempt from the requirements of a fire sprinkler system, pursuant to ARM 24.301.146(16), Table 1020.1, referenced in subsection 1020.1, 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 Serviced By Corridor."

(19) (22) Subsection 1030.1 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:"

(20) (23) Subsection 1608.2 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. 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."

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

(23) Subsection 2902.3, Required Public Toilet Facilities, is deleted in its entirety and replaced with "Required Public Toilet Facilities shall be provided in accordance with the Uniform Plumbing Code 2021 Section 422.4."

(24) 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."

(25) Delete Section 3107 in its entirety.


(27) Delete Chapter 33 in its entirety.

(28) 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.

(29) 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.

(30) 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.

(31) 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.
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.

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.

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 3000 square feet in size, that are used only for parking of an aircraft and where no repair work or welding is performed and 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).

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.

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.

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.

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.

(38) (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.

(39) (42) 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) **Category A** Ambulatory assisted living facilities with 9 to 19 residents, as referenced in 50-5-226, MCA, will be classified as an R-4 occupancy for building permit and construction standard purposes. Automatic fire sprinkler systems are not required. A Fire Alarm System is required in all common spaces.

(b) **Category B** Non-Ambulatory assisted living facilities with 9 to 19 5 or more residents, as referenced in 50-5-226, MCA, will be classified as an R-4 occupancy for building permit and construction standards purposes. In addition, a **Category B** Non-Ambulatory assisted living facility shall have an automatic fire sprinkler system and provide an accessible sleeping room or space for each **Category B** Non-Ambulatory resident.

(c) An assisted living facility with 20 or more residents, in any combination of **Category A** and **Category B** Ambulatory or Non-Ambulatory, will be classified as an R-2 occupancy for building permit and construction and shall meet accessibility standards as provided in Subsection 1103 of the International Building Code. Automatic fire sprinkler systems are required. A fire wall cannot be used to isolate and reduce occupant loads in order to avoid an R-2 classification.

(40) (43) 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 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.

(41) (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.

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

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

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

AUTH: 50-60-203, MCA
REASON: 24.301.146(9) is reorganized to clarify the language. (15) is a new Rule to outline a reasonable alternative for small rural community centers and gymnasiums that do not have access to an adequate water supply to allow for a properly functioning Automatic Sprinkler System. (16)&(17) are renumbered. (18)&(19) are new exemptions to address the new requirements in Subsection 903 for large Distilleries. Montana has many small batch distilleries that would be included in the new Subsections of 903. (20)-(25) are renumbered. (26) this Rule is modified to clarify that public buildings do require toilet facilities and they must comply with the requirements in the Uniform Plumbing Code. (27)-(36) are renumbered. (37) addresses larger aircraft storage buildings that are solely used for storage and are allowed to be classified as Utility buildings. (38)-(41) are renumbered. (42) changes are to clarify that the intent of this Rule is to provide different requirements for Ambulatory and Non-Ambulatory Assisted Living Facilities.

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, 2018 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. 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, 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, 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, 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 312.1.1, 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, 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, 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-resistant 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 subsection 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) 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.


AUTH: 50-60-203, MCA
IMP: 50-60-102, 50-60-201, 50-60-203, MCA
REASON: 24.301.154 (2) updates the code edition and allows for local jurisdictions to utilize the Appendix for Radon if they choose.

24.301.161 INCORPORATION BY REFERENCE OF INTERNATIONAL ENERGY CONSERVATION CODE  (1) The Department of Labor and Industry adopts and incorporates by reference the International Code Council's International Energy Conservation Code, 2018 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 Building Codes Program of the Department of Labor and Industry. It remains undeleted and available for use for certified local governments using the code.

Repeal (c) Sections C202 and R202, General Definitions, the definition for "Air Barrier" is deleted and replaced with a new definition for "Air Barrier" as follows: "Air Barrier: Material(s) assembled and joined together to provide a barrier to air leakage through and into the building envelope. An air barrier may be a single material or a combination of materials."

(d) Table R402.1.2, INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT, is amending requirements for climate zone "6" as WOOD FRAMED WALL R-VALUE’ as ‘R-21 or R-20 + R-5ci or R-13 + R-10ci or R-15ci’ shown below in the table:

<table>
<thead>
<tr>
<th>Climate Zone</th>
<th>Fenestration U-Factor(b)</th>
<th>Skylight(b) U-Factor</th>
<th>Glazed Penetration SHGC(b,d)</th>
<th>Ceiling R-Value</th>
<th>Wood Framed Wall R-Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>0.30</td>
<td>0.55</td>
<td>NR</td>
<td>49</td>
<td>24 or 13+10(h)</td>
</tr>
</tbody>
</table>

| Mass Wall R-Value(i) | Floor R-Value | Basement Wall R-Value | Slab(b) R-Value & Depth | Crawl Space Wall(c) R-Value |
Table R402.1.4, EQUIVALENT U-FACTORS, is amending requirements as shown below in the table:

<table>
<thead>
<tr>
<th>Climate Zone</th>
<th>Fenestration U-Factor</th>
<th>Skylight U-Factor</th>
<th>Ceiling U-Factor</th>
<th>Frame Wall U-Factor</th>
<th>Mass Wall U-Factor</th>
<th>Floor U-Factor</th>
<th>Basement Wall U-Factor</th>
<th>Crawl Space Wall U-Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>0.30</td>
<td>0.55</td>
<td>0.026</td>
<td>0.045</td>
<td>0.060</td>
<td>0.033</td>
<td>0.050</td>
<td>0.055</td>
</tr>
</tbody>
</table>

Subsection R402.2.2, Ceilings Without Attic Spaces, is deleted and replaced with the following: "Where Section Table R402.1.23 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 Section Table R402.1.23, 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."

Subsection R402.2.4, 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."

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

(i) Subsection R403.3.57, Exception: A duct air leakage test shall not be required where the ducts and air handlers are located entirely within the building thermal envelope. 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 R402.1.23.

(j) Subsection R403.4.2, Hot Water Pipe Insulation (Prescriptive), is amended as follows:
Delete item number 3, delete item number 9, delete Table R403.4.2 and the text, "All remaining piping shall be insulated to at least R-3 or meet the run length requirements of Table R403.4.2."

(k) 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.

(l) 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.

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

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.


AUTH: 50-60-203, 50-60-803, MCA
24.301.161(1) References the latest code edition. (1)(c) removes a definition that is now closely defined in the new code edition. New (c) removes the table and just lists the one existing amendment to provide easier reading. (d) is relabeled. (e)-(g) are relabeled and addresses section number changes in the 2021 edition. (h) clarifies the new section R402.4.1.3 of 2021 IECC still uses the amended 4 ACH. (i) adds a new statement intended to encourage the installation of ducts and air handlers inside the Thermal Envelop. (j) section is removed from the 2021 IECC and is no longer relevant. (k) & (l) allow local jurisdictions to adopt and enforce Solar Ready Provisions and Zero Energy Provisions for Commercial Buildings in their jurisdictions. (m) Appendix is renamed in the 2021 IECC.

24.301.162 ENERGY LABELING STICKERS (1) Where the energy labeling sticker is required by 50-60-803, MCA, the labeling sticker shall describe the energy efficiency components of the home. The builder or representative shall sign, date, and complete the label and permanently attach it to the interior electrical panel. The energy efficiency component labeling sticker must be a permanent self-adhesive label four by six inches in size that includes the following information:

(a) building address, name of builder or representative, date, and signature;
(b) nominal R-values for flat and vaulted ceilings, above grade walls, basement and crawlspace foundation insulation, floors over unheated space, slab insulation, and exterior doors;
(c) overall window unit U-factor. Window U-factor information is the factor stated on the window label from the National Fenestration Rating Council (NFRC);
(d) the energy efficiency rating of the heating system. This is the annual fuel utilization efficiency (AFUE) for gas heating systems and the heating season performance factor (HSPF) for heat pumps;
(e) energy efficiency information for water heaters. This is the energy factor (EF) rating, from the manufacturer and stated on the water heater; and
(f) other information that may be listed as an option to describe energy efficiency features of the home not stated above.

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

24.301.171 INCORPORATION BY REFERENCE OF INTERNATIONAL EXISTING BUILDING CODE (1) The department adopts and incorporates by reference the International Existing Building Code (IEBC), 2018 2021 edition, which may be used as an alternate prescriptive method(s) for the remodel, repair, alteration, change of occupancy, addition, and relocation of existing building.

(a) The owner of an existing building may follow the requirements of either the IEBC or the IBC, but the owner may not apply some of the requirements of the IEBC and other requirements from the IBC on the same project.
(2) Adoption of the IEBC must not be construed to require the upgrading of existing buildings.
(3) Any reference to a separate specialty building regulation by title in the IEBC shall be considered deleted and replaced with the title of the comparable model code that has been adopted by the department and is in effect at the time.
(4) A copy of the IEBC may be obtained from the International Code Council at www.ICCSafe.org.
24.301.172 INCORPORATION BY REFERENCE OF INTERNATIONAL MECHANICAL CODE

(1) The department adopts and incorporates by reference the International Mechanical Code, 2018 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 106.5.2 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:

<table>
<thead>
<tr>
<th>Cost of Mechanical System</th>
<th>Mechanical Permit Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0 - $10,000</td>
<td>$48 for first $1000 plus $14 for each additional $1000 or fraction thereof, to and including $10,000</td>
</tr>
<tr>
<td>$10,001 - $50,000</td>
<td>$166 for first $10,000 plus $9 for each additional $1000 or fraction thereof, to and including $50,000</td>
</tr>
<tr>
<td>$50,001</td>
<td>$514 for first $50,000 plus $6 for each additional $1000 or fraction thereof.</td>
</tr>
</tbody>
</table>

(e) Section 108 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 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.

(f) Section 109 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 109.

(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 1101.10, Locking access port caps, is modified by adding the following: "This subsection shall not apply to single-family dwellings."

(2) The Building and Commercial Measurements Bureau 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

24.301.173 INCORPORATION BY REFERENCE OF INTERNATIONAL FUEL GAS CODE (1) The department adopts and incorporates by reference the International Fuel Gas Code, 2018 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
(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 108 of the International Fuel Gas 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 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 109 of the IFGC will be left as is for use by certified cities, counties, or towns, who by 50-60-303, MCA, must provide an appeal procedure. Cities, counties, and towns may use the board of appeals created in accordance with Section 113 of the International Building Code to serve as the board of appeals. The department and state of Montana, however, will use the applicable provisions of the Montana Administrative Procedure Act in all cases of appeal, in lieu of Section 109.

(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 Building and Commercial Measurements Bureau 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
24.301.175 INCORPORATION BY REFERENCE OF INTERNATIONAL SWIMMING POOL AND SPA CODE (ISPSC)  (1) The department adopts and incorporates by reference the International Swimming Pool and Spa Code, 2018 2021 edition, published by the International Code Council, unless another edition is specifically stated, together with the following amendments:

(a) Chapters 7 through 10, inclusive, are deleted in their entirety.

(2) As specified in ARM 24.301.146(26), the department has deleted Section 3109 Swimming Pool Enclosures and Safety Devices from the International Building Code and replaced that section with the International Swimming Pool and Spa Code (ISPSC) as adopted by reference in (1). Cities, counties, and towns that have adopted the International Building Code in connection with their certification to enforce building codes will utilize the applicable sections of the ISPSC to regulate swimming pool and spa construction.

(3) As specified in 76-2-412, MCA, the ISPSC provisions, 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 establish minimum standards to provide a reasonable level of safety and protection of health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, and location of public swimming pools, spas, and aquatic recreation facilities.

(5) No swimming pool or spa 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 ISPSC adopted by reference in (1) is a nationally recognized model code setting forth minimum standards and requirements for swimming pool and spa installations. A copy of the ISPSC may be obtained from the International Code Council at www.ICCSafe.org.

AUTH:  50-60-203, MCA


(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 Agency, is deleted in its entirety.

(10) Subsection 107.2, 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:

<table>
<thead>
<tr>
<th>DEFENSIBLE SPACE</th>
<th>Fire Hazard Severity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Moderate Hazard</td>
</tr>
<tr>
<td>Nonconforming</td>
<td>IR2</td>
</tr>
<tr>
<td>Conforming</td>
<td>IR3</td>
</tr>
<tr>
<td>1.5 X Conforming</td>
<td>Not Required</td>
</tr>
</tbody>
</table>

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

Subchapter 2

Local Government Enforcement

24.301.201 EXTENT OF LOCAL PROGRAMS (1) A city, county, or town, as provided by 50-60-102, MCA, may adopt codes That have been adopted by the department to cover buildings within their respective jurisdictional areas. 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, or plumbing, fuel gas, swimming pool and spa, medical gas, and/or wildland urban interface and codes for limited types of buildings, the Department of Labor and Industry, Building and Commercial Measurements Bureau retains authority to enforce building, mechanical, electrical, and plumbing, fuel gas, swimming pool and spa, medical gas, and/or wildland urban interface, and codes for all other buildings not covered by the city, county, or town and which are not exempt from department regulation.


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: 24.301.201 is amended to clarify which codes require formal adoption and certification and which codes are ancillary and included in a local jurisdiction's adoption.

24.301.202 ADOPTION OF CODES (1) The codes adopted by cities, counties, and towns must be the same as those adopted by the department. However, cities, counties, or towns shall only adopt those codes, which they are certified to enforce; that is, plumbing, electrical, building, or 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, or 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: Certified jurisdictions have adopted unnecessary codes beyond the codes they are certified to enforce. Changing the wording from ‘need only’ to ‘shall’ will clarify that only enforced codes should be adopted. Additional codes were added to this rule to have a complete list for reference of all codes a jurisdiction could adopt.

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 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 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 12 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

24.301.204 FACTORY-BUILT BUILDINGS (1) Once factory-built buildings
are approved by the bureau as meeting the codes, the units shall be subject only to
city, county, or town inspection and fees for zoning, utility connections and
foundations. As part of the city, county or town's submittals to the bureau, provisions
must be included stating how factory-built buildings will be handled with respect to
permits and inspections to include the charges for permits covering these types of
units.

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

24.301.205 CERTIFICATION OF CODE ENFORCEMENT PROGRAMS
(1) A city, county, or town shall submit the equivalent of an annual a program
report, including all items listed in 24.301.207(3) to support a request for certification
of a new code enforcement program. Certification of the proposed code
enforcement program shall be effective upon the department's written determination
that the city, county, or town's proposal would be in compliance with compliant with
applicable statutes and rules.

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

24.301.206 STAFF QUALIFICATION (1) City, county, or town plumbing and
electrical inspectors must be either Montana licensed journeymen or master
plumbers or inspector certified in the craft being inspected plumbing.

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

(2) (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.

(3) (4) Plans examiners must be either plans examiner certified, or be building
inspector qualified as allowed in (2)(3).

(4) (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.

(5) (6) 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 (4).
The types of buildings which may be inspected or plans examined by a particular any certification classification shall be determined by the department utilizing the standards and recommendations of the entity administering the certification program. However, as a general rule, residential building inspector certification shall be acceptable for inspections of residential buildings containing less than five dwelling units.

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.

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: Certified jurisdictions have been confused by this rule due to qualifications for more than one discipline being listed in one sentence. Separating the required qualification for each discipline will eliminate confusion over what certification is required. Some of the codes adopted by the department do not require a separate certification as they are addressed in the building code but referenced in a separate code book. The certification for commercial and/or residential building inspector certification covers the codes listed in 24.301.201 (3) and (4).

24.301.207 ANNUAL REPORTING REQUIREMENTS (1) A city, county, or town with a certified code enforcement program may submit shall report to the Department of Labor and Industry an annual report. Any changes to their code enforcement program within 30 days of the change. Changes to inspection staff or inspection staff qualifications must be reported within 10 days; along with proof of certification. The department may request a city, county, or town with a certified code enforcement program which has not filed an annual report 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 annual reports.
(2) All certified jurisdictions, whether or not the program has changes to report, must file a report. The voluntary annual report should be filed with the department on or before September 1st at least every three years of each year for the immediately preceding fiscal year. Information provided in annual reports the report should correspond directly to each item listed in (3)(a) through (k), and each item should be answered and presented tabbed separately from all other annual report information. The bureau will make an annual report example. An example report format is available to all Montana cities, counties, and towns upon request prior to September 1, 2004.

(3) Except as provided in (4), the annual report must contain all of the following information if there is a change in particular item of information as it was reported for the previous year:

(a) an official map or certified legal description of the jurisdictional area;
(b) a list of building related codes, including edition dates, being enforced by the city, county, or town;
(c) 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;
(d) a list of the type of structures subject to and a list of the type of structures exempted from the building related codes;
(e) a schedule of fees charged for permits;
(f) an accounting of the collection and expenditure of fees and charges for the immediately preceding fiscal year;
(g) a copy of the ordinance establishing the appeal procedure or the acknowledgment that the International Building Code appeals procedure will be followed;
(h) a list of the members of the appeals board and their qualifications;
(i) the current plan for enforcement:
   (i) a general description of how permits are applied for and issued;
   (ii) how plan reviews are conducted;
   (iii) how and when inspections are made;
   (iv) how final approvals or certificates of occupancy are issued; and
   (v) how factory-built buildings and manufactured homes are permitted and inspected;
(j) a list of employees inspecting, reviewing plans or approving any installation with descriptions of responsibilities and proof of qualifications of each employee as provided in ARM 24.301.206; and
(k) if any services relating to building code enforcement are provided through contractual arrangements, a current copy of any and all such contracts.

(4) Beginning on September 1, 2004, and continuing thereafter on a three year rotating basis, cities, counties and towns shall submit an annual report every three years which provides detailed answers to each of the criteria listed in (3), even if there has been no change since the previous reporting period, as follows:

(a) The department will notify those cities due to file an annual report every January; the report will be due by the following September 1st:
   (a) beginning in September 2004, cities, counties and towns whose names begin with the letters A through H;
   (b) beginning in September 2005, cities, counties, and towns whose names begin with the letters I through P; and
   (c) beginning in September 2006, cities, counties, and towns whose names begin with the letters Q through Z.
(5) 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 annual reports.

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

REASON: This rule is being amended in (1) and (2) to language that requires an annual report if any of the certified jurisdiction’s program information has changed. (4) (a)-(c) is being amended to eliminate references to dates in the past that no longer impact this rule. Paragraph (3) is being amended to clarify the language. New paragraph (5) is language moved from (1) of this rule for better readability.

24.301.208 INCORPORATION BY REFERENCE OF INDEPENDENT ACCOUNTANT’S REPORTING FORMAT FOR APPLYING AGREED-UPON PROCEDURES DURING AUDITS OF CERTIFIED CITY, COUNTY, OR TOWN BUILDING CODE ENFORCEMENT PROGRAMS


(2) For purposes of reporting direct charges against a building code enforcement program in an agreed-upon procedures audit, time and motion or cost allocation studies will not be acceptable as a basis to support direct charges.

(3) A city, county, or town with a certified building code enforcement program that had a building code program reserve fund balance in the preceding fiscal year in excess of $10,000 and had building permit revenues in the previous fiscal year of more than $10,000 shall require its independent auditor, in conjunction with the audit required by 2-7-503, MCA, to perform agreed-upon procedures to determine whether the city, county, or town has complied with the financial related statutes and administrative rules relating to city, county, or town building code enforcement programs. The department may require cities, counties, and towns with certified building code enforcement programs which do not meet the above criteria to provide such an audit on a case-by-case basis so the department can ensure program functions are being properly performed as required by 50-60-302, MCA. The agreed-upon procedures engagement must be performed and reported in accordance with standards prescribed by the American Institute of Certified Public Accountants. The engagement must include but is not limited to procedures necessary to provide the information necessary to fully and accurately satisfy the reporting format adopted by reference in (1), as provided for in 50-60-106, MCA, and ARM 24.301.203. Use of this reporting format will become mandatory beginning on July 1, 2007, and will apply to any independent agreed-upon procedures audit performed after that date.

(4) A copy of the document identified in (1) may be obtained from the Department of Labor and Industry, Building and Commercial Measurements Bureau, P.O. Box 200517, 301 South Park, Helena, MT 59620-0517. Copies may also be obtained by facsimile request sent to Certified City Program at (406) 841-2050, by e-mail request sent to buildingcodes@mt.gov, or by downloading the document from the department's web site at www.buildingcodes.mt.gov.
(5) The cost of the agreed-upon procedures engagement shall be paid by the city, county, or town, but may be considered a direct cost of the code enforcement program.

(6) Copies of the report on applying agreed-upon procedures shall be filed with both the department and the Local Government Services Bureau of the Department of Administration.

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

REASON: This rule is being amended in (1) to accurately reflect the name of the document addressing agreed upon procedures. Past date references are being eliminated from (3) and information regarding how to obtain a copy of the form has been updated in (4).

REPEAL 24.301.209 SPECIAL REPORTS (1) A city, county, or town with a certified code enforcement program shall notify the Department of Labor and Industry within ten days whenever any of the following events occur with respect to their code enforcement programs:

(a) where a code enforcement program provides any part of its services in accordance with or through contractual arrangements, any material changes in such contracts must be reported, including but not limited to:
   (i) breach;
   (ii) reformation;
   (iii) rescission; or
   (iv) modification;

(b) when building officials or supervisory personnel are no longer employed in those capacities within the certified code enforcement programs; or

(c) when the jurisdictional area changes due to annexation of additional parcels of land.

(2) A city, county, or town must provide a map to the department showing any changes to the local government’s jurisdictional area within 45 days of any change.

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

REASON: This rule is being proposed for repeal as all reporting requirements have been moved to ARM 24.301.207 so all reporting requirements are in one location for ease of use by certified jurisdictions.

24.301.210 DECERTIFICATION OF CODE ENFORCEMENT PROGRAMS

(1) If the Department of Labor and Industry determines a city, county, or town code enforcement program is not in compliance with the applicable statutes or rules it shall give the city, county, or town notice of such noncompliance and may allow a reasonable amount of time, not to exceed six months, for the city, county, or town to come into compliance or have the noncompliant code enforcement program decertified.
(a) Failure of a city, county, or town to come into compliance within the time prescribed by the department will result in the decertification of the city, county, or town program to the extent it is out of compliance.

(b) The city, county, or town shall be given the opportunity to contest the department determination through contested case proceedings as provided by the Montana Administrative Procedure Act.

(2) A city, county, or town may voluntarily decertify all or part of its code enforcement program upon a 90-day written notice to the department, unless the department otherwise accepts a lesser notice or the public health, safety and welfare is at risk.

(3) If a city, county, or town’s code enforcement program is decertified, either involuntarily or voluntarily, in whole or in part, the city, county, or town shall be obligated to complete inspecting all construction projects started with permits issued under the city, county, or town’s program, unless the department otherwise consents or determines that the public health, safety or welfare is at risk.

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

24.301.211 BUILDING CODES EDUCATION FUND ASSESSMENT

(1) Cities, counties, and towns, which are certified for the enforcement of building-related codes shall remit to the department 0.5 percent of building fees or charges collected for deposit into a building codes education fund.

(2) Cities, counties, and towns with annual revenues from building fees and charges of $100,000 or more shall make the payment to the building codes education fund in two semiannual installments, the first half on or before February 1, for revenues collected between the preceding July 1 and December 31, and the second half on or before September 1 for revenues collected between the preceding January 1 and June 30. Cities, counties, and towns with annual revenues from building fees and charges of less than $100,000 may make one annual payment on or before September 1 for revenues collected between the preceding July 1 and June 30.

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

24.301.212 CODE INTERPRETATIONS

(1) Code interpretations concerning any of the state building-related codes enforced by cities, counties or towns (building, plumbing, mechanical and electrical) may be requested by an affected party (building official, contractor, designer, owner, etc.), in writing, on forms provided by the department. The affected party must first show a need for a code interpretation because of differing or inconsistent interpretations of the code provision at issue between city, county, or town building officials or between city, county, or town building officials and the department. The department will research and investigate the question and will prepare a preliminary written response, which includes the department's preliminary interpretation and justification of the question as soon as possible.

(2) The preliminary interpretation and justification of the question will be distributed to the requestor, the Building Codes Council and to all city, county, or town code enforcement programs, currently certified for enforcement of the applicable code concerning the question, for their review and comment. Comments
and suggested amendments concerning the question must be returned to the department within 30 days of the date of the distribution of the preliminary interpretation and justification of the question.

(3) The department will consider all comments and suggested amendments received during the 30-day comment period and prepare a proposed interpretation and justification of the question to be distributed, along with a ballot, to all building officials of city, county, and town code enforcement programs, currently certified for enforcement of the applicable code concerning the questions. The ballot will be to "concur" or to "not concur" with the proposed interpretation and the ballot must be signed and dated by each voting building official and returned to the department within 15 days of the date of distribution of the proposed interpretation.

(4) The ballots will be counted by the department and the proposed code interpretation will become final and binding on all city, county, and town code enforcement programs and the department if a simple majority of voting building officials "concur". If the voting on the proposed code interpretation is tied, the department shall be entitled to break the tie vote. If a simple majority of voting building officials vote "do not concur", the proposed code interpretation will become a technical code advisory, as established in ARM 24.301.213 and is not binding on local code enforcement programs.

(5) Code interpretations, which receive a "concur" status as established in (4), shall be certified by signature of the Building Codes Bureau Building and Commercial Measurements Bureau chief as having met the established procedures and the code interpretation will be dated, chronologically numbered, placed in the department's central registry and distributed to the requestor, Building Codes Council and all city, county, and town code enforcement programs, which are then certified for building code enforcement.

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

24.301.213 CODE TECHNICAL ADVISORIES (1) Code technical advisories are available for questions concerning any of the state building related codes (building, plumbing, mechanical, electrical, boiler and elevator) and may be requested by an affected party (building official, contractor, designer, owner, etc.), in writing, on forms provided by the department. The department may research and investigate the question and may prepare a preliminary written response, which includes the department's interpretation and justification as soon as possible. The affected party and the Building Codes Advisory Council will be provided with the preliminary written response and will be given five working days to submit comments. After review of any comments the department will prepare a final written response, under signature of the Building Codes Bureau Building and Commercial Measurements Bureau chief.

(2) Code technical advisories are not binding on city, county, or town code enforcement programs.

(3) Code technical advisories will be dated, chronologically numbered, placed in the department's central registry and distributed to the requestor, Building Codes Council and all certified city, county, and town building code enforcement programs.

AUTH: 50-60-203, MCA
IMP: 50-60-203
24.301.214 SINGLE FAMILY DWELLING PLAN REVIEW AND APPROVAL
OF MODEL PLANS  (1) Model construction plans for single family dwellings may be
submitted to the department for plan review and approval. Each page of model
construction plans approved by the department shall bear the stamp of the
department as having been approved.

(2) Single family dwelling model construction plans will be reviewed utilizing
the applicable provisions of the current editions of the model codes or their
replacement codes as may be adopted by the department and approval of the plans
will be limited for use in areas with the same or lesser design factors as submitted
on the plans (snow load, wind load, seismic zone, etc.).

(3) Plan review and approval fees for single family dwelling model
construction plans shall be the same as those currently established for the review
and approval of factory-built buildings in ARM 24.301.565.

(4) The fee for approval of a single family dwelling model plan is a one-time
approval fee as established in ARM 24.301.565. Model plans for single-family
dwellings are considered approved until a subsequent edition or replacement of the
code applicable to construction of single-family dwellings is adopted. Approved
plans must be resubmitted for plan review and approval under the provisions of any
newly adopted plumbing, electrical or mechanical code and shall be assessed the
applicable plan revision fee as established in ARM 24.301.565.

(5) Approved plans with current electrical, plumbing and mechanical
components shall be acceptable on a statewide basis as established in (2) with no
further examination other than as provided in 50-60-118, MCA. Any alteration or
deviation during construction from the approved plans voids the model plan approval
status and the alteration or deviation shall be addressed on a case-by-case basis by
the applicable city, county, or town building official.

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

24.301.231 INTERGOVERNMENTAL JURISDICTIONAL RELATIONSHIPS
RELATING TO BUILDING CODE ENFORCEMENT PROGRAMS  (1) Only counties
or incorporated cities and towns in Montana have the option of adopting their own
code enforcement programs. A city, county, or town code enforcement program
must be certified in accordance with ARM Title 24, chapter 301, subchapter 2 before
the local government entity may begin enforcing building regulations. Where a
county adopts such a program, the county must enforce the building regulations on a
county-wide basis, except where an incorporated city or town already has a certified
code enforcement program in place or where the city or town is later certified for
operation of such programs. Cities, counties and towns may enter into contracts for
enforcement of building regulations within their respective jurisdictions, but those
contracts must be submitted to the Building Codes Bureau Building and Commercial
Measurements Bureau as part of an application for certification, or as an
amendment to a previously approved plan before the contract may be performed.

(2) Specific alternative examples of code enforcement jurisdictional
relationships and responsibilities are as follows:

(a) As of October 1, 2003, in counties where no certified county code
enforcement programs are in effect:

(i) the Building Codes Bureau Building and Commercial Measurements
Bureau will continue enforcing enforce Montana’s building regulations in all
unincorporated cities and towns;
(ii) incorporated cities and towns which also do not have certified code enforcement programs in effect will continue to have Montana’s building regulations enforced by the Building Codes Bureau Building and Commercial Measurements Bureau; and

(iii) incorporated cities and towns which do have a certified code enforcement program in effect will continue to operate that program and enforce Montana’s building regulations within their jurisdiction. However, where a program has provided permitting and inspection services outside the boundaries of cities and towns, those extended jurisdictional areas will be invalid as of October 1, 2003.

(A) The Building Codes Bureau will assume jurisdiction over all new and subsequent building projects in those areas on that date.

(B) Where incorporated cities and towns properly issued permits for building projects in areas outside their boundaries prior to October 1, 2003, the city or town will retain jurisdiction over those projects until that building project is completed.

(b) As of October 1, 2003, where an incorporated city or town exists in a county which has a certified building code enforcement program already in effect, but where the Building Codes Bureau has been providing permitting and inspection services to those cities and towns, those permitting and inspection services will become the responsibility of the certified county programs unless the city or town opts to have the Building Codes Bureau continue providing these services.

(c) After October 1, 2003, any A city or town, which becomes incorporated, can choose to:

(i) apply for certification to operate its own code enforcement program;
(ii) be regulated by a county code enforcement program, if one is in effect; or
(iii) have the Building Codes Bureau Building and Commercial Measurements Bureau provide permitting and inspection services inside the city limits in accordance with Montana statutes and administrative rules.

This rule is advisory only, but may be a correct interpretation of the law

AUTH:  50-60-203, MCA
IMP:  50-60-103, 50-60-106, 50-60-117, 50-60-301, 50-60-302, MCA; Ch. 443, sec. 25, L. 2003

REASON: This rule is being amended to eliminate references to dates that have passed and no longer impact the rule. Language has been amended to relate to the removal of the specific dates. The Bureau name changed and Rule is amended to reflect the new name.

Subchapter 3

Plumbing Requirements

24.301.301 INCORPORATION BY REFERENCE OF UNIFORM PLUMBING CODE  (1) The department adopts and incorporates by reference the Uniform Plumbing Code, 2018 edition, unless another edition is specifically stated, together with the following appendix chapters and amendments:
(a) Appendix A, Recommended Rules for Sizing the Water Supply System is adopted.
(b) Appendix B, Explanatory Notes on Combination Waste and Vent Systems is adopted.
(c) Appendix C, Alternate Plumbing Systems is adopted.
(d) Appendix D, Sizing Stormwater Drainage Systems is adopted.
(e) Appendix K, Potable Rainwater Catchment Systems is adopted.
(f) Appendix L, Sustainable Practices is adopted.
(g) Appendix M, Peak Water Demand Calculator is adopted.
(h) Appendix N, Impact of Water Temperature on the Potential for Scalding and Legionella Growth.

d) (i) Subsection 103.3.1, Licensing, is amended with the addition of the following language: The requirements for who must be licensed to perform plumbing work is regulated by Title 37, chapter 69, MCA.
(e) (j) Subsections 104.1, 104.2, 104.3, 104.3.2, 104.4, 104.5, 105.0, 105.4, 106.1, 106.3, and 107.0 will be left as is for use by local governments (i.e., municipalities and counties), but will not be used by the department and the state of Montana. For the purposes of enforcement by the department, these subsections are replaced with provisions of Title 50, chapter 60, part 5, MCA.

(i) No permit is required for any minor replacement or repair work, the performance of which does not have a significant potential for creating a condition hazardous to public health and safety.

(ii) No permit is required where the installation is exempt under the provisions of 50-60-503 or 50-60-506, MCA.

(iii) The requirements for permits do not apply to regularly employed maintenance personnel doing maintenance work on the business premises of their employer unless work is subject to the permit provisions of these rules.

(iv) Factory-built buildings covered by an insignia issued by the department need not have a plumbing permit for the construction of the unit; however, a permit will still be required for on-site work, as provided for in these rules.

(f) (k) Delete Table 104.5 - PLUMBING PERMIT FEES and replace with the following schedule:

(i) for each plumbing fixture $10
(ii) water service - domestic or commercial 20
(iii) for each building sewer and each trailer park sewer 20
(iv) storm drains and storm drainage 20
(v) for each water heater (replacement or new) 25
(vi) for alteration or repair of water piping and/or water treatment equipment 30
(vii) for repair or alteration of drainage or vent piping 30
(ix) for each lawn sprinkler system and fire protection system or any one meter, including backflow protection devices therefore 30
(x) for each hose bibb, vacuum breakers, or backflow protective devices on tanks, vats, etc., or for installation on unprotected plumbing fixtures, including necessary water piping 6 each
(xi) requested plumbing inspection fee (provided that such service is not in excess of one hour in duration, and then $35 for each 30 minutes or fractional part thereof in excess of one
hour. Travel and per diem may be charged as per the state of
Montana's existing rate for these items) 75
(xii) reinspection (provided the $30 does not exceed the original
permit fee, in which case the original fee will be charged) 45
(xiii) for each medical gas type/piping system as follows:
(A) oxygen piping 100
(B) nitrogen piping 100
(C) medical compressed air piping 100
(D) nitrous oxide piping 100
(E) carbon dioxide piping 100
(F) medical vacuum piping 100
(G) any other medical gas piping not included above in (A)
through (F) 100
(H) if total outlets for all gases/vacuum piping exceed 20 outlets,
then there is an additional fee for each outlet over 20 10
(xiv) for each gray water system (commercial or residential) 60
(g) (l) Section 218, Definition of Plumbing System, is amended to read:
"Includes all potable water and alternate water sources including supply and
distribution pipes, all plumbing fixtures and traps, all drainage and vent pipes,
building drains and building sewers, including their respective joints and
connections, devices, receptacles, and appurtenances within the property line of any
premises, and includes water heaters and vents for the premises."
(h) (m) Table 422.1, Minimum Plumbing Facilities, is deleted and replaced
with ARM 24.301.351, Minimum Required Plumbing Fixtures.
REPEAL (i) Subsection 507.13, paragraph one is amended to read as follows:
"Gas utilization equipment, or any equipment that generates a glow, spark, or flame,
in residential garages and in adjacent spaces that open to the garage and are not
part of the living space for a dwelling unit shall be installed so that all burners,
burner-ignition devices, and heating elements are located not less than 18 inches
(450 mm) above the floor unless listed as flammable vapor ignition resistant."
(j) (n) Delete Subsection 603.4.2.
REPEAL: (k) Subsection 603.2, Approval of Devices or Assemblies, is
amended to read as follows: "Before any device or assembly is installed for the
prevention of backflow, it shall have first been approved by the authority having
jurisdiction. Devices or assemblies shall be tested for conformity with recognized
standards or other standards acceptable to the authority having jurisdiction, so long
as those standards are consistent with the intent of this code. All devices or
assemblies installed in a potable water supply system for protection against
backflow shall be maintained in good working condition by the person or persons
having control of such devices or assemblies. If found to be defective or inoperative,
the device or assembly shall be repaired or replaced. No device or assembly shall
be removed from use or relocated or other device or assembly substituted, without
the approval of the authority having jurisdiction."
(l) (o) Subsection 603.5.10, is amended with the addition of the following
language: "Boiler feed lines, in single-family dwellings on their own private well, may
be protected with a dual check valve with intermediate atmospheric vent when a
nontoxic transfer fluid is utilized in the boiler."
REPEAL: (m) Subsection 603.5.12, Beverage Dispensers, delete the first sentence
and replace with: "Potable water supply to carbonated beverage dispensers or
coffee machines that may produce back pressure shall be protected by an air gap or
a vented backflow preventer in accordance with ASSE 1022."
(n) (p) Subsection 604.3, the exception is amended to read as follows: Exception: Type M copper tubing may be used for water piping when piping is above ground in, or on, a building.

(e) (g) Subsection 605.12.2, Solvent Cement Joints, delete the third sentence and replace with the following: "Where surfaces to be joined are cleaned and free of dirt, moisture, oil, and other foreign material, apply approved primer in accordance with ASTM F 656."

(p) (r) Subsection 609.11, Pipe Insulation, is deleted in its entirety.

(q) (s) Subsection 610.8, last sentence, is amended to read as follows: No building supply pipe shall be less than 3/4 inch (19.1 mm) in inside diameter.

(t) (u) Subsection 612.0, Residential Fire Sprinkler Systems, is deleted in its entirety.

(e) (u) Subsection 704.3, is amended by deleting the first sentence and replacing it with, "There may not be a direct connection between the sewerage system and any drains originating from equipment in which food, portable equipment, or utensils are placed." Exception: A warewashing (3-compartment) sink may have a direct connection only when used as a wash bin, rinse bin, and sanitizing bin and shall not be used for any other purpose. Establishments that use the sanitizing bin of their warewashing sink to wash produce or conduct other food preparation must maintain an indirect connection and are not eligible for this exception.

(t) (v) Subsection 705.6.2, Solvent Cement Joints, delete the third sentence and replace with the following: "Where surfaces to be joined are cleaned and free of dirt, moisture, oil, and other foreign material, apply approved primer in accordance with ASTM F 656."

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

(x) 707.9 Clearance, delete the last sentence and replace with:

No under-floor cleanout shall be located exceeding 20 feet from an access door, trap door, or crawl hole.

(v) (y) Section 708.1, is amended to read as follows: Horizontal drainage piping shall be run in practical alignment and a uniform slope of not less than 1/4 of an inch per foot or 2 percent toward the point of disposal provided that, where it is impractical due to the depth of the street sewer or to the structural features or to the arrangement of any building or structure to obtain a slope of 1/4 of an inch per foot or 2 percent, any such pipe or piping 2 inches or larger in diameter may have a slope of not less than 1/8 of an inch per foot or 1 percent.

Repeal(w) Subsection 710.1, is amended to read as follows: "Where a fixture is installed on a floor level that is lower than the next upstream manhole cover of the public or private sewer serving such drainage piping may be protected from the backflow of sewage by installing an approved type backwater valve. Fixtures on floor levels above such elevation shall not discharge through the backwater valve."

(x) (z) Subsection 718.1, the exception is amended to read as follows:

Exception: Where it is impractical, due to the depth of the street sewer or to the structural features or to the arrangement of any building or structure, to obtain a slope of 1/4 of an inch per foot, any pipe or piping 3 inches or larger in diameter may have a slope of 1/8 of an inch per foot and any such pipe or piping 8 inches in diameter or larger may have a slope of 1/16 of an inch per foot.
Subsection 807.3, Domestic Dishwashing Machine, add exception as follows: "Exception #1: The waste connection of a residential dishwasher shall connect directly to a wye branch fitting on the tailpiece of the kitchen sink, directly to the dishwasher connection of a food waste disposer, or through an air break to a standpipe. The waste line of a residential dishwasher shall rise and be securely fastened to the underside of the sink rim or countertop."

Subsection 906.1, the first sentence is amended to read as follows: Each vent pipe or stack shall extend through its flashing and shall terminate vertically not less than 12 inches above the roof nor less than one foot from any vertical surface.

Subsection 906.3, is amended to read as follows: Vent pipes shall be extended separately or combined, of full required size, not less than 12 inches above the roof or fire wall.

Subsection 906.7, is amended to read as follows: Frost and Snow Closure: Where frost or snow closure is likely to occur in locations having a minimum design temperature below zero degrees Fahrenheit vent terminals shall be a minimum of 3 inches in diameter, but in no event smaller than the required vent pipe. The change in diameter shall be made inside the building at least 1 foot below the roof and terminate not less than 12 inches above the roof, or as required by the administrative authority.

Subsection 908.1 is amended to read, "Wet Venting."

Subsection 908.1.1 is deleted and replaced with, "Wet venting is limited to drainage piping receiving the discharge from the trap arm of one and two fixture unit fixtures that also serves as a vent for not to exceed four fixtures. All wet vented fixtures shall be within the same story; provided, further, that fixtures with a continuous vent discharging into a wet vent shall be within the same story as the wet vented fixtures."

Subsection 908.1.2, is amended to read as follows: "The piping between any two consecutive inlet levels shall be considered a wet vented section. Each wet vented section shall be a minimum of one pipe size larger than the required minimum waste pipe size of the upper fixture or shall be one pipe size larger than the required minimum pipe size for the sum of the fixture units served by such wet vented section, whichever is larger, but in no case less than two inches."

Subsection 908.2 is amended with addition of the following: "Bathroom group locations include private bathrooms, private patient hospital rooms, commercial toilet rooms with only one toilet, one lavatory and may include one floor drain."

Chapter 12, Fuel Piping, is deleted and replaced with the International Fuel Gas Code.

Chapter 13, Health Care Facilities and Medical Gas and Vacuum Systems, is deleted except for Subsections 1301.0, 1302.0, and 1303.0, Health Care Facilities. In lieu of Chapter 13, except for the subsections not deleted, the Department of Labor and Industry adopts and incorporates by reference the National Fire Protection Association's Standard NFPA 99, 2018 edition, Chapters 1 through 5 and Chapter 15 for the exclusive use as a standard for medical gas and vacuum systems, unless a different edition date is specifically stated, as the standard for the installation of medical gas and vacuum systems. The requirements of this rule shall not be construed as to replace or supersede any additional requirements for testing and certification of medical gas and vacuum systems, including independent third-party certification of systems, as may be applicable. NFPA 99 is a nationally recognized standard setting forth minimum standards and requirements for medical
gas and vacuum systems. A copy of NFPA 99 may be obtained from the National Fire Protection Association at www.nfpa.org.

(2) The purpose of this code is to provide minimum requirements and standards for plumbing installations for the protection of the public health, safety, and welfare. The Uniform Plumbing Code is a nationally recognized model code setting forth minimum standards and requirements for plumbing installations. A copy of the Uniform Plumbing Code may be obtained from the International Association of Plumbing and Mechanical Officials at www.iapmo.org.

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

REASON: 24.301.301(1)(a)-(h) are modified to reflect the 2021 edition and add additional appendices for alternative methods of compliance.(d)-(h) are relabeled as (i)-(m),(i) is repealed as it now mirrors the text in the UPC 2021. (j) is relabeled as (n). (k) is repealed as it mirrors the text in the UPC 2021. (l) is relabeled as (o). (m) is repealed as it mirrors the text in the UPC 2021. (n)-(p) are relabeled as (p)-(w). (x) new amendment, Plumbers rarely know where crawl space access holes will be located when installing the underground piping. (v) is relabeled as (y). (w) is repealed as it now mirrors the text in the UPC 2021. (x)-(ah) are relabeled as (z)-(aj).

24.301.351 MINIMUM REQUIRED PLUMBING FIXTURES  (1) The following table will be used to determine the minimum number of plumbing fixtures to be installed in new buildings:

<table>
<thead>
<tr>
<th>Occupancy or Use</th>
<th>Water Closets (Urinals see footnotes g &amp; m)</th>
<th>Lavatories</th>
<th>Bathtubs/Showers</th>
<th>Drinking Fountains$^a$</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theaters</td>
<td>1 per 125</td>
<td>1 per 65</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nightclubs$^{g,h}$</td>
<td>1 per 40</td>
<td>1 per 40</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurants$^{g,h}$</td>
<td>1 per 75</td>
<td>1 per 75</td>
<td>1 per 2 water closets</td>
<td></td>
</tr>
<tr>
<td>Halls, museums, coliseums, arenas$^a$, stadiums, pools, etc.</td>
<td>1 per 125</td>
<td>1 per 75</td>
<td></td>
<td>1 per 1,000</td>
</tr>
<tr>
<td>Churches$^b$</td>
<td>1 per 150</td>
<td>1 per 75</td>
<td></td>
<td>1 per 1,000</td>
</tr>
<tr>
<td>Business$^{g,h}$</td>
<td>1 per 25</td>
<td>1 per 25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educational Elementary</td>
<td>1 per 100</td>
<td>1 per 35</td>
<td>1 per 2 water closets</td>
<td>1 per-floor</td>
</tr>
<tr>
<td>Educational Secondary</td>
<td>1 per 100</td>
<td>1 per 45</td>
<td>1 per 2 water closets</td>
<td>1 per-floor</td>
</tr>
<tr>
<td>Factory and industrial</td>
<td>1 per 100</td>
<td>1 per 100</td>
<td>1 per 100</td>
<td>1 per 400</td>
</tr>
<tr>
<td>High hazard</td>
<td>1 per 100</td>
<td>1 per 100</td>
<td>1 per 100</td>
<td>1 per 1,000</td>
</tr>
<tr>
<td>Residential care</td>
<td>1 per 10</td>
<td>1 per 10</td>
<td>1 per 10</td>
<td>1 per 8</td>
</tr>
<tr>
<td>Institutional Type</td>
<td>1-per-room</td>
<td>1-per-room</td>
<td>1-per-15</td>
<td>1-per-100</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>------------</td>
<td>------------</td>
<td>----------</td>
<td>-----------</td>
</tr>
<tr>
<td>Hospitals, ambulatory nursing home patients</td>
<td>1-per-15</td>
<td>1-per-15</td>
<td>1-per-15</td>
<td>1-per-100</td>
</tr>
<tr>
<td>Day nurseries*, sanitariums, nonambulatory nursing home patients, etc.*</td>
<td>1-per-15</td>
<td>1-per-15</td>
<td>1-per-15</td>
<td>1-per-100</td>
</tr>
<tr>
<td>Employees, other than residential care</td>
<td>1-per-25</td>
<td>1-per-25</td>
<td>1-per-35</td>
<td>1-per-100</td>
</tr>
<tr>
<td>Visitors, other than residential care</td>
<td>1-per-75</td>
<td>1-per-75</td>
<td>1-per-100</td>
<td>1-per-500</td>
</tr>
<tr>
<td>Prisons*</td>
<td>1-per-cell</td>
<td>1-per-cell</td>
<td>1-per-15</td>
<td>1-per-100</td>
</tr>
<tr>
<td>Asylums, reformatories, etc.*</td>
<td>1-per-15</td>
<td>1-per-15</td>
<td>1-per-15</td>
<td>1-per-100</td>
</tr>
<tr>
<td>Mercantile*</td>
<td>1-per-500</td>
<td>1-per-500</td>
<td>1-per-750</td>
<td></td>
</tr>
<tr>
<td>Residential Hotels, motels</td>
<td>1-per-guestroom</td>
<td>1-per-guestroom</td>
<td>1-per-guestroom</td>
<td></td>
</tr>
<tr>
<td>Lodges</td>
<td>1-per-10</td>
<td>1-per-10</td>
<td>1-per-10</td>
<td>1-per-8</td>
</tr>
<tr>
<td>Multiple family</td>
<td>1-per-dwelling-unit</td>
<td>1-per-dwelling-unit</td>
<td>1-per-dwelling-unit</td>
<td></td>
</tr>
<tr>
<td>Dormitories</td>
<td>1-per-10</td>
<td>1-per-10</td>
<td>1-per-10</td>
<td>1-per-8</td>
</tr>
<tr>
<td>One- and two-family dwelling*</td>
<td>1-per-dwelling-unit</td>
<td>1-per-dwelling-unit</td>
<td>1-per-dwelling-unit</td>
<td></td>
</tr>
<tr>
<td>Classification</td>
<td>Description</td>
<td>Water Closets (Male: 60; Female: 30)</td>
<td>Lavatories</td>
<td>Bathtubs/Showers</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>-------------------------------------</td>
<td>------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Residential</td>
<td>Hotels, motels, boarding houses (not transient)</td>
<td>1 per 10</td>
<td>1 per 10</td>
<td>1 per 8</td>
</tr>
<tr>
<td></td>
<td>Dormitories, fraternities, sororities and boarding houses (not transient)</td>
<td>1 per 10</td>
<td>1 per 10</td>
<td>1 per 8</td>
</tr>
<tr>
<td></td>
<td>Residential facilities</td>
<td>1 per dwelling unit</td>
<td>1 per dwelling unit</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Congregate living facilities with 16 or fewer persons</td>
<td>1 per 10</td>
<td>1 per 10</td>
<td>1 per 8</td>
</tr>
<tr>
<td>Institutional</td>
<td>Collegium, arenas, skating rinks, pools and tennis courts for indoor sporting events and activities</td>
<td>1 per 75 for the first 1500 and 1 per 120 for the remainder exceeding 1500</td>
<td>1 per 175 for the first 1500 and 1 per 120 for the remainder exceeding 1500</td>
<td>1 per 200 for the first 1500 and 1 per 120 for the remainder exceeding 1500</td>
</tr>
<tr>
<td></td>
<td>Residential facilities</td>
<td>1 per 10</td>
<td>1 per 10</td>
<td>1 per 8</td>
</tr>
<tr>
<td></td>
<td>Custodial care facilities</td>
<td>1 per 10</td>
<td>1 per 10</td>
<td>1 per 8</td>
</tr>
<tr>
<td></td>
<td>Medical care recipients in hospitals and nursing homes</td>
<td>1 per room</td>
<td>1 per room</td>
<td>1 per 15</td>
</tr>
<tr>
<td></td>
<td>Employees in hospitals and nursing homes</td>
<td>1 per 25</td>
<td>1 per 35</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Visitors in hospitals and nursing homes</td>
<td>1 per 75</td>
<td>1 per 100</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Prisoners</td>
<td>1 per cell</td>
<td>1 per cell</td>
<td>1 per 15</td>
</tr>
<tr>
<td></td>
<td>Reformatories, detention centers and correctional centers</td>
<td>1 per 15</td>
<td>1 per 15</td>
<td>1 per 15</td>
</tr>
<tr>
<td></td>
<td>Employees in reformatories, detention centers and correctional centers</td>
<td>1 per 25</td>
<td>1 per 35</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Adult day care and child care centers</td>
<td>1 per 15</td>
<td>1 per 15</td>
<td>1 per 15</td>
</tr>
<tr>
<td></td>
<td>Retail stores, service stations, shops, sales-rooms, and shopping centers</td>
<td>1 per 500</td>
<td>1 per 750</td>
<td>-</td>
</tr>
<tr>
<td>Educational</td>
<td>Educational Facilities</td>
<td>1 per 50</td>
<td>1 per 50</td>
<td>-</td>
</tr>
<tr>
<td>Factory and Industrial</td>
<td>Structures in which occupants are engaged in work fabricating, assembly or processing of products or materials</td>
<td>1 per 100</td>
<td>1 per 100</td>
<td>-</td>
</tr>
<tr>
<td>Institutional</td>
<td>Medical care recipients in hospitals and nursing homes</td>
<td>1 per room</td>
<td>1 per room</td>
<td>1 per 15</td>
</tr>
<tr>
<td></td>
<td>Employees in hospitals and nursing homes</td>
<td>1 per 25</td>
<td>1 per 35</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Visitors in hospitals and nursing homes</td>
<td>1 per 75</td>
<td>1 per 100</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Prisoners</td>
<td>1 per cell</td>
<td>1 per cell</td>
<td>1 per 15</td>
</tr>
<tr>
<td></td>
<td>Reformatories, detention centers and correctional centers</td>
<td>1 per 15</td>
<td>1 per 15</td>
<td>1 per 15</td>
</tr>
<tr>
<td></td>
<td>Employees in reformatories, detention centers and correctional centers</td>
<td>1 per 25</td>
<td>1 per 35</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Adult day care and child care centers</td>
<td>1 per 15</td>
<td>1 per 15</td>
<td>1 per 15</td>
</tr>
<tr>
<td>Assembly</td>
<td>Auditoriums without permanent seating, art galleries, exhibition halls, museums, lecture halls, libraries, arcades and gymnasia</td>
<td>1 per 125</td>
<td>1 per 65</td>
<td>1 per 200</td>
</tr>
<tr>
<td></td>
<td>Passenger terminals and transportation facilities</td>
<td>1 per 500</td>
<td>1 per 500</td>
<td>1 per 750</td>
</tr>
<tr>
<td></td>
<td>Places of worship and other religious services</td>
<td>1 per 150</td>
<td>1 per 75</td>
<td>1 per 200</td>
</tr>
<tr>
<td></td>
<td>Coliseums, arenas, skating rinks, pools and tennis courts for indoor sporting events and activities</td>
<td>1 per 75 for the first 1500 and 1 per 120 for the remainder exceeding 1500</td>
<td>1 per 40 for the first 1500 and 1 per 60 for the remainder exceeding 1500</td>
<td>1 per 200 for the first 1500 and 1 per 60 for the remainder exceeding 1500</td>
</tr>
<tr>
<td></td>
<td>Stadiums, amusement parks, beaches and grandstands for outdoor sporting events and activities</td>
<td>1 per 75 for the first 1500 and 1 per 120 for the remainder exceeding 1500</td>
<td>1 per 40 for the first 1500 and 1 per 60 for the remainder exceeding 1500</td>
<td>1 per 200 for the first 1500 and 1 per 60 for the remainder exceeding 1500</td>
</tr>
</tbody>
</table>

a. The fixtures shown 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.
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.

Repeal d. For attached one- and two-family dwellings, one automatic clothes washer connection shall be required per 20 dwelling units.

e. 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.

f. For day nurseries, a maximum of one bathtub shall be required.

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

h. Single-user facilities designated to serve all genders shall include a urinal in food service establishments or any establishment that sells alcoholic beverages for on-site consumption.

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

Repeal j. At the discretion of the building official, for small (less than 1200 sq. ft., in floor area) convenience stores (typically gasoline sales plus convenience items and beverages) located to serve primarily neighborhood areas instead of major highways, only one public toilet is needed, provided it is designated for both male and female use and it is suitable for use by handicapped persons for all gender use and it is accessible in accordance with ICC A117.1.

Repeal k. If the total number of students plus staff exceeds 20, must provide separate male and female toilets.

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.

Repeal n. When calculating number of male and female occupants, the occupant load of the building shall be considered half male and half female, and the occupant load shall be calculated in accordance with the building code.

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

AUTH: 50-60-203, 50-60-504, MCA
IMP: 50-60-203, 50-60-504, MCA
REASON: The fixture table was outdated and is replaced with a current fixture count table that is located in the International Building Code 2021. 24.301.351 (d) is repealed as in it no longer relevant. e-g are relabeled as d-f. (g) is new to address increased utilization of gender-neutral single user toilet facilities in small businesses. (i) is modified to address increased utilization of gender-neutral single user toilet facilities in small businesses. (j) is modified to clarify numerous types of small kiosks and dispensaries options for compliant toilet facilities. (k) is repealed to address the shift to gender-neutral single use toilet facilities and replaced with an amendment to relieve the necessity of a service sink in small drive through or kiosk type businesses. (n) is repealed and replaced to clarify that gender-neutral toilet facilities still must provide minimum facilities and accommodate accessibility needs.

24.301.361 PLUMBING PERMITS (1) Any person who is required under 50-60-505, MCA, to obtain a plumbing permit, and the work is not covered by a local government inspection program, shall do so prior to installation through the department.

(2) The exception to the plumbing permit requirement listed in 50-60-503, MCA, for plumbing installations on farms having their own individual water supply or sewage disposal system applies to farm or ranch installations used in conjunction with an agricultural or livestock raising operation which are not connected to either a public water supply or public sewer system. Any building used as or in conjunction with a hotel, motel, inn, motor court, guest or dude ranch, tourist home, public lodging house, bed and breakfast establishment, or other place where sleeping accommodations are furnished to transient guests for a fee is subject to fee requirements of ARM 24.301.301.

(3) The exception to the plumbing permit requirement listed in 50-60-506(4), MCA, for the owner of residential property applies to the owner of a single-family dwelling who does the work on the plumbing installation in the dwelling in which they will reside. The "homeowner exemption" applies to those dwellings intended for the owner's personal use and not for dwellings built on speculation of resale or intended as rental property.

(4) The exception to permit requirements listed in 50-60-506(5), MCA, for regularly employed maintenance personnel doing maintenance work on the business premises applies to personnel on the regular payroll rather than personnel under contract. Maintenance work includes the stopping of leaks in drains, soil, waste, or vent pipe, clearing of stoppages, and repairing of leaks in pipes, valves, or fixtures, when such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.
(5) The applicant shall complete the plumbing application form and designate in the spaces provided the items to be covered by the plumbing permit. (6) No plumbing permit shall be issued for a building or structure under the jurisdiction of the department, until the building permit has been issued for said building or structure.

(7) After review and approval of the application, the department shall issue a permit to the applicant.

AUTH: 50-60-203, 50-60-501, 50-60-504, MCA
IMP: 50-60-201, 50-60-504, 50-60-505, 50-60-506, 50-60-507, 50-60-508, MCA

24.301.371 PLUMBING INSPECTIONS  (1) When the permit holder is ready for inspection, he shall notify the department either orally or in writing. The notification shall be given not less than 24 hours before the work is to be inspected. To assist the department with its scheduling of inspections, it is asked that inspection requests be made as much in advance of the 24-hour minimum notice time as possible. Cover (rough-in) inspections are made by a state plumbing inspector wherever possible. Insulation and wallboard shall not be applied prior to inspection unless 48 hours, excluding Saturdays, Sundays and holidays, have expired after the plumbing installation is complete and notice to inspect has been received.

(2) The permit holder shall be responsible for assuring that plumbing work is not covered before the department has granted permission to cover said work. The inspection shall be made during daylight hours unless it is more convenient to all parties involved to make the inspection at night.

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

(4) If the inspection reveals code violations, the permit holder shall be given an opportunity to make corrections. If after reinspection the violation has been corrected, the permit holder shall be issued a certificate of compliance. If such violation is not corrected, the permit holder or other responsible persons will be charged as per 50-60-110, MCA.

(5) Plumbing inspectors shall not inspect any plumbing work in which they have any financial or personal interest, or which they have installed or repaired.

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

REASON: 24.301.371 is modified to allow reasonable time for inspectors to travel their assigned areas for inspections and clarifies that if an inspector also contracts on off hours, that they shall not inspect any work which could be considered a conflict of interest. These modifications provide for more consistency across all disciplines covered by the Montana Building Code.

Subchapter 4

Electrical Requirements
24.301.401 INCORPORATION BY REFERENCE OF NATIONAL ELECTRICAL CODE
(1) The department adopts and incorporates by reference the National Fire Protection Association Standard NFPA 70, National Electrical Code, 2017 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 210.12, 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: Section is updated to reflect the most current edition of the NEC.

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

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

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

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

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

(e) "State Electrical Code" means the edition of the National Electrical Code or any other model electrical code, which is adopted, and as it may be modified by the department for use as a construction standard in and by Montana's electrical industry.

AUTH: 50-60-603, MCA
IMP: 50-60-603, MCA
24.301.411 WIRING STANDARDS (1) The National Electrical Code is amended as follows:
   (a) NEC ARTICLE 110.2 (SUPPLEMENTARY). When requested, complete wiring diagrams shall be provided prior to installation of conductors and equipment indicating the conductor's and equipment's intended use.
   (b) NEC Article 550.32(A): The allowable distance for service equipment from the exterior wall of a manufactured or mobile home is increased from 30 ft (9.14 m) to 50 ft (15.24 m).
   (c) NEC Article 550.33(A): Add the following: It shall be permissible to feed a manufactured (mobile) home with type SER cable when the service equipment is mounted on the exterior of the home. Physical protection of the cable is required by enclosing the cable in an approved raceway where the cable is run on the outside of the home. The cable is to be properly supported and attached per Article 338 where installed under the home.
   (d) NEC Article 760.1 (SUPPLEMENTARY). Smoke alarms shall be installed in any building or structure as required under the currently adopted International Building Code or International Residential Code, whichever applies, regardless of whether or not the building or structure is exempt by 50-60-102, MCA.

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

24.301.421 ELECTRICAL INSPECTORS (1) Only persons appointed by the department shall act as electrical inspectors to represent the state of Montana.
   (2) Inspectors shall give information as to the meaning or application of the code to contractors, electricians, or owners for whom the inspectors perform compliance inspections. The inspector shall not design circuitry or perform engineering tasks for the permittee.
   (3) State electrical inspectors shall not inspect any electrical work in which they have any financial or personal interest, or which they have installed or repaired.
   (4) State electrical inspectors shall have powers as are vested in them by the department, including but not limited to the power to make inspections and to ascertain that none of the provisions of Title 50, chapter 60, part 6, MCA, the National Electrical Code, as amended from time to time, or the Administrative Rules of Montana, Title 24, chapter 301, subchapter 4, Electrical Requirements are being violated.
   (5) A state electrical inspector has the right, during reasonable hours while showing proper identification, to enter any building or premise in the discharge of the inspector's official duties to make any inspection or test of electrical equipment that is necessary to protect the public health, safety, and welfare.

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

24.301.431 ELECTRICAL PERMIT (1) Except as provided by 50-60-602, MCA, an electrical permit is required for any installation in any new construction or remodeling or repair.
   (2) Prior to the commencement of any electrical installation, in an area where the electrical code is enforced by the department, the permittee shall submit an official and complete request for electrical permit to the department in Helena with fee(s) as
provided in ARM 24.301.461. If the permittee fails to obtain a permit for an electrical installation, a "Failure to Permit Investigation Fee" may be required in addition to the standard permit fee. Electrical permit forms will be made available by the department and may also be available at any power supplier or from the electrical inspector.

(3) The term "permittee" listed in ARM 24.301.431(2) applies to owners doing electrical work on their own residence, farm, or ranch property provided that said property is maintained for their personal, private use. The property or residence shall not be built on speculation of resale or intended as rental property.

(4) A local government certified to enforce the electrical code may require, in addition to the electrical permit required by 50-60-605, MCA, the power supplier be provided with proof of an approved inspection before the power supplier can energize the electrical installation. The local government shall provide the power supplier with written notice of this requirement if it wishes to enforce this option.

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

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

(7) Upon receipt of the application for an electrical permit with the applicable fee(s), the department will issue the official electrical permit covering the installation. The permittee shall be responsible for all work performed under the electrical permit, and shall ensure that all work meets the requirements of the National Electrical Code, as amended by the version of ARM 24.301.411 in effect at the time the permit was issued. No permittee shall allow any other person to do, or cause to be done, any work under an electrical permit issued to the permittee, except the permittee or the permittee's employees who are licensed as an electrician or registered as an electrical apprentice.

(9) Electrical permits are valid for a period of 18 months from the date of issuance. One renewal of 18 months may be granted by the department as long as the application for renewal is made not more than 30 days following expiration of the original permit. Original electrical permits expire after 18 months from the date of issuance if not renewed. Renewed electrical permits will expire 18 months after the renewal date.

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

(11) The exception to permit requirements listed in 50-60-602(2), MCA, for regularly employed maintenance personnel doing maintenance work on the business premises applies to personnel on the regular payroll rather than personnel under contract.
(12) No electrical permit shall be issued for a building or structure under the jurisdiction of the department until the building permit has been issued for said building or structure or it has been determined that a building permit is not required or special circumstances exist which make issuance of the permit appropriate.

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

24.301.441 COVER (ROUGH-IN) INSPECTIONS  (1) Cover (rough-in) inspections are made by a state electrical inspector wherever possible. Insulation and wallboard shall not be applied prior to inspection unless 48 hours, excluding Saturdays, Sundays and holidays, have expired after the electrical installation is complete and notice to inspect has been received.

(2) The permittee of record, whether an electrical contractor or a homeowner, shall notify the area electrical inspector when the electrical installation is ready for cover (rough-in) inspection, whether or not an inspection is subsequently performed.

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

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

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

24.301.451 FINAL INSPECTION  (1) The permittee of record, whether an electrical contractor or a homeowner, shall notify the area electrical inspector when the electrical installation is ready for final inspection and provide access to the installation for inspection or furnish the necessary information as to who can provide access to the installation.

(2) Upon completing final inspections, state inspectors will date and sign the inspection reports. Inspectors will apply a green "approved" tag when installations have been inspected and approved by the department. Inspectors will apply an orange "conditionally approved" tag to those installations that violate the cover inspection provision as provided in ARM 24.301.441. Upon approval, the department will remove the provisional power designation.

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

AUTH: 50-60-203, 50-60-603, MCA
IMP: 50-60-103, 50-60-201, 50-60-203, 50-60-603, 50-60-604, MCA
REASON: 24.301.451 (2) is modified to remove the use of orange stickers as there was no clear path to compliance that would facilitate the replacement of a "conditionally approved" sticker with an “approved” sticker.
24.301.461 ELECTRICAL INSPECTIONS FEES (1) The following is the schedule of electrical inspection fees as charged by the department. As provided in ARM 24.301.203 local governments certified to enforce the electrical code may establish their own electrical permit fees.

<table>
<thead>
<tr>
<th>Type of Installation</th>
<th>Permit Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) single-family dwellings or cabins (includes attached garage if wired at the same time as the house or cabin) A cabin is a structure designed for use for overnight stays that may not meet the definition of a dwelling unit.</td>
<td></td>
</tr>
<tr>
<td>(i) up to 200 amp service</td>
<td>$200</td>
</tr>
<tr>
<td>(ii) 201 to 400 amp service</td>
<td>380</td>
</tr>
<tr>
<td>(iii) 401 to 600 amp service</td>
<td>600</td>
</tr>
<tr>
<td>(iv) 601 and up amp service</td>
<td>800</td>
</tr>
<tr>
<td>(b) private property accessory buildings (includes new service or upgrade of existing service for supply of power to garages, barns, sheds, etc.)</td>
<td></td>
</tr>
<tr>
<td>(i) up to 200 amp panel</td>
<td>80</td>
</tr>
<tr>
<td>(ii) 201 to 300 amp panel</td>
<td>150</td>
</tr>
<tr>
<td>(iii) 301 or more amp panel</td>
<td>250</td>
</tr>
<tr>
<td>(c) multi-family dwellings (duplex through 12 units) per bldg*</td>
<td></td>
</tr>
<tr>
<td>(i) Up to 200 amp service</td>
<td>180</td>
</tr>
<tr>
<td>(ii) 201 to 400 amp service</td>
<td>380</td>
</tr>
<tr>
<td>(iii) 401 to 600 amp service</td>
<td>580</td>
</tr>
<tr>
<td>(iv) 601 and up amp service</td>
<td>780</td>
</tr>
<tr>
<td>*Plus $60 per unit, up to and including 12 units.</td>
<td></td>
</tr>
<tr>
<td>*For buildings containing more than 12 units, use the commercial schedule that follows.</td>
<td></td>
</tr>
<tr>
<td>(d) multi-family dwellings (duplex through 12 units) rewire or remodel only - per dwelling unit</td>
<td>100</td>
</tr>
<tr>
<td>(e) single-family dwelling interior/exterior wiring/rewiring</td>
<td></td>
</tr>
<tr>
<td>(i) more than three circuits and change of service and/or interior panelboard</td>
<td>120</td>
</tr>
<tr>
<td>(ii) more than three circuits only (does not include change of service or panelboard)</td>
<td>100</td>
</tr>
<tr>
<td>(iii) two or three additional circuits or pieces of equipment only</td>
<td>70</td>
</tr>
<tr>
<td>(iv) one additional circuit or piece of equipment (hot tub, air conditioner, etc.)</td>
<td>45</td>
</tr>
<tr>
<td>(f) change of service</td>
<td></td>
</tr>
<tr>
<td>(i) exterior meterbase and interior/exterior main disconnect only</td>
<td>45</td>
</tr>
<tr>
<td>(ii) exterior meterbase and interior/exterior main disconnect with feeder and distribution panelboard replacement</td>
<td>75</td>
</tr>
<tr>
<td>(g) modular homes, mobile homes, and recreational vehicles</td>
<td></td>
</tr>
<tr>
<td>(i) wiring to a mobile or modular home with wiring of a basement and/or addition at the same time</td>
<td>120</td>
</tr>
<tr>
<td>(ii) wiring to a mobile, modular, or RV only on privately owned property</td>
<td>80</td>
</tr>
</tbody>
</table>
(iii) wiring to a mobile or RV on rental space at a licensed court with previously existing electrical service

(h) mobile home courts and/or recreational vehicle parks (new, rewire or addition)
   (i) first 3 spaces (1-3 spaces)  $45
   (ii) additional spaces over 3 spaces installed at the same time (per space)  5

(i) new service and wiring for utilization equipment such as livestock well, residential irrigation well, etc.
(j) agricultural irrigation pumps or machines on a common surface
   (i) (one pump or one pivot)  50
   (ii) multiple pumps or pivots ($50 for first pump or pivot plus $25 for each additional piece of equipment supplied by a common service.)

(Note: A separate permit is required for each service installed supplying either a single piece of equipment or a combination of equipment.)

(k) permit renewal fee  60

(l) refund/credit fee  25

(m) permit transfer fee  20

(n) failure to permit investigation fee  45/hour

(o) Renewable energy system: net metering system or off-grid electrical generating system (photovoltaic (PV) system, wind generator, hydro turbine, etc.)
   (i) Commercial or residential installations  65
   (p) all other installations (commercial, industrial, institutional, or for public use). Fees are based on total cost to the owner of all labor and materials to complete the electrical project. Electrical materials furnished by the owner must be included in the total electrical project cost:

<table>
<thead>
<tr>
<th>Cost of Electrical Installation</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 0 - $1,000</td>
<td>$45 for 1st $500 plus 6.0% of balance of construction cost</td>
</tr>
<tr>
<td>$ 1,001 - $10,000</td>
<td>$75 for 1st $1,000 plus 2.0% of balance of construction cost</td>
</tr>
<tr>
<td>$10,001 - $50,000</td>
<td>$255 for 1st $10,000 plus 0.5% of balance of construction cost</td>
</tr>
<tr>
<td>$50,001 or more</td>
<td>$455 for 1st $50,000 plus 0.3% of balance of construction cost</td>
</tr>
</tbody>
</table>

(q) provisional construction service $60.00 (Note: A provisional construction service permit may only be closed when the permit expires and power is removed or upon the permittee obtaining a new permit applicable for the wiring of the structure being built. The utility power supplier shall be ordered by the inspector to remove power from
(2) A requested inspection is limited to the inspection of existing electrical installations that an owner or occupant may wish to have inspected. The fee for a requested inspection is payable prior to or at the time of the inspection. The fee for a requested electrical inspection is $60, provided that such service, including all time spent preparing all paperwork furnished as documentation by the inspector regarding the inspection, is not in excess of one hour in duration, and then $30 for each 30 minutes or fractional part thereof in excess of one hour. Travel and per diem will also be charged at the rates established under Title 2, chapter 18, part 5, MCA, when considered by the department to be applicable for the situation.

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

24.301.472 AUTHORITY FOR TEMPORARY CONNECTIONS
(1) Temporary power supply connections may be performed under the authority of power supplier limited service certificates.
(2) Power supplier limited service certificates ("service certificates") are four part forms created and provided by the department to consumers and power suppliers in Montana. These service certificates may be used to allow power suppliers to energize electrical services in Montana prior to obtaining an electrical permit and prior to inspection and approval of electrical service installations by department inspectors.
(3) Service certificates may be used only for the following purposes:
(a) to restore power to a structure for repairs after a fire, accidental damage, or natural disaster;
(b) to restore power to a mobile home to prevent damage due to freezing conditions or to prevent loss of frozen or refrigerated food items after relocation of a mobile home;
(c) to restore or establish power to a structure where power must be available to maintain conditions or equipment directly related to home health care; or
(d) to restore or establish power in situations where failure to do so would imminently and directly jeopardize real or personal property, or human life or safety.
(4) Power suppliers must be in receipt of a completed service certificate or ensure one is completed by a prospective consumer prior to or immediately coincidental with making temporary electrical connections to supply power.
(5) Power suppliers must present a copy of completed service certificates to the area electrical inspector or his supervisor within five days, excluding weekends and holidays, of the issue date of the date that temporary power was supplied, whichever is later.
(6) As provided by 50-60-605, MCA, no temporary electrical connection made in accordance with this rule may remain in effect longer than 14 days. If the 14-day time limit lapses without the consumer obtaining an appropriate permit from the department and presenting it to the power supplier, the power supplied under the authority of the service certificate must be disconnected by the power supplier no later than 72 hours following expiration of the 14-day period.
(7) Subject to the administrative (contested case) procedures set forth in the Montana Administrative Procedure Act, a power supplier that neglects, refuses, or fails to comply with the provisions of this rule and 50-60-605, MCA, shall forfeit the ability to utilize service certificates.
24.301.481  CARNIVALS, FAIRS, OUTDOOR CONCERTS AND SIMILAR AMUSEMENT ESTABLISHMENTS AND OTHER PUBLIC ASSEMBLIES OF A TEMPORARY NATURE  
(1) Temporary electrical power and lighting installations 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.

24.301.491  REFUNDS OR CREDITS  
(1) No permit fee shall be refunded nor credit issued for a permit if the value of the permit does not exceed $25. 
(2) A permit with a value which exceeds $25 may be refunded or credited, at the discretion of the department, less the $25 refund/credit fee. 
(3) A refund or credit issued for a permit fee on a project, which was inspected by the department, shall have the refund or credit prorated at the rate of $45 per required inspection performed, in addition to the $25 refund/credit fee. 
(4) No refund or credit for permit fees shall be issued for duplicate permits, when the permittee failed to transfer the original permit pursuant to ARM 24.301.431(10) and a subsequent permit was obtained for the same project. 
(5) The department may suspend or revoke a permit when the permit was issued in error or issued on the basis of incorrect information. Suspended or revoked permits shall not be issued a refund or credit.

24.301.602  INCORPORATION BY REFERENCE OF ELEVATOR CODE  
(1) Subject to the provisions of Title 50, chapter 60, part 7, MCA, the department adopts and incorporates by reference the following conveyance codes promulgated by the American Society of Mechanical Engineers (ASME):
(a) Safety Code for Elevators and Escalators, ASME A17.1 2004, A17.1a-2005 Addenda, and ASMEA17.1S-2005 Supplement; 2019 edition; excluding the following sections: 2.13.5; 2.13.5.1; 2.13.5.2; 2.13.5.3; 2.13.5.3.1; 2.13.5.4; 2.13.5.4.1; 2.13.5.4.2; 2.13.5.5; 2.13.5.6; 2.27.1.1.3; 2.27.1.1.4; and 2.27.1.1.6. 
(b) Safety Code for Existing Elevators and Escalators, ASME A17.3 2002;2017 edition; and
(c) Safety Standard for Platform Lifts and Stairway Chairlifts, ASME A18.1-2003; 2017 edition; and
(d) ASME A17.1 2004, Appendix N, Table N1, Recommended Inspection and Test Intervals in Months, for required testing intervals. This table is to be used for testing interval requirements only. Inspection intervals are to be performed as specified in 50-60-711, MCA.

(i) Existing elevators with a capacity of 1400 pounds or less are to be tested according to the requirements of limited-use/limited-application elevators

(2) Inspection, code compliance, and enforcement of hoistway shaft enclosure standards are the responsibility of the appropriate authority having jurisdiction for inspection and enforcement of the building code. A "hoistway shaft" is distinguished from a "hoistway" for the purposes of building code jurisdiction over the former, and elevator code jurisdiction over the latter. The Building Code, as adopted in 24.301.131, shall have jurisdiction over the structural integrity of the hoistway enclosure, and the Elevator Code, as defined in (3) of this rule, shall have jurisdiction over the hoistway shaft.

(3) The codes, and standard, and appendix referenced in (1), together with Title 50, chapter 60, part 7, MCA, and this subchapter, are collectively referred to as the "elevator code." A copy of the ASME codes and standards may be obtained from the American Society of Mechanical Engineers, P.O. Box 2300, Fairfield, NJ 07007-2300, or www.asme.org.

REASON;
It is reasonably necessary to amend this rule to adopt more current editions of the elevator codes and standards. The currently adopted versions of the ASME Elevator Codes are outdated and do not address modern elevator equipment currently being manufactured and installed. Sections have been excluded in (1)(a) as these sections address technology that is not available in all geographical areas of Montana, and therefore is excluded from the adopted version of the Building Code and Elevator Code. Language has been amended in (2) to clarify the portions of an elevator installation that are the jurisdiction of the adopted building code verses the jurisdiction of the adopted elevator code.

AUTH: 50-60-705, 50-60-715, MCA
IMP: 50-60-704, 50-60-705, 50-60-715, MCA

24.301.603 DEFINITIONS
(1) "Conveyance" as used in this rule means the equipment, associated parts, and hoistways set forth at 50-60-704(1), MCA. It does not include conveyances in private residences, farms, or ranches.

(2) "Conveyance work" means the design, construction, alteration, operation, maintenance, repair, inspection, installation, and testing of the equipment set forth at 50-60-704(1), MCA.

(3) "Hoistway enclosure" means the fixed structure of vertical walls or partitions, that isolates the hoistway from other areas or from an adjacent hoistway and in which entrances are installed.

(4) "Hoistway Shaft" means an opening through a building or structure for the travel of an Elevator, Dumbwaiter, or Material Lift, extending from the pit floor to the roof, or the floor above.

(5) "Private residences" for the purposes of applying the permit exclusion at 50-60-703, MCA, include only those conveyances contained wholly within a single, private residence, for personal use by the owner. Conveyances to which the
public may gain access are not deemed to be within a private residence. However, any person performing conveyance work in a private residence or on a farm or ranch is still subject to the elevator contractor, mechanic, and inspector licensing requirements in Title 37, chapter 73, MCA.

(4)(6) "Stop" for the purpose of fee calculation is any vertical or horizontal location of the elevator opening, escalator, or moving walk which is used to receive or discharge passengers or freight.

**REASON:** It is reasonably necessary to amend this rule to clarify jurisdictional boundaries of the building code versus the elevator code by defining terms in the language found in the Elevator Code, and the Building Code.

**AUTH:** 50-60-203, 50-60-705, 50-60-715, MCA

**24.301.606 PLAN REVIEW AND PERMIT FEE** (1) An elevator contractor may not erect, construct, install, or alter any conveyance subject to the provisions of Title 50, chapter 60, MCA, unless the elevator contractor has first submitted plans, paid the fee, and obtained a permit from the department.

(2) The plan review and permit fee for new installations and alterations of a conveyance is:
   (a) valuation up to and including $40,000 $200
   plus $50 per stop excluding lifts
   (b) valuation over $40,000 $200
   plus $50 per stop excluding lifts,
   plus $3 for each $1,000 or fraction thereof over $40,000

(3) Whenever a new conveyance is proposed to be installed or alterations are proposed to an existing conveyance in a certified building jurisdiction, the elevator contractor must provide that jurisdiction with a copy of the plans submitted to the department.

(4) The permit holder must contact the department or a licensed elevator inspector for an inspection of a newly installed or altered conveyance a minimum of ten working days prior to the scheduled or anticipated date for placing the conveyance in use.

   (a) Prior to calling for inspection of a newly installed or altered conveyance, the permit holder must ensure all aspects of the installation or alteration are complete and ready for inspection, including, but not limited to:
      (i) the functioning of all conveyance components; and
      (ii) completion of all related electrical, mechanical, fire alarm, fire suppression, and building construction work to the shaft, machine room, and related areas.

   (b) If upon the requested arrival of department personnel, the conveyance is not ready for inspection, the permit holder will still be responsible for the inspection fee despite the inability to complete the inspection, and will also be charged for all subsequent inspections or reinspections.

(5) Permits will expire as provided by 50-60-709, MCA.

(6) In addition to the criteria provided at 50-60-709, MCA, a permit may be revoked and subject to an administrative hearing under 50-60-105, MCA, for:
having a reasonable cause finding of unprofessional conduct, as defined in 37-1-402 and 37-1-410, MCA, against a licensed elevator contractor or mechanic that relates to the safety of the conveyance, subject to the permit; or

(b) failure to obtain or maintain insurance as required in 50-60-716, MCA.

AUTH: 50-60-705, 50-60-709, MCA
IMP: 50-60-105, 50-60-709, 50-60-711, MCA

REASON: The reference to charge for reinspection is being proposed for removal from this rule as the department has proposed removal of reinspection fees in ARM 24.301.607 in this proposal.

24.301.607 INSPECTIONS - CERTIFICATES - FEES  (1) No conveyance may be operated prior to inspection by an authorized elevator inspector and issuance of a current certificate of inspection from the department.

(2) Except for registered freight elevators, which require inspection every two years, all other registered conveyances require inspection on an annual basis. The department may require more frequent intervals as part of a plan of correction.

(3) The department will schedule and conduct inspections and will issue a certificate of inspection upon:

(a) payment of the inspection and certificate fees; and

(b) a determination by either a private, licensed elevator inspector or a department inspector that the conveyance is in compliance with the elevator code.

(4) The department will charge the full inspection fee for mutually scheduled inspections in which department inspectors arrive to find the conveyance not yet ready for inspection.

(5) The department may require correction of deficiencies and reinspection, prior to the next annual inspection, as it determines in the interest of public safety.

(6) When a department inspection reveals a deficient condition, the department, within 24 hours, will issue a corrective notice providing the owner or lessee 45 days to correct the deficiencies. Failure by the owner or lessee to correct the deficiencies or to submit a plan of correction acceptable to the department within the time stated will result in the issuance of a formal notice and order to stop operation of the conveyance.

(7) A duplicate certificate of inspection will be issued for no fee.

(8) The fee for each separate department of inspection (annual, biennial, or accident, or reinspection) is:

(a) elevator, escalator, and moving walk $140 per conveyance

(b) lifts $100 per conveyance

(c) department processing fee for a condition report issued by licensed private inspector $10 per conveyance

(d) certificate of inspection fee $10 per conveyance

(e) initial inspection for elevator, escalator, or moving walk $390-140 per conveyance

(f) reinspection of initial inspection $300 per conveyance

(9) An owner shall post in a conspicuous place in or on each conveyance, the current certificate of inspection or information on how to obtain a copy of it.
REASON: It is reasonably necessary to amend this rule to decrease fees. The Building Codes Program does not charge for reinspection for any other inspection type and is proposing to eliminate this fee to be consistent in how inspections for all programs are managed. The fee for initial inspection of an elevator, escalator or moving walk is being decreased to be the same fee as an annual, biannual, or accident inspection as the cost to conduct an inspection is consistent regardless of inspection type. Fees must be commensurate with the cost of services and it is necessary at this time to reduce the accumulation of fees to meet that obligation.

AUTH:  50-60-705, 50-60-711, MCA
IMP:     50-60-103, 50-60-705, 50-60-706, 50-60-711, 50-60-715, MCA

24.301.610 ACCIDENTS (1) When a conveyance is involved in an accident causing injury or death, an owner or lessee aware of such accident must submit a written report to the department within 72 hours. The department must inspect the conveyance involved in the accident, charge the appropriate fee, and, if necessary, require corrective action.

AUTH:  50-60-705, MCA
IMP:     50-60-103, 50-60-705, 50-60-711, MCA

24.301.623 INSPECTIONS BY LICENSED PRIVATE INSPECTORS
(1) When an owner or lessee of a conveyance engages a licensed private inspector to conduct an inspection of a conveyance, the inspector must complete a condition report in a manner prescribed to the department within three days of the inspection.

(2) Upon receipt of the $10 fee for receiving and processing the condition report, and a $10 certificate inspection fee, the department shall issue certificates of operation for all conveyances certified by the licensed private inspector to be in compliance with the elevator code and the currently adopted edition of the International Building Code as provided by ARM 24.301.131, or that deficient conditions in a past condition report have been corrected and no department inspection is necessary.

(3) The department may inspect any conveyance that has been the subject of a deficient condition report submitted by a licensed private inspector and charge the owner or lessee the department’s inspection fee.

AUTH:  50-60-705, 50-60-711, MCA
IMP:     50-60-705, 50-60-711, 50-60-715, MCA

24.301.624 TAG OUT AND LOCK OUT – STOP-WORK ORDERS
(1) Whenever the department finds that a deficient condition presents an imminent threat to public safety or welfare, it may immediately post a stop-work order in a conspicuous place on or near the conveyance and perform a "tag-out" and "lock-out" to deactivate the conveyance, pending satisfactory correction by the owner or lessee. The owner or lessee shall ensure the stop-work order is legibly maintained as posted by the department.

(2) Only after the department determines that the public safety threat has been sufficiently abated may it authorize removal of the stop-work order and reactivation of the conveyance.
(3) Only a department inspector may reverse the stop-work order imposed under this rule after personal reinspection of the conveyance.

(4) The owner or lessee may appeal a stop-work order by requesting an administrative hearing as authorized by 50-60-105, MCA.

AUTH: 50-60-705, 50-60-709, MCA
IMP: 50-60-105, 50-60-705, 50-60-709, MCA