

DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 301

BUILDING CODES

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of Uniform and Model Codes
Having General Applicability

24.301.101 INCORPORATION BY REFERENCE OF UNIFORM BUILDING CODE (REPEALED) (History: 50-60-104, 50-60-203, MCA; IMP, 50-60-103, 50-60-104, 50-60-108, 50-60-109, 50-60-201, 50-60-203, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; AMD, 1978 MAR p. 1480, Eff. 10/27/78; AMD, 1979 MAR p. 1666, Eff. 12/28/79; AMD, 1981 MAR p. 516, Eff. 5/29/81; AMD, 1981 MAR p.,1052, Eff. 9/18/81; AMD, 1982 MAR p. 2170, Eff. 12/31/82; AMD, 1984 MAR p. 1024, Eff. 7/13/84; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1986 MAR p. 106, Eff. 1/31/86; AMD, 1987 MAR p. 2237, Eff. 12/11/87; AMD, 1989 MAR p. 476, Eff. 4/28/89; AMD, 1990 MAR p. 2041, Eff. 11/16/90; AMD, 1992 MAR p. 1351, Eff. 5/29/92; AMD, 1993 MAR p. 146, Eff. 1/29/93; AMD, 1994 MAR p. 670, Eff. 2/11/94; AMD, 1994 MAR p. 1994, Eff. 7/22/94; AMD, 1996 MAR p. 420, Eff. 2/9/96; AMD, 1997 MAR p. 44, Eff. 1/17/97; AMD, 1997 MAR p. 1179, Eff. 7/8/97; AMD, 1997 MAR p. 2061, Eff. 11/18/97; AMD, 1998 MAR p. 2563, Eff. 9/25/98; AMD, 1999 MAR p. 1885, Eff. 10/1/99; AMD, 2000 MAR p. 3168, Eff. 11/10/00; TRANS, from Commerce, & AMD, 2001 MAR p. 2293, Eff. 11/22/01; REP, 2004 MAR p. 571, Eff. 3/12/04.)

24.301.102 OPTIONAL APPENDIX CHAPTERS FOR LOCAL GOVERNMENT ADOPTION (REPEALED) (History: 50-60-203, MCA; IMP, 50-60-203, MCA; NEW, 2001 MAR p. 2293, Eff. 11/22/01; REP, 2004 MAR p. 571, Eff. 3/12/04.)

24.301.103 PURPOSE OF THE UNIFORM BUILDING CODE (REPEALED) (History: 50-60-203, MCA; IMP, 50-60-203, MCA; NEW, 2001 MAR p. 2293, Eff. 11/22/01; REP, 2004 MAR p. 571, Eff. 3/12/04.)

24.301.104 OBTAINING COPIES OF THE UNIFORM BUILDING CODE (REPEALED) (History: 50-60-203, MCA; IMP, 50-60-203, MCA; NEW, 2001 MAR p. 2293, Eff. 11/22/01; REP, 2004 MAR p. 571, Eff. 3/12/04.)

24.301.105 CALCULATION OF FEES (REPEALED) (History: 50-60-203, MCA; IMP, 50-60-104, MCA; NEW, 2001 MAR p. 2293, Eff. 11/22/01; REP, 2004 MAR p. 571, Eff. 3/12/04.)

24.301.106 OBTAINING PUBLICATIONS AND VALUATION TABLES
(REPEALED) (History: 50-60-203, MCA; IMP, 50-60-203, MCA; NEW, 2001 MAR
p. 2293, Eff. 11/22/01; REP, 2004 MAR p. 571, Eff. 3/12/04.)

24.301.107 MODIFICATIONS TO THE UNIFORM BUILDING CODE
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2001 MAR p. 2293, Eff. 11/22/01; REP, 2004 MAR p. 571, Eff. 3/12/04.)

24.301.108 MODIFICATIONS TO THE UNIFORM BUILDING CODE
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60-203, MCA; NEW, 2001 MAR p. 2293, Eff. 11/22/01; REP, 2004 MAR p. 571, Eff.
3/12/04.)

Rules 24.301.109 through 24.301.130 reserved

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

(2) 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 International Building Code may be obtained from the Department of Labor and Industry, Bureau of Building and Measurement Standards, P.O. Box 200517, 301 South Park, Helena, MT 59620-0517, at cost plus postage and handling. A copy may also be obtained by contacting the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. (History: 50-60-203, MCA; IMP, 50-60-203, MCA; NEW, 2002 MAR p. 2656, Eff. 9/27/02; AMD, 2004 MAR p. 571, Eff. 3/12/04; AMD, 2007 MAR p. 112, Eff. 1/26/07.)

Rules 24.301.132 and 24.301.133 reserved

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). (History: 50-60-203, MCA; IMP, 50-60-203, MCA; NEW, 2002 MAR p. 2656, Eff. 9/27/02.)

Rules 24.301.135 through 24.301.137 reserved

24.301.138 CALCULATION OF FEES (1) International Building Code (IBC) Section 108.2, Schedule of Building Permit Fees, is modified for use by the department with the following additions:

(a) Permit fees. The fee for each building permit is established in Table 108.2.

(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 108.2. 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 108.2 to read: "Requested Inspection Fee - \$45, provided that such service is not in excess of one hour in duration, and then \$25 for each 30 minutes or fractional part thereof in excess of one hour. Travel and per diem will be charged as per the state of Montana's existing rates for these items."

(2) A minimum 50 percent of the combined building permit fee and the plan review fee must be paid before a building permit application is reviewed beyond the initial screening. 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, modified by region, for the type and quality of construction listed in the "Building Valuation Data" table of the March/April 2002 Edition of "International Conference of Building Officials Building Standards" magazine, published by the International Conference of Building Officials.

(d) 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, Bureau of Building and Measurement Standards, P.O. Box 200517, 301 South Park, Helena, MT 59620-0517.

TABLE 108.2
BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1 to \$500	\$23.50
\$501 to \$2000	\$23.50 for first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2000
\$2001 to \$25,000	\$69.25 for the first \$2000 plus \$14 for each additional \$1000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$391.75 for the first \$25,000 plus \$10.10 for each additional \$1000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$643.75 for the first \$50,000 plus \$7 for each additional \$1000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1000, or fraction thereof to and including \$500,000
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$5,608.75 for the first \$1,000,000 plus \$3.15 for each additional \$1000, or fraction thereof
Other Inspections and Fees:	
1. Inspections outside of normal business hours (minimum charge - two hours)	\$45.00 per hour
2. Reinspection fees assessed under provisions of Section 305.8	\$45.00 per hour
3. Inspections for which no fee is specifically indicated (minimum charge - one-half hour)	\$45.00 per hour
4. Additional plan review required by changes, additions or revisions to plans (minimum charge - one-half hour)	\$45.00 per hour
5. For use of outside consultants for plan checking and inspections, or both	Actual costs ¹

¹ Actual costs include administrative and overhead costs.

(History: 50-60-104, 50-60-203, MCA; IMP, 50-60-103, 50-60-104, 50-60-203, MCA; NEW, 2002 MAR p. 2656, Eff. 9/27/02; AMD, 2004 MAR p. 571, Eff. 3/12/04; AMD, 2004 MAR p. 2103, Eff. 9/3/04; AMD, 2006 MAR p. 567, Eff. 2/24/06; AMD, 2007 MAR p. 112, Eff. 1/26/07.)

24.301.139 INVESTIGATION FEES ASSESSED FOR WORK COMMENCING WITHOUT BUILDING PERMIT (1) In accordance with Subsection 108.4 of the International Building Code, the department shall assess investigation fees for any work commenced on a building or structure before obtaining the necessary permits. The investigation fees will be 50 percent of the combined plan review and building permit fee, with a minimum fee of \$250 and a maximum fee not to exceed \$1000. (History: 50-60-104, 50-60-203, MCA; IMP, 50-60-103, 50-60-104, 50-60-201, MCA; NEW, 2004 MAR p. 2103, Eff. 9/3/04.)

Rules 24.301.140 and 24.301.141 reserved

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 113 of the International Building Code. 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 the department, if in the state's jurisdiction, with 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 106.1 of the International Building Code is amended with the addition of the following: "The department requires submittal of two complete sets of construction documents for all projects. This section shall not be construed to require an architect or engineer license. The requirements for who must be licensed to practice architecture or engineering work is governed by Title 37, chapter 65, MCA and Title 37, chapter 67, MCA. The issuance of a building permit does not in any way address the need for licensure by the permit holder or designer."

(6) Subsection 110.1 of the International Building Code 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 110.2 of the International Building Code is amended to read:

(a) "110.2 Certificate issued. If the building official or the building official's agent makes all the inspections of a building or structure required by Section 109, 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 109 of the International Building Code, 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 112 of the International Building Code.

(9) Subsection 1805.2.1 of the International Building Code requires that footings and foundations shall extend below the frost line. In all areas of the state outside of certified local government jurisdictions, the minimum depth from finished grade to the bottom of footings shall be 3.0 ft. for single story wood or metal frame buildings, and 4.0 ft. for multistory or masonry buildings. Buildings located on highly expansive or unstable soils may need engineered footings and foundation walls that extend below the minimum depths indicated above. At the discretion of the building official, the above minimum depths may not be required for properly designed so-called monolithic slabs for single story storage and similar use buildings. The building official may require monolithic slabs to be designed and stamped or certified by a Montana registered engineer who practices structural design. The design and stamp of a Montana licensed architect may be accepted in lieu of an engineer's stamp when the monolithic slab design is an incidental part of an architectural building design, as allowed by 37-67-103, MCA.

(10) Delete Chapter 32 in its entirety. (History: 50-60-203, MCA; IMP, 50-60-107, 50-60-108, 50-60-109, 50-60-203, 50-60-212, MCA; NEW, 2002 MAR p. 2656, Eff. 9/27/02; AMD, 2002 MAR p. 3627, Eff. 12/27/02; AMD, 2007 MAR p. 112, Eff. 1/26/07.)

Rules 24.301.143 through 24.301.145 reserved

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 101.4.1, Electrical, is modified by deleting "ICC Electrical Code" and replacing with "National Electrical Code."

(4) Subsection 101.4.4, 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."

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

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

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

(9) 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."

(10) 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."

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

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

(a) Fire-extinguishing system.

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

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

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

(c) Notwithstanding any other provisions or references to the contrary within the NFPA standards, the authority having jurisdiction over any fire protection system required by the International Building Code shall be the building official.

(13) Delete Subsection 903.2.7 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. 20 or more transient guests or 10 or more transient guestrooms;

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

"c. 16 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."

(14) Subsection 907.2.8.1, Manual Fire Alarm System, is amended with the addition of the following: "Exception 3: A manual fire alarm system is not required in buildings with five or fewer guestrooms or 10 or fewer guests where the building does not exceed two stories in height and is equipped with multiple-station smoke alarms installed in accordance with Subsection 907.2.10.1."

(15) Subsection 1017.1 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."

(16) 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."

(17) 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."

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

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

(20) Delete Section 3107 in its entirety.

(21) Delete Section 3109 in its entirety.

(22) Delete Chapter 33 in its entirety.

(23) 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.

(24) 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.

(25) 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.

(26) 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.

(27) 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.

(28) 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.

(29) 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, will be classified as utility buildings (Group U).

(30) 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.

(31) 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.

(32) 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. 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. In addition, 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.

(33) The term "public building" as used in 18-2-122, MCA, refers only to the buildings owned by the state and its political subdivisions for the purposes of requiring a design professional's seal, and does not include privately owned buildings as included in the definition of a "public building" in 50-60-101, MCA.

(34) 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.

(35) 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 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.

(b) Category B 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 standards purposes. In addition, a Category B assisted living facility shall have an automatic fire sprinkler system and provide an accessible sleeping room or space for each Category B resident.

(c) An assisted living facility with 20 or more residents, in any combination of Category A or Category B, will be classified as an R-2 occupancy for building permit and construction standards 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.

(36) 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 705 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.

(37) 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.

(History: 50-60-203, MCA; IMP, 50-60-101, 50-60-102, 50-60-104, 50-60-201, 50-60-203, 50-60-205, MCA; NEW, 2002 MAR p. 2656, Eff. 9/27/02; AMD, 2004 MAR p. 571, Eff. 3/12/04; AMD, 2006 MAR p. 567, Eff. 2/24/06; AMD, 2007 MAR p. 112, Eff. 1/26/07.)

Rules 24.301.147 through 24.301.150 reserved

24.301.151 EFFECTIVE DATE OF INTERNATIONAL BUILDING CODE
(REPEALED) (History: 50-60-203, MCA; IMP, 50-60-203, MCA; NEW, 2002 MAR p. 2656, Eff. 9/27/02; REP, 2004 MAR p. 571, Eff. 3/12/04.)

Rules 24.301.152 and 24.301.153 reserved

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 of Labor and Industry adopts and incorporates by reference the International Residential Code, 2006 Edition, referred to as the International Residential Code or IRC.

(3) Chapters 11 through 42, inclusive, are deleted in their entirety.

(4) 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."

(5) Subsection R311.5.3.1, Riser Height, is amended to allow a maximum riser height of 8 1/4 inches.

(6) Subsection R311.5.3.2, Tread Depth, is amended to allow a minimum tread depth of nine inches (229 mm).

(7) 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."

(8) Appendices do not apply unless specifically adopted by the department.

(9) A copy of the International Residential Code may be obtained from the Department of Labor and Industry, Bureau of Building and Measurement Standards, P.O. Box 200517, 301 South Park, Helena, MT 59620-0517, at cost plus postage and handling. A copy may also be obtained by writing to the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. (History: 50-60-203, MCA; IMP, 50-60-102, 50-60-201, 50-60-203, MCA; NEW, 2002 MAR p. 2656, Eff. 9/27/02; AMD, 2004 MAR p. 571, Eff. 3/12/04; AMD, 2004 MAR p. 2103, Eff. 9/3/04; AMD, 2007 MAR p. 112, Eff. 1/26/07.)

Rules 24.301.155 through 24.301.157 reserved

24.301.158 EFFECTIVE DATE OF INTERNATIONAL RESIDENTIAL CODE
(REPEALED) (History: 50-60-203, MCA; IMP, 50-60-203, MCA; NEW, 2002 MAR p. 2656, Eff. 9/27/02; REP, 2004 MAR p. 571, Eff. 3/31/04.)

Rule 24.301.159 reserved

24.301.160 INCORPORATION BY REFERENCE OF THE MODEL ENERGY CODE (REPEALED) (History: 50-60-201, 50-60-203, 50-60-803, MCA; IMP, 50-60-201, 50-60-203, 50-60-803, MCA; NEW, 1978 MAR p. 66, Eff. 1/26/78; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1986 MAR p. 106, Eff. 1/31/86; AMD, 1989 MAR p. 1909, Eff. 11/22/89; AMD, 1992 MAR p. 1133, Eff. 5/29/92; AMD, 1994 MAR p. 670, Eff. 2/11/94; AMD, 1996 MAR p. 420, Eff. 2/9/96; AMD, 1997 MAR p. 2061, Eff. 11/18/97; AMD, 1998 MAR p. 2563, Eff. 9/25/98; TRANS, from Commerce, 2001 MAR p. 2301; REP, 2004 MAR p. 2103, Eff. 9/3/04.)

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, 2003 Edition, referred to as the International Energy Conservation Code, unless another edition is specifically stated, together with the following amendments:

(a) Subsection 104.1, General, is 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. All designs submitted under the provisions of Chapter 4 shall be prepared by an engineer or architect licensed to practice by the state.

"Exceptions:

"1. The code official is authorized to waive the submission of construction documents and other supporting data not required to be prepared by an engineer or architect licensed to practice by the state if it is found the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

"2. For residential buildings having a conditioned floor area of 5000 square feet (465m²) or less, designs submitted under the provisions of Chapter 4 shall be prepared by anyone having qualifications acceptable to the code official."

(b) Subsection 105.2, Approvals Required, is deleted in its entirety when the code is used by the Building Codes Bureau of the Department of Labor and Industry. It remains undeleted and available for use for certified local governments using the code.

(c) Subsection 502.2.3.6, Basement Walls, is amended by adding the following: "Basement wall insulation below uninsulated floors, except for rim joists and perimeter cripple walls, may be delayed until such time as the basement is actually finished for occupancy."

(d) Subsection 502.2.4.1, Walls, is amended by adding the following: "Lesser R value may be allowed for log building walls."

(e) Subsection 503.3.3.1, Piping Insulation, is amended by adding a fourth exception as follows: "4. Pipe insulation is not required in heated or conditioned areas."

(f) Table 503.3.3.3, Minimum Duct Insulation, is amended by adding footnote e as follows: "e. In locations where annual heating degree days exceeds 7500, minimum R-value for ducts in all areas need not exceed R-8."

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

(3) The International Energy Conservation Code is a nationally recognized model code for energy efficient construction of buildings. A copy of the International Energy Conservation Code may be obtained from the Department of Labor and Industry, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620-0517, at cost plus postage and handling. A copy may also be obtained by writing to the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. (History: 50-60-203, 50-60-803, MCA; IMP, 50-60-201, 50-60-203, 50-60-803, MCA; NEW, 2004 MAR p. 2103, Eff. 9/3/04; AMD, 2006 MAR p. 567, Eff. 2/24/06.)

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. (History: 50-60-203, 50-60-803, MCA; IMP, 50-60-201, 50-60-203, 50-60-803, MCA; NEW, 2004 MAR p. 2103, Eff. 9/3/04.)

Rules 24.301.163 through 24.301.169 reserved

24.301.170 INCORPORATION BY REFERENCE OF UNIFORM

MECHANICAL CODE (REPEALED) (History: 50-60-104, 50-60-201, 50-60-203, 50-60-508, MCA; IMP, 50-60-103, 50-60-104, 50-60-201, 50-60-203, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; AMD, 1979 MAR p. 1667, Eff. 12/28/79; AMD, 1981 MAR p. 516, Eff. 5/29/81; AMD, 1981 MAR p. 1052, Eff. 9/18/81; AMD, 1982 MAR p. 2170, Eff. 12/31/82; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1986 MAR p. 106, Eff. 1/31/86; AMD, 1987 MAR p. 2237, Eff. 12/11/87; AMD, 1989 MAR p. 476, Eff. 4/28/89; AMD, 1990 MAR p. 2041, Eff. 11/16/90; AMD, 1992 MAR p. 1133, Eff. 5/29/92; AMD, 1994 MAR p. 299, Eff. 2/11/94; AMD, 1996 MAR p. 420, Eff. 2/9/96; AMD, 1997 MAR p. 44, Eff. 1/17/97; AMD, 1997 MAR p. 2061, Eff. 11/18/97; AMD, 1998 MAR p. 2563, Eff. 9/25/98; AMD, 1999 MAR p. 1885, Eff. 10/1/99; TRANS, from Commerce, 2001 MAR p. 2301; REP, 2004 MAR p. 571, Eff. 3/12/04.)

24.301.171 INCORPORATION BY REFERENCE OF INTERNATIONAL EXISTING BUILDING CODE (1) The Department of Labor and Industry adopts and incorporates by reference the International Existing Building Code (IEBC), 2006 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 International Existing Building Code may be obtained from the Department of Labor and Industry, Bureau of Building and Measurement Standards, P.O. Box 200517, 301 South Park, Helena, MT 59620-0517, at cost plus postage and handling. A copy may also be obtained by contacting the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. (History: 50-60-203, MCA; IMP, 50-60-103, 50-60-109, 50-60-201, MCA; NEW, 2004 MAR p. 571, Eff. 3/12/04; AMD, 2007 MAR p. 112, Eff. 1/26/07.)

24.301.172 INCORPORATION BY REFERENCE OF INTERNATIONAL MECHANICAL CODE (1) The Department of Labor and Industry adopts and incorporates by reference the International Mechanical Code, 2006 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) Subsection 101.2 is amended to delete Exception 1 in its entirety.

(c) 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:

Cost of Mechanical System	Mechanical Permit Fee
\$0 - \$10,000	\$40 for first \$1000 plus \$12 for each additional \$1000 or fraction thereof, to and including \$10,000
\$10,001 - \$50,000	\$148 for first \$10,000 plus \$7 for each additional \$1000 or fraction thereof, to and including \$50,000
\$50,001	\$428 for first \$50,000 plus \$4 for each additional \$1000 or fraction thereof.

(d) 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.

(e) Section 109 of the International Mechanical Code 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 112 of the International Building Code to serve as their boards of appeal. The department and state of Montana, however, will use the applicable provisions of the Montana Administrative Procedure Act in all cases of appeal, in lieu of Section 109.

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

(g) Chapter 10 is deleted in its entirety.

(2) The Bureau of Building and Measurement Standards shall not enforce the International Mechanical Code 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 International Mechanical Code adopted by reference in (1) is a nationally recognized model code setting forth minimum standards and requirements for certain mechanical installations. A copy of the International Mechanical Code may be obtained from the Department of Labor and Industry, Bureau of Building and Measurement Standards, P.O. Box 200517, Helena, MT 59620-0517, at cost plus postage and handling. A copy may also be obtained by writing to the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. (History: 50-60-203, MCA; IMP, 50-60-102, 50-60-103, 50-60-109, 50-60-201, 50-60-303, MCA; NEW, 2004 MAR p. 571, Eff. 3/12/04; AMD, 2006 MAR p. 567, Eff. 2/24/06; AMD, 2007 MAR p. 112, Eff. 1/26/07.)

24.301.173 INCORPORATION BY REFERENCE OF INTERNATIONAL FUEL GAS CODE

(1) The Department of Labor and Industry adopts and incorporates by reference the International Fuel Gas Code, 2006 edition, published by the International Code Council, referred to as the International Fuel Gas Code, 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) 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 International Fuel Gas Code 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 112 of the International Building Code to serve as the board of appeals. The department and state of Montana, however, will use the applicable provisions of the Montana Administrative Procedure Act in all cases of appeal, in lieu of Section 109.

(2) The Bureau of Building and Measurement Standards shall not enforce the International Fuel Gas Code 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 International Fuel Gas Code adopted by reference in (1) is a nationally recognized model code setting forth minimum standards and requirements for certain mechanical installations. A copy of the International Fuel Gas Code may be obtained from the Department of Labor and Industry, Bureau of Building and Measurement Standards, P.O. Box 200517, Helena, MT 59620-0517, at cost plus postage and handling. A copy may also be obtained by writing to the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. (History: 50-60-203, MCA; IMP, 50-60-102, 50-60-103, 50-60-109, 50-60-201, 50-60-303, MCA; NEW, 2004 MAR p. 571, Eff. 3/12/04; AMD, 2007 MAR p. 112, Eff. 1/26/07.)

Rules 24.301.174 through 24.301.179 reserved

24.301.180 INCORPORATION BY REFERENCE OF CABO ONE & TWO FAMILY DWELLING CODE (REPEALED) (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-103, 50-60-201, 50-60-402, MCA; NEW, 1986 MAR p. 106, Eff. 1/31/86; AMD, 1989 MAR p. 476, Eff. 4/28/89; AMD, 1990 MAR p. 2041, Eff. 11/16/90; AMD, 1996 MAR p. 420, Eff. 2/9/96; AMD, 1996 MAR p. 2160, Eff. 8/9/96; AMD, 1998 MAR p. 2563, Eff. 9/25/98; TRANS, from Commerce, 2001 MAR p. 2301; REP, 2004 MAR p. 571, Eff. 3/12/04.)

Rules 24.301.181 through 24.301.189 reserved

24.301.190 INCORPORATION BY REFERENCE OF THE UNIFORM CODE FOR BUILDING CONSERVATION (REPEALED) (History: 50-60-203, 50-60-301, MCA; IMP, 50-60-203, 50-60-301, MCA; NEW, 1990 MAR p. 2041, Eff. 11/16/90; AMD, 1992 MAR p. 1351, Eff. 5/29/92; AMD, 1996 MAR p. 420, Eff. 2/9/96; AMD, 1997 MAR p. 2061, Eff. 11/18/97; AMD, 1998 MAR p. 2563, Eff. 9/25/98; TRANS, from Commerce, 2001 MAR p. 2301; REP, 2004 MAR p. 571, Eff. 3/12/04.)

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 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 codes for limited types of buildings, the Department of Labor and Industry, Building Codes Bureau retains authority to enforce building, mechanical, electrical and plumbing codes for all other buildings not covered by the city, county, or town and which are not exempt from department regulation. (History: 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; NEW, 1979 MAR p. 142, Eff. 2/16/79; AMD, 1981 MAR p. 1055, Eff. 9/18/81; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1987 MAR p. 2237, Eff. 12/11/87; AMD, 1998 MAR p. 2563, Eff. 9/25/98; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2003 MAR p. 2299, Eff. 10/17/03; AMD, 2004 MAR p. 571, Eff. 3/12/04.)

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 need only adopt those codes, which they are certified to enforce; that is, plumbing, electrical, building or mechanical. 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; 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. (History: 50-60-302, MCA; IMP, 50-60-301, 50-60-302, MCA; NEW, 1979 MAR p. 142, Eff. 2/16/79; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1989 MAR p. 476, Eff. 4/28/89; AMD, 1999 MAR p. 1885, Eff. 10/1/99; TRANS, from Commerce, & AMD, 2001 MAR p. 2293, Eff. 11/22/01; AMD, 2003 MAR p. 2299, Eff. 10/17/03.)

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.

(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. (History: 50-60-203, 50-60-302, MCA; IMP, 50-60-106, 50-60-302, MCA; NEW, 1979 MAR p. 142, Eff. 2/16/79; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1996 MAR p. 420, Eff. 2/9/96; EMERG, AMD, 1996 MAR p. 2160, Eff. 8/9/96; AMD, 1998 MAR p. 2563, Eff. 9/25/98; AMD, 1999 MAR p. 1885, Eff. 10/1/99; AMD, 2000 MAR p. 3168, Eff. 11/10/00; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2003 MAR p. 2299, Eff. 10/17/03.)

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. (History: 50-60-302, MCA; IMP, 50-60-302, MCA; NEW, 1979 MAR p. 142, Eff. 2/16/79; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2003 MAR p. 2299, Eff. 10/17/03.)

24.301.205 CERTIFICATION OF CODE ENFORCEMENT PROGRAMS

(1) A city, county, or town shall submit the equivalent of an annual report 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 applicable statutes and rules. (History: 50-60-203, 50-60-302, MCA; IMP, 50-60-302, MCA; NEW, 1998 MAR p. 2563, Eff. 9/25/98; AMD, 2000 MAR p. 3168, Eff. 11/10/00; TRANS, from Commerce, & AMD, 2001 MAR p. 2293, Eff. 11/22/01; AMD, 2003 MAR p. 2299, Eff. 10/17/03.)

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

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

(4) 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) 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).

(6) The types of buildings which may be inspected or plans examined by a particular 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.

(7) 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.

(8) 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. (History: 50-60-203, 50-60-302, MCA; IMP, 50-60-302, MCA; NEW, 1998 MAR p. 2563, Eff. 9/25/98; AMD, 1999 MAR p. 1885, Eff. 10/1/99; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2003 MAR p. 2299, Eff. 10/17/03.)

24.301.207 ANNUAL REPORT (1) A city, county, or town with a certified code enforcement program may submit to the Department of Labor and Industry an annual report. 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) The voluntary annual report should be filed with the department on or before September 1st of each year for the immediately preceding fiscal year. Information provided in annual reports should correspond directly to each item listed in (3)(a) through (k), and each item should be answered and tabbed separately from all other annual report information. The bureau will make an annual report example format available to all Montana cities, counties, and towns prior to September 1, 2004.

(3) Except as provided in (4), the annual report should contain 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 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 annual reports which provide 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) 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. (History: 50-60-203, 50-60-302, MCA; IMP, 50-60-302, MCA; NEW, 1998 MAR p. 2563, Eff. 9/25/98; AMD, 1999 MAR p. 1885, Eff. 10/1/99; TRANS, from Commerce, & AMD, 2001 MAR p. 2293, Eff. 11/22/01; AMD, 2003 MAR p. 2299, Eff. 10/17/03.)

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

(1) The Department of Labor and Industry adopts and incorporates by reference a document entitled: "Independent Accountant's Reporting Format for Applying Agreed-Upon Procedures During Audits of Certified City, County, or Town Building Code Enforcement Programs, 2006 Edition."

(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, Bureau of Building and Measurement Standards, 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 bsdbcb@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. (History: 50-60-203, 50-60-302, MCA; IMP, 50-60-302, MCA; NEW, 1998 MAR p. 2563, Eff. 9/25/98; AMD, 1999 MAR p. 1885, Eff. 10/1/99; TRANS, from Commerce, & AMD, 2001 MAR p. 2293, Eff. 11/22/01; AMD, 2003 MAR p. 2299, Eff. 10/17/03; AMD, 2007 MAR p. 112, Eff. 1/26/07.)

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. (History: 50-60-302, MCA; IMP, 50-60-106, 50-60-302, MCA; NEW, 2003 MAR p. 2299, Eff. 10/17/03; AMD, 2006 MAR p. 567, Eff. 2/24/06.)

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. (History: 50-60-203, 50-60-302, MCA; IMP, 50-60-302, MCA; NEW, 1998 MAR p. 2563, Eff. 9/25/98; TRANS, from Commerce, & AMD, 2001 MAR p. 2293, Eff. 11/22/01; AMD, 2003 MAR p. 2299, Eff. 10/17/03.)

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. (History: 50-60-203, MCA; IMP, 50-60-203, MCA; NEW, 1999 MAR p. 1885, Eff. 10/1/99; TRANS, from Commerce, & AMD, 2001 MAR p. 2293, Eff. 11/22/01; AMD, 2003 MAR p. 2299, Eff. 10/17/03.)

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 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. (History: 50-60-203, MCA; IMP, 50-60-203, MCA; NEW, 1999 MAR p. 1885, Eff. 10/1/99; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2003 MAR p. 2299, Eff. 10/17/03.)

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 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. (History: 50-60-203, MCA; IMP, 50-60-203, MCA; NEW, 1999 MAR p. 1885, Eff. 10/1/99; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2003 MAR p. 2299, Eff. 10/17/03.)

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. (History: 50-60-203, MCA; IMP, 50-60-203, MCA; NEW, 1999 MAR p. 1885, Eff. 10/1/99; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2003 MAR p. 2299, Eff. 10/17/03.)

24.301.215 ADOPTION OF THE UNIFORM HOUSING CODE OR THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (REPEALED) (History: 50-60-302, MCA; IMP, 50-60-106, MCA; NEW, 2001 MAR p. 2293, Eff. 11/22/01; REP, 2002 MAR p. 3627, Eff. 12/27/02.)

Rules 24.301.216 through 24.301.230 reserved

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 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 will continue enforcing 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; and

(iii) incorporated cities and towns which do have a certified code enforcement program in effect will continue to operate that program. 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 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 provide permitting and inspection services inside the city limits in accordance with Montana statutes and administrative rules. (History: This rule is advisory only, but may be a correct interpretation of the law, 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; NEW, 2003 MAR p. 1991, Eff. 10/1/03.)

Subchapter 3

Plumbing Requirements

24.301.301 INCORPORATION BY REFERENCE OF UNIFORM PLUMBING CODE (1) The Department of Labor and Industry adopts and incorporates by reference the Uniform Plumbing Code, 2006 edition, referred to as the Uniform Plumbing Code, 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 D, Sizing Stormwater Drainage Systems is adopted.

(d) Subsection 103.1.3, 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) Subsections 102.3, 103.1, 103.2, 103.3, 103.4, 103.5, and 103.6 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) Delete Table No. 1.1 - PLUMBING PERMIT FEES and replace with the following schedule:

(i) for issuing each permit	\$20*
(ii) for each plumbing fixture	7
(iii) water service - domestic or commercial	7
(iv) for each building sewer and each trailer park sewer	11
(v) storm drains and storm drainage	7
(vi) for each water heater	7
(vii) for each industrial water pretreatment interceptor, including its tray and vent, excepting kitchen type grease interceptors functioning as fixture traps	7
(viii) for installation, alteration, or repair of water piping and/or water treatment equipment	7
(ix) for repair or alteration of drainage or vent piping	7
(x) for each lawn sprinkler system and fire protection system or any one meter, including backflow protection devices therefore	7
(xi) for vacuum breakers or backflow protective devices on tanks, vats, etc., or for installation on unprotected plumbing fixtures, including necessary water piping	
(A) one to four	7
(B) five or more, each	2
(xii) requested plumbing inspection fee (provided that such service is not in excess of one hour in duration, and then \$25 for each 30 minutes or fractional part thereof in excess of one hour. Travel and per diem will be charged as per the state of Montana's existing rate for these items)	45
(xiii) reinspection (provided the \$30 does not exceed the original permit fee, in which case the original fee will be charged)	30
(xiv) for each gas piping system of one to four outlets	7
(xv) for each gas piping system of five or more, per outlet	2
(xvi) for each medical gas piping system serving one to five inlet(s)/outlet(s) for a specific gas	50
(xvii) for each additional medical gas piping inlet(s)/outlet(s)	5

*except for replacement of water heaters.

(g) Section 218, Definition of Plumbing System, is amended to read: "Includes all potable water 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) Subsection 405.2, Prohibited Urinals, is amended by adding the following: "Exception: Nonwater supplied urinals may be installed and shall be maintained in accordance with manufacturer's installation instructions and required maintenance schedule. A properly sized drain, vent, and water supply line, permanently capped, shall be installed for future use in the event the owner decides or is ordered to replace the nonwater supplied urinal with a water supplied urinal."

(i) Table 4-1, Minimum Plumbing Facilities, is deleted and replaced with ARM 24.301.351, Minimum Required Plumbing Fixtures.

(j) Subsection 508.14, 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."

(k) Delete Subsection 603.3.3.

(l) Subsection 603.1, 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."

(m) Subsection 603.4.10, 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."

(n) Subsection 604.1, Materials, is amended to read as follows:

(i) "Water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized wrought iron, galvanized steel, or other approved materials."

(ii) Cast iron fittings used for water need not be galvanized if over 2 inches (51 mm) in size.

(iii) Asbestos-cement, PB, CPVC, PE, PEX, PEX-AL-PEX or PVC water pipe manufactured to recognized standards may be used for cold water distribution systems outside a building. These approved outside cold water piping materials except for asbestos-cement may extend to a point within the foundation perimeter of the building provided that the piping is buried a minimum of 12 inches, the piping is contained within a protective sleeve where it passes through concrete construction and the piping does not extend for more than 24 inches out of the ground at such point where it connects to approved interior cold water piping material.

(iv) All materials used in the water supply system, except valves and similar devices shall be of a like material, except where otherwise approved by the administrative authority.

(v) Table 6-4 is amended to add the following: "PB is allowed for hot and cold water distribution."

(o) Subsection 604.2, 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.

(p) Subsection 701.1 is amended to read as follows: "Drainage piping shall be cast iron, galvanized steel, galvanized wrought iron, lead, copper, brass, Schedule 40 ABS DWV, Schedule 40 ABS DWV cellular core, Schedule 40 PVC DWV, Schedule 40 PVC DWV cellular core, extra strength vitrified clay pipe, or other approved materials having a smooth and uniform bore, except that:

"(1) Galvanized wrought iron or galvanized steel pipe shall not be used underground, and it shall be kept at least six inches (152 mm) above ground.

"(2) ABS and PVC DWV piping installations must be installed in accordance with IS 5, IS 9 and Chapter 15 "Firestop Protection for DWV and Stormwater Application." Except for individual single family dwelling units, materials exposed within ducts or plenums shall have a flame-spread index of not more than 25 and a smoke-developed index of not more than 50, when tested in accordance with the Test for Surface-Burning Characteristics of the Building Materials (See the building code standards based on ASTM E-84 and ANSI/UL 723).

"(3) Vitrified clay pipe and fittings shall not be used above ground or where pressurized by a pump or ejector. They shall be kept at least 12 inches (305 mm) below ground.

"(4) Copper tube for drainage and vent piping shall have a weight not less than that of copper drainage tube type DWV."

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

(r) Subsection 701.1.4, is amended with the addition of the following language: Copper tube for underground drainage and vent piping shall have a weight of not less than that of copper tube type L.

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

(t) Section 708.0, Grade of Horizontal Drainage Piping, 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.

(u) 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."

(v) 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.

(w) Subsection 903.2.1 is amended to read as follows: "Copper tube for underground drainage and vent piping shall have a weight of not less than that of copper tube Type L."

(x) Subsection 906.1, 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 1 foot from any vertical surface.

(y) 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.

(z) 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.

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

(ab) Subsection 908.1, is amended to read as follows:

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

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

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

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

(ae) Chapter 13, Health Care Facilities and Medical Gas and Vacuum Systems, is deleted. In lieu of Chapter 13, the Department of Labor and Industry adopts and incorporates by reference the National Fire Protection Association's Standard NFPA 99C, Gas and Vacuum Systems, 2005 edition, referred to as NFPA 99C, unless a different edition date is specifically stated, as the standard for the installation of medical gas and vacuum systems. The requirements of this rule shall not be construed as to replace or supersede any additional requirements for testing and certification of medical gas and vacuum systems, including independent third party certification of systems, as may be applicable. NFPA 99C is a nationally recognized standard setting forth minimum standards and requirements for medical gas and vacuum systems. A copy of NFPA 99C may be obtained from the National Fire Protection Association, One Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

(2) 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 Department of Labor and Industry, Bureau of Building and Measurement Standards, P.O. Box 200517, Helena, MT 59620-0517, at cost plus postage and handling. A copy may also be obtained by writing to the International Association of Plumbing and Mechanical Officials, 20001 South Walnut Drive, Walnut, CA 91789. (History: 50-60-203, 50-60-504, 50-60-508, MCA; IMP, 50-60-201, 50-60-203, 50-60-504, 50-60-508, MCA; NEW, 1978 MAR p. 380, Eff. 3/25/78; AMD, 1978 MAR p. 1480, Eff. 10/27/78; AMD, 1979 MAR p. 1662, Eff. 12/28/79; AMD, 1981 MAR p. 1052, Eff. 9/18/81; AMD, 1982 MAR p. 2170, Eff. 12/31/82; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1986 MAR p. 106, Eff. 1/31/86; AMD, 1989 MAR p. 476, Eff. 4/28/89; AMD, 1992 MAR p. 1133, Eff. 5/29/92; AMD, 1994 MAR p. 299, Eff. 2/11/94; AMD, 1996 MAR p. 420, Eff. 2/9/96; AMD, 1997 MAR p. 44, Eff. 1/17/97; AMD, 1997 MAR p. 2061, Eff. 11/18/97; AMD, 1998 MAR p. 2563, Eff. 9/25/98; AMD, 1999 MAR p. 1885, Eff. 10/1/99; AMD, 2000 MAR p. 3168, Eff. 11/10/00; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2004 MAR p. 571, Eff. 3/12/04; AMD, 2006 MAR p. 567, Eff. 2/24/06; AMD, 2007 MAR p. 112, Eff. 1/26/07.)

Rules 24.301.302 through 24.301.350 reserved

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:

MINIMUM NUMBER OF PLUMBING FACILITIES^{a, n, q}
 Fixtures (Number of fixtures per number of occupants)

Occupancy	Water Closets (Urinals - see footnotes g & m)		Lavatories	Bathtubs/ Showers	Drinking Fountains ^f	
	Male	Female				
A S S E M B L Y	Theaters	1 per 125	1 per 65	1 per 2 water closets	1 per 1,000	
	Nightclubs ^{g,h,p}	1 per 40	1 per 40			
	Restaurants ^{g,h,p}	1 per 75	1 per 75			
	Halls, museums, coliseums, arenas ^o , stadiums, pools, etc.	1 per 125	1 per 75		1 per 1,000	
	Churches ^b	1 per 150	1 per 75		1 per 1,000	
	Business ^{i,j,l,p}	1 per 25	1 per 25			
Educational Elementary	1 per 100	1 per 35	1 per 2 water closets		1 per floor	
Educational Secondary	1 per 100	1 per 45	1 per 2 water closets		1 per floor	
Factory and industrial	1 per 100	1 per 100	1 per 100		1 per 400	
High hazard	1 per 100	1 per 100	1 per 100		1 per 1,000	
I N S T I T U T I O N A L	Residential care	1 per 10	1 per 10	1 per 10	1 per 8	
	Hospitals, ambulatory nursing home patients ^c	1 per room		1 per room ^e	1 per 15	1 per 100
	Day nurseries ^k , sanitariums, nonambulatory nursing home patients, etc. ^c	1 per 15	1 per 15	1 per 15	1 per 15 ^f	1 per 100
	Employees, other than residential care ^c	1 per 25	1 per 25	1 per 35		1 per 100
	Visitors, other than residential care	1 per 75	1 per 75	1 per 100		1 per 500
	Prisons ^c	1 per cell		1 per cell	1 per 15	1 per 100
	Asylums, reformatories, etc. ^c	1 per 15	1 per 15	1 per 15	1 per 15	1 per 100
Mercantile ⁱ	1 per 500	1 per 500	1 per 750			
R E S I D E N T I A L	Hotels, motels	1 per guestroom		1 per guestroom	1 per guestroom	
	Lodges	1 per 10	1 per 10	1 per 10	1 per 8	
	Multiple family	1 per dwelling unit		1 per dwelling unit	1 per dwelling unit	
	Dormitories	1 per 10	1 per 10	1 per 10	1 per 8	1 per 100
	One and two-family dwelling ^d	1 per dwelling unit		1 per dwelling unit	1 per dwelling unit	

- 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.
- 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. Contact the Department of Public Health and Human Services for additional requirements for food service establishments.
- i. At the discretion of the building official, certain nonassembly buildings where food and beverages are not consumed on the premises, may be allowed to furnish only one public toilet provided it is designed for male and female use and it is suitable for use by handicapped persons.
- 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.
- k. If the total number of students plus staff exceeds 20, must provide separate male and female toilets.
- l. Keyed toilets under employee control of the type available at service stations are permitted.

- m. Where urinals are provided, notwithstanding the required urinal in footnote g. above, one water closet less than the number specified may be provided for each urinal installed, except the number of water closets in such cases shall not be reduced to less than one-half of the minimum specified.
- n. 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.
- o. Riding arenas as defined in ARM 24.301.107(14)(c) 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.

(History: 50-60-203, 50-60-504, MCA; IMP, 50-60-203, 50-60-504, MCA; NEW, 1978 MAR p. 1483, Eff. 10/27/78; AMD, 1981 MAR p. 515, Eff. 5/29/81; AMD, 1982 MAR p. 483, Eff. 3/12/82; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1987 MAR p. 2237, Eff. 12/11/87; AMD, 1990 MAR p. 2041, Eff. 11/16/90; AMD, 1994 MAR p. 299, Eff. 2/11/94; AMD, 1996 MAR p. 420, Eff. 2/9/96; AMD, 1997 MAR p. 44, Eff. 1/17/97; AMD, 1997 MAR p. 2061, Eff. 11/18/97; AMD, 1998 MAR p. 2563, Eff. 9/25/98; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2004 MAR p. 571, Eff. 3/12/04.)

Rules 24.301.352 through 24.301.360 reserved

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 (s)he 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. The applicant shall sign and return the application to the department along with the check or money order in the full amount of the permit fee.

(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. (History: 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; NEW, 1978 MAR p. 380, Eff. 3/25/78; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1987 MAR p. 2237, Eff. 12/11/87; AMD, 1994 MAR p. 299, Eff. 2/11/94; AMD, 1999 MAR p. 1885, Eff. 10/1/99; TRANS, from Commerce, 2001 MAR p. 2301.)

Rules 24.301.362 through 24.301.370 reserved

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.

(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 inspection and approval of the plumbing work, the department shall 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. (History: 50-60-203, 50-60-504, MCA; IMP, 50-60-510, 50-60-511, MCA; NEW, 1978 MAR p. 380, Eff. 3/25/78; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; TRANS, from Commerce, 2001 MAR p. 2301.)

Subchapter 4

Electrical Requirements

24.301.401 INCORPORATION BY REFERENCE OF NATIONAL ELECTRICAL CODE (1) The Department of Labor and Industry, by and through the Bureau of Building and Measurement Standards, adopts and incorporates by reference the National Fire Protection Association Standard NFPA 70, National Electrical Code, 2005 edition referred to as the National Electrical Code unless another edition date is specifically stated. The National Electrical Code is a nationally recognized model code setting forth minimum standards and requirements for electrical installations. A copy of the National Electrical Code may be obtained from the Department of Labor and Industry, Bureau of Building and Measurement Standards, P.O. Box 200517, Helena, MT 59620-0517 or the National Fire Protection Association, One Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101. (History: 50-60-203, 50-60-603, MCA; IMP, 50-60-201, 50-60-203, 50-60-601, 50-60-603, MCA; NEW, 1978 MAR p. 378, Eff. 3/25/78; AMD, 1981 MAR p. 519, Eff. 5/29/81; AMD, 1984 MAR p. 1024, Eff. 7/13/84; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1987 MAR p. 2237, Eff. 12/11/87; AMD, 1990 MAR p. 2041, Eff. 11/16/90; AMD, 1994 MAR p. 299, Eff. 2/11/94; AMD, 1997 MAR p. 44, Eff. 1/17/97; AMD, 1999 MAR p. 1885, Eff. 10/1/99; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2002 MAR p. 3627, Eff. 12/27/02; AMD, 2006 MAR p. 567, Eff. 2/24/06.)

24.301.402 DEFINITIONS For the purposes of this chapter, the following definitions shall apply:

(1) "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. (History: 50-60-603, MCA; IMP, 50-60-603, MCA; NEW, 2007 MAR p. 112, Eff. 1/26/07.)

Rules 24.301.403 through 24.301.410 reserved

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.

(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 550-32(b)(2): 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 detectors 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. (History: 50-60-203, 50-60-603, MCA; IMP, 50-60-203, 50-60-603, MCA; NEW, 1978 MAR p. 378, Eff. 3/25/78; AMD, 1979 MAR p. 1665, Eff. 12/28/79; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1989 MAR p. 476, Eff. 4/28/89; AMD, 1994 MAR p. 299, Eff. 2/11/94; AMD, 1997 MAR p. 44, Eff. 1/17/97; AMD, 1999 MAR p. 1885, Eff. 10/1/99; TRANS, from Commerce, & AMD, 2001 MAR p. 2293, Eff. 11/22/01; AMD, 2002 MAR p. 3627, Eff. 12/27/02.)

Rules 24.301.412 through 24.301.420 reserved

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

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

(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 the Electrical Safety Law, the National Electrical Code, as amended from time to time, or the rules of the section 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. (History: 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; NEW, 1978 MAR p. 378, Eff. 3/25/78; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2006 MAR p. 567, Eff. 2/24/06.)

Rules 24.301.422 through 24.301.430 reserved

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 installer or owner shall submit an official request for electrical permit to the department in Helena with fee(s) as provided in ARM 24.301.461. Request for electrical permit forms will be made available by the department and may also be available at any power supplier or the electrical inspector. At the time of application for a permit, the applicant shall indicate on the application for a permit whether or not the applicant will be the permittee for the entire project. Owners shall designate which electrical contractor will be performing work on the project.

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

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

(4) 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, 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) 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.

(7) 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.

(8) Electrical permits on which the fees, as provided in ARM 24.301.461, are under \$350 are valid for a period of 18 months from the date of issuance. Renewals of one year 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.

(9) The electrical permit is transferable one time, with application for permit transfer being made in writing on forms provided by the department. The permit transfer shall be completed prior to the subsequent permittee commencing work under the permit.

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

(11) 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. (History: 50-60-203, 50-60-603, 50-60-607, MCA; IMP, 50-60-201, 50-60-203, 50-60-603, 50-60-604, 50-60-605, MCA; NEW, 1978 MAR p. 378, Eff. 3/15/78; AMD, 1979 MAR p. 1665, Eff. 12/28/79; AMD, 1981 MAR p. 519, Eff. 5/29/81; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1987 MAR p. 2237, Eff. 12/11/87; AMD, 1994 MAR p. 299, Eff. 2/11/94; AMD, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, & AMD, 2001 MAR p. 2293, Eff. 11/22/01; AMD, 2006 MAR p. 567, Eff. 2/24/06.)

Rules 24.301.432 through 24.301.440 reserved

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 installer verbally, with a written inspection report, or a written compliance order as to the nature of the violations. (History: 50-60-203, 50-60-603, 50-60-604, MCA; IMP, 50-60-103, 50-60-201, 50-60-203, 50-60-603, 50-60-604, MCA; NEW, 1978 MAR p. 378, Eff. 2/25/78; AMD, 1981 MAR p. 519, Eff. 5/29/81; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1996 MAR p. 420, Eff. 2/9/96; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2006 MAR p. 567, Eff. 2/24/06.)

Rules 24.301.442 through 24.301.450 reserved

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 or an orange "conditionally approved" tag to installations. Green "approved" tags will be applied when installations have been inspected and approved by the department. Orange "conditionally approved" tags will only be applied to those installations that violate the cover inspection provision as provided in ARM 24.301.441. If the installation is disapproved, notice thereof, together with reasons for disapproval, will be given by inspectors to installers of record. After removal or repair of the cause for disapproval, installers must make a request for reinspection by the inspector who issued the disapproval. When the inspector approves the corrected installation as identified on the permit and inspection documents, an appropriate tag will be applied to the installation. (History: 50-60-203, 50-60-603, 50-60-604, MCA; IMP, 50-60-103, 50-60-201, 50-60-203, 50-60-603, 50-60-604, MCA; NEW, 1978 MAR p. 378, Eff. 2/25/78; AMD, 1979 MAR p. 1665, Eff. 12/28/79; AMD, 1981 MAR p. 519, Eff. 5/29/81; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1996 MAR p. 420, Eff. 2/9/96; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2006 MAR p. 567, Eff. 2/24/06.)

Rules 24.301.452 through 24.301.460 reserved

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.

<u>Type of Installation</u>	<u>Permit Fee</u>
(a) single-family dwellings or cabins (includes attached or detached garage if wired at the same time as the house or cabin)	
(i) 100 to 300 amp service	\$150*
(ii) 301 or more amp service	300*
*Fee includes maximum of three inspections. Additional inspections charged at requested electrical inspection rates.	
(b) private property accessory buildings (includes new service or upgrade of existing service for supply of power to garages, barns, sheds, etc.)	
(i) up to 200 amp panel	60
(ii) 201 to 300 amp panel	120
(iii) 301 or more amp panel	150
(c) multi-family dwellings (duplex through 12 units)	120 per bldg*
*Plus \$60 per unit, up to and including 12 units.	
*For buildings containing more than 12 units, use the commercial schedule that follows.	
(d) multi-family dwellings (duplex through 12 units) rewire or remodel only - per dwelling unit	80
(e) interior rewire only or new addition to a home (includes change of service if installed at the same time)	80
(f) change of service	25
(g) modular homes, mobile homes, and recreational vehicles	
(i) wiring to a mobile or modular home with wiring of a basement and/or garage at the same time	100
(ii) wiring to a mobile, modular, or RV only on privately owned property	60*
(iii) wiring to a mobile or RV on rental space at a licensed court with previously existing electrical service	25*
*Fee includes only one inspection; reinspections require new permit.	

- (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, irrigation well, etc. 40
 - (j) irrigation pumps or machines
 - (i) per unit (one pump and/or one pivot) 40
 - (k) permit renewal fee 45
 - (l) refund/credit fee 25
 - (m) 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:

Cost of Electrical

<u>Installation</u>	<u>Fee</u>
\$ 0 - \$1,000	\$45 for 1st \$500 plus 6.0% of balance of construction cost
\$ 1,001 - \$10,000	\$75 for 1st \$1,000 plus 2.0% of balance of construction cost
\$10,001 - \$50,000	\$255 for 1st \$10,000 plus 0.5% of balance of construction cost
\$50,001 or more	\$455 for 1st \$50,000 plus 0.3% of balance of construction cost

- (n) temporary construction service (for nonresidential jobs only) 25
 NOTE: this additional \$25 fee is required in addition to the above inspection fees if a temporary service will be used, and is to be paid at the same time as the regular permit fee before construction begins.
- (o) permit issuance fee* 20
 *This fee does not apply to permits issued pursuant to (1)(k) or (2).

(2) The fee for a requested electrical inspection is \$45, provided that such service is not in excess of one hour in duration, and then \$25 for each 30 minutes or fractional part thereof in excess of one hour. Travel and per diem will also be charged at the rates established under Title 2, chapter 18, part 5, MCA.

(3) If the application for permit and the proper fees, as determined under (1) of this rule, are not sent to the department prior to or upon commencement of the electrical work, the fees will be doubled and will have to be paid before the permit will be issued. (History: 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; NEW, 1978 MAR p. 378, Eff. 3/25/78; AMD, 1978 MAR p. 1480, Eff. 10/27/78; AMD, 1979 MAR p. 1665, Eff. 12/28/79; AMD, 1981 MAR p. 1054, Eff. 9/18/81; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1986 MAR p. 109, Eff. 1/31/86; AMD, 1987 MAR p. 2237, Eff. 12/11/87; AMD, 1994 MAR p. 670, Eff. 2/11/94; AMD, 1998 MAR p. 2563, Eff. 9/25/98; AMD, 1999 MAR p. 1885, Eff. 10/1/99; TRANS, from Commerce, & AMD, 2001 MAR p. 2293, Eff. 11/22/01; AMD, 2006 MAR p. 567, Eff. 2/24/06.)

Rules 24.301.462 through 24.301.470 reserved

24.301.471 TEMPORARY ELECTRICAL CONNECTIONS (REPEALED)

(History: 50-60-605, MCA; IMP, 50-60-605, MCA; NEW, 1979 MAR p. 1661, Eff. 12/28/79; AMD, 1981 MAR p. 519, Eff. 5/29/81; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1994 MAR p. 299, Eff. 2/11/94; TRANS, from Commerce, 2001 MAR p. 2301; REP, 2006 MAR p. 567, Eff. 2/24/06.)

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. (History: 50-60-203, 50-60-603, MCA; IMP, 50-60-201, 50-60-603, 50-60-604, 50-60-605, MCA; NEW, 2006 MAR p. 567, Eff. 2/24/06.)

Rules 24.301.473 through 24.301.480 reserved

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. (History: 50-60-203, 50-60-603, MCA; IMP, 50-60-201, 50-60-203, 50-60-603, 50-60-604, MCA; NEW, 1986 MAR p. 106, Eff. 1/31/86; AMD, 1998 MAR p. 2563, Eff. 9/25/98; AMD, 1999 MAR p. 1885, Eff. 10/1/99; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2006 MAR p. 567, Eff. 2/24/06.)

Rules 24.301.482 through 24.301.490 reserved

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 \$25 per required inspection performed, in addition to the \$25 refund/credit fee.

(4) No refund or credit for permit fees shall be issued for duplicate permits, when the permittee failed to transfer the original permit pursuant to ARM 24.301.431(9) 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. (History: 50-60-203, 50-60-603, 50-60-604, MCA; IMP, 50-60-203, 50-60-603, 50-60-604, MCA; NEW, 1994 MAR p. 299, Eff. 2/11/94; TRANS, from Commerce, 2001 MAR p. 2301.)

Subchapter 5

Requirements for Recreational Vehicles
and Factory-Built Buildings

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

(2) Factory-built buildings shall meet the requirements of:

(a) the latest adopted edition of the International Building Code or International Residential Code as applicable, as drafted by the International Code Council;

(b) the latest adopted edition of the National Electrical Code as drafted by the National Fire Protection Association;

(c) the latest adopted edition of the International Mechanical Code as drafted by the International Code Council;

(d) the latest adopted edition of the Uniform Plumbing Code as drafted by the International Association of Plumbing and Mechanical Officials; and

(e) the latest adopted edition of the International Energy Conservation Code.

(3) The requirement listed in 50-60-402(1), MCA, for new factory-built buildings applies to all new units, whether offered for sale, lease or rent, which are first utilized in the state of Montana, regardless of the unit's point of origin or route of delivery. A person cannot arrange to accept delivery of a new unit in an out-of-state location in order to avoid the need for a state of Montana insignia on the unit. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-201, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1989 MAR p. 476, Eff. 4/28/89; AMD, 1996 MAR p. 420, Eff. 2/9/96; AMD, 1997 MAR p. 2061, Eff. 11/18/97; AMD, 1999 MAR p. 1885, Eff. 10/1/99; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2004 MAR p. 571, Eff. 3/12/04; AMD, 2006 MAR p. 567, Eff. 2/24/06.)

Rules 24.301.502 through 24.301.510 reserved

24.301.511 DEFINITIONS For use throughout these rules, the terms herein set forth shall have the following meanings:

- (1) "Bureau" means the Building Codes Bureau of the Department of Labor and Industry.
- (2) "Components" means the prefabricated wall, floor, ceiling or roof panels or pre-cut building kits or similar units of construction or any combination of such units.
- (3) "Custom-made unit" means a factory-built housing unit constructed with individual specifications for one or a limited number of models.
- (4) "Effective date" means the date these rules governing factory-built buildings became effective according to the provisions of the Administrative Rules of Montana. The effective date of these original rules means March 1, 1975.
- (5) "Engineer" means a professional engineer who, by reason of special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired the right to practice engineering as attested by his registration as a professional engineer.
- (6) "Factory-built building" means a factory assembled structure or structures equipped with the necessary service connections but not made so as to be readily movable as a unit or units and designed to be used with a permanent foundation.
- (7) "Insignia" means a seal or label issued by the bureau to indicate compliance on the date of issuance with these rules and Title 50, chapter 60, MCA.
- (8) "Listing agency" means an agency approved by the bureau which is in the business of listing or labeling, and which maintains a periodic inspection program on current production of listed models, and which makes available at least an annual published report of such listing in which specific information is included and that the product has been tested to approved standards and found safe for use in the specified manner.
- (9) "Local enforcement agency" means the zoning or building department of a city, town or county.
- (10) "Alteration or conversion" means the replacement, addition, modification or removal of any equipment or installations which may affect construction, fire safety, occupancy, plumbing, heat-producing or electrical systems or the functions thereof, of units subject to these rules.
- (11) "Model" means a specific design width of factory-built building or components thereof as designed by the manufacturer.

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

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

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

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

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

(b) qualified and equipped for such experimental testing;

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

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

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

(f) approved by the bureau.

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

(a) inspects and certifies, in lieu of state inspectors, that any unit manufactured after the effective date of these rules conforms to the requirements and standards set forth herein;

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

(c) reports to the bureau a listing of the manufacturers under contract and also the specific products receiving certification;

(d) reports to the bureau at least quarterly the level of quality control within the manufacturer's plant, their methods of inspections and the names of personnel making inspections.

(17) "Unit" means a factory-built building and components thereof. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.512 EFFECTIVE DATE OF REQUIREMENTS RELATING TO SALES

(1) No person or persons shall sell or offer for sale within the state of Montana any factory-built building manufactured after the effective date of these rules which does not meet the standards and requirements for construction, plumbing, heat-producing or electrical equipment established by these rules. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, 50-60-402, 50-60-404, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301.)

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

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

(2) These units do not meet code requirements for commercial or business occupancy and are therefore prohibited for these types of uses. Manufactured (mobile) homes shall not be utilized for any occupancy other than as a single family dwelling.

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

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

(a) is not used for a period exceeding two years;

(b) is offered for sale;

(c) is not used to store flammable materials;

(d) is not altered to accommodate office space;

(e) meets the exiting sign requirements imposed by the International Building Code; and

(f) is provided with a handicap accessible entrance pursuant to the requirements imposed by the International Building Code. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-402, MCA; NEW, 1981 MAR p. 514, Eff. 5/29/81; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1996 MAR p. 420, Eff. 2/9/96; AMD, 1997 MAR p. 2061, Eff. 11/18/97; AMD, 1999 MAR p. 1885, Eff. 10/1/99; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2004 MAR p. 571, Eff. 3/12/04.)

24.301.514 ENFORCEMENT GENERALLY (1) The Building Codes Bureau shall administer and enforce all the provisions of Title 50, chapter 60, MCA, and the rules adopted pursuant thereto. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.515 BUREAU INSPECTORS (1) All inspectors of the bureau shall have a working knowledge of the specified editions of the adopted model codes and shall not be under the control of any listing agency, testing agency, third party inspection agency, dealer or manufacturer. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2004 MAR p. 571, Eff. 3/12/04.)

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

(2) Third party inspection agencies who fail to meet the reporting requirements for quarterly reports, set forth in ARM 24.301.511(16)(d), shall cause the manufacturer's file and subsequent submittals to be placed in pending status until such time as the aforementioned requirements are met. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1996 MAR p. 420, Eff. 2/9/96; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.517 INSPECTION OF MANUFACTURER (1) Any inspector of the bureau is authorized to enter any premises where units are manufactured, whether or not requested by the manufacturer. He may inspect and examine any plans, specifications, in-plant quality control procedures, third party agency procedures, units and unit equipment and installations to ensure compliance with the provisions of these rules. When it becomes necessary to determine compliance, the inspector may require that a portion or portions of such units be removed or exposed in order that any inspection may be made. Manufacturers in nonreciprocal states may be subject to at least one in-plant inspection per year, by the bureau, for which the inspection fees in ARM 24.301.565 through 24.301.567 will be charged. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.518 INSPECTION OF DEALER (1) Any inspector of the bureau is authorized to enter any premises where units are sold or offered for sale whether or not requested by the dealer. He may make such visual inspections as are necessary to determine whether units are being sold or offered for sale with the required insignia. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.519 PRODUCT STANDARDS (1) All manufacturers of factory-built buildings shall use only plumbing, heating and electrical products which are listed and approved by a listing agency. Products not listed and approved may be used if the bureau first determines that such products are adequate for the protection of health, safety and the general welfare. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.520 ALTERNATIVES (1) Any construction, products or installations may be submitted to the bureau for review as an alternate or equivalent method. Requests for bureau review of alternates and equivalents shall be submitted to the bureau with an alternate review inspection fee pursuant to ARM 24.301.565 through 24.301.567. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.521 APPROVAL OF MANUFACTURER (1) Every manufacturer of units subject to these rules shall be reviewed and obtain an insignia for each approved unit by the systems review method pursuant to the provisions of ARM 24.301.544 or by the model plan review method pursuant to the provisions of ARM 24.301.535. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2004 MAR p. 571, Eff. 3/12/04.)

24.301.522 STATE BUILDING CODE INTERPRETATION (1) State building code interpretations shall be made by the bureau. Anyone wishing to appeal such an interpretation may do so as provided under ARM 24.301.577. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; TRANS, from Commerce, 2001 MAR p. 2301.)

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

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

(3) Reciprocal status for factory-built buildings may be granted to HUD-approved Category III states. States which are approved by HUD and therefore meet the criteria for reciprocal status are:

(a) Alabama, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, New Jersey, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Washington, Wisconsin. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1994 MAR p. 299, Eff. 2/11/94; AMD, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.524 INFORMATION REQUIRED TO BE SUBMITTED UPON DELIVERY OF UNIT TO DEALER (1) All manufacturers delivering to dealers in this state shall supply the following to the bureau on the monthly insignia report form, no later than the tenth of the month after delivery:

(a) manufacturer's serial number;

(b) bureau serial number assigned to manufacturer's unit;

(c) dealer's full name and complete address. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1994 MAR p. 299, Eff. 2/11/94; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.525 REQUIREMENTS FOR DATA PLATE (1) All factory-built units manufactured or delivered prior to sale or sold or offered for sale in this state must bear a data plate giving the model, serial number, date of completion and design load maximums: i.e., wind, snow, floor live load and seismic design Category D or D1 as applicable.

(2) The data plate must be permanently affixed either to the inside or the outside of the electrical distribution panel door.

(3) The minimum loads acceptable for factory-built units manufactured or delivered prior to sale or sold or offered for sale in this state are:

(a) wind load = 25 psf;

(b) snow load = 30 psf;

(i) For those areas of the state where snow loads are greater than 30 psf, the units must be designed for the greater snow loads.

(c) floor live load = 40 psf; and

(d) seismic design category = D or D1 as applicable. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-402, MCA; NEW, 1981 MAR p. 514, Eff. 5/29/81; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2004 MAR p. 571, Eff. 3/12/04.)

Rules 24.301.526 through 24.301.531 reserved

24.301.532 APPLICATION FOR TYPICAL STRUCTURAL DESIGN

APPROVAL (1) A manufacturer of factory-built buildings may make application for a typical structural design approval prior to construction, which may be referenced on subsequent plans submitted based on width or type of construction.

(2) The following general requirements must be met:

(a) Dimensioned drawings and specifications are required and they must clearly indicate the nature and extent of the work proposed.

(b) Two copies of all documents submitted for approval are required and they shall be on substantial paper or cloth not less than 8 1/2" x 11" or multiple thereof.

(c) Fees must be paid as required by ARM 24.301.565 through 24.301.567.

(3) The following specific requirements must be met:

(a) all necessary cross sections;

(b) floor, wall, ceiling and roof construction details;

(c) typical connections;

(d) design live and dead loads;

(e) grade and quality of materials;

(f) substantiating calculations or test results, where required. (History: 50-60-203, 50-60-401, 50-60-402, MCA; IMP, 50-60-203, 50-60-401, 50-60-402, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1994 MAR p. 299, Eff. 2/11/94; AMD, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.533 APPLICATION FOR ELECTRICAL, MECHANICAL AND

PLUMBING SYSTEM APPROVAL (1) A manufacturer of units may make applications for approval of typical equipment and installations prior to construction, which may be referenced on subsequent plans. The following letters will be used to designate typical systems: E, M, P.

(2) The following electrical specifications must be set forth in the plan:

(a) type and size of feeder assembly;

(b) voltage and amperage of branch circuit panelboard;

(c) branch circuit identification, amperage or overcurrent protection device wire size and type;

(d) voltage and amperage of fixed appliances;

(e) calculations according to NFPA 70.

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

(a) description of all materials, appliances, fittings, pipe, tubing, vents and ducts;

- (b) BTUH input rating of all fuel burning appliances;
 - (c) size of openings for combustion air, except where combustible air is an integral part of an approved appliance;
 - (d) size, length, type and location of vents and vent connectors;
 - (e) type, minimum dimension and gauge of air ducts;
 - (f) minimum free area and location of circulating air supply inlet;
 - (g) minimum free area and location of all air openings.
- (4) The plan may be drawn to scale or schematic. It must set forth the following plumbing specifications:
- (a) description of all materials, fixtures, fittings, pipe tubing, shower stalls and walls;
 - (b) diameter and type of pipe and tubing, and length of all trap arms;
 - (c) size and type of fittings;
 - (d) grade of drainage piping;
 - (e) method of securing all piping. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.534 APPLICATION FOR CUSTOM-MADE FACTORY-BUILT BUILDING UNIT REVIEW (1) Any manufacturer of a custom-made factory-built building unit shall apply to the bureau for a plan review and shall furnish the required sets of plans as set forth in ARM 24.301.532 through 24.301.550, shall submit the fees pursuant thereto as set forth in ARM 24.301.565 through 24.301.567. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1994 MAR p. 299, Eff. 2/11/94; AMD, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301.)

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

- (a) the plan and system inspection fees as required by ARM 24.301.565;
- (b) the quality control manual as outlined in ARM 24.301.536 and 24.301.543;
- (c) substantiating calculations or test results indicating details of construction, plumbing, mechanical and electrical plans when such details are required;
- (d) two copies of the complete plans and specifications which must show:
 - (i) dimensioned floor plan(s);
 - (ii) proposed use of rooms and method of ventilation;
 - (iii) size, type and location of windows and exterior doors;
 - (iv) location of all appliances and fixtures;
 - (v) location of all electrical outlets (receptacles and lights);
 - (vi) number of outlets and appliances on each circuit and circuit rating.

(History: 50-60-203, 50-60-401, 50-60-402, MCA; IMP, 50-60-203, 50-60-401, 50-60-402, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1994 MAR p. 299, Eff. 2/11/94; AMD, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301.)

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

- (a) an outline of the procedure which will direct the manufacturer to construct units in accordance with the reviewed plans as set forth in ARM 24.301.543;
- (b) one copy of all documents submitted for review, which shall be on substantial paper or cloth not less than 8 1/2" x 11";
- (c) an application on forms supplied by the bureau;
- (d) inspection fees as required by ARM 24.301.565. (History: 50-60-203, 50-60-401, 50-60-402, MCA; IMP, 50-60-203, 50-60-401, 50-60-402, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1994 MAR p. 299, Eff. 2/11/94; TRANS, from Commerce, 2001 MAR p. 2301.)

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

(2) The load bearing capacity of elements or assemblies may be established either by calculations in accordance with generally established principles of engineering design or by tests acceptable to the bureau. When the composition or configuration of elements, assemblies or details of structural members are such that calculations of their safe load-carrying capacity and basic structural integrity cannot be accurately determined in accordance with generally established principles of engineering design, structural properties of such members or assemblies may be established by the results of tests acceptable to the bureau.

(3) All tests shall be performed by a testing agency as defined in ARM 24.301.511 or shall be directed, witnessed and evaluated by an independent licensed architect or engineer. The architect or engineer shall submit his evaluation of test results and recommendations accompanied by test reports from the laboratory to the bureau. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.538 MODEL MANUFACTURED AT MORE THAN ONE LOCATION

(1) If the manufacturer plans to produce the same model at more than one location, plan review may be obtained at the time of filing, subject to submission for each model of the following:

- (a) a letter showing all locations of manufacture;
- (b) two sets of complete plans and specifications;
- (c) one additional set of plans for each location of manufacture;
- (d) one set of plan inspection filing fees pursuant to ARM 24.301.565.

(2) If, subsequent to plan review, the manufacturer wishes to obtain plan review for additional locations of manufacture, it will be necessary to submit the following:

- (a) a letter showing all locations of manufacture;
- (b) plan inspection filing fee pursuant to ARM 24.301.565. (History: 50-60-203, 50-60-401, 50-60-402, MCA; IMP, 50-60-203, 50-60-401, 50-60-402, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1994 MAR p. 299, Eff. 2/11/94; AMD, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.539 OUT-OF-STATE APPLICANT (1) If the manufacturer is out-of-state, the application shall include a statement signed by the applicant that he agrees:

- (a) to in-plant inspection without prior notice by the bureau;
- (b) to apply for an insignia for each unit to be delivered, sold or offered for sale in this state;
- (c) to submit the name and address of all its distributors and dealers in the state of Montana.

(2) The bureau may approve and certify the first unit of each model shipped without an inspection if the unit has been reviewed and inspected as meeting standards of a reciprocal state. (History: 50-60-203, 50-60-401, 50-60-402, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.540 NONCONFORMING APPLICATION AND PLANS (1) Should the plans not conform with these rules, the applicant will be so notified in writing by the bureau within 30 working days of the date they are received. Should the applicant fail to submit completely corrected plans in accordance with the information supplied on the plan correction notice within 90 days of such notice, the application will be forfeited to the bureau. Additional submissions shall be processed as new applications. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.541 EVIDENCE OF BUREAU'S REVIEW (1) Reviewed plans and specifications shall be evidenced by the stamp of review of the bureau. One set of reviewed plans and specifications will be returned to the manufacturer. A reviewed copy shall be retained at each plant of manufacture. (History: 50-60-203, 50-60-401, 50-60-402, MCA; IMP, 50-60-203, 50-60-401, 50-60-402, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1994 MAR p. 299, Eff. 2/11/94; AMD, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.542 PLAN REVIEW TERMINATION (1) A plan review issued by the bureau shall remain in effect through December 31 of the year following the original year of approval and through December 31 of each subsequent year of renewal as established in ARM 24.301.550 or until withdrawn or revised by the manufacturer or until revoked by the bureau. A plan review will be revoked by the bureau upon a finding that a manufacturer is not complying with the plan as reviewed or that such manufacturer has used materials not listed and reviewed by a listing agency or reviewed as an alternate or equivalent by the bureau. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1998 MAR p. 164, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.543 IN-PLANT QUALITY CONTROL (1) The manufacturer shall submit a manual, or shall reference an applicable manual previously reviewed by the bureau, outlining a program of quality control concurrent with his request for plan review. The program outlined must meet the standards of and be reviewed by the bureau. In addition, the manufacturer shall designate a company or corporate officer or other responsible person to be responsible for the quality control program, and shall maintain records to substantiate that each unit has been inspected and complies with the plans as reviewed by the bureau. The bureau may make periodic inspections and may condition the issuance of insignia on compliance with these rules by the manufacturer.

(2) The following specific information is required for the quality control manual:

- (a) scope and purpose of the manual;
- (b) inspection procedure for basic materials;
- (c) material storage and stock rotation procedure;
- (d) drawings and bill of material;
- (e) types and frequency of product inspection;
- (f) sample of inspection control form used;
- (g) record-keeping procedures for quality control forms;
- (h) list of major pieces of production equipment;
- (i) where responsibility for quality control program lies;
- (j) test procedural manual, including electrical, gas line, water systems and drain/vent/plumbing fixture tests and type of test equipment used;
- (k) list of test equipment. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301.)

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

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

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

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

(d) After recording of transmitted plan review(s) and/or system review(s), the reviewing state shall notify the manufacturer of its acceptance or rejection of the plan(s) and/or system(s). One copy of the plan(s) and/or system(s) bearing the mark or stamp of review of both states shall then be returned to the manufacturer by the state receiving the transmittal and granting the additional review. (History: 50-60-203, 50-60-401, 50-60-402, MCA; IMP, 50-60-203, 50-60-401, 50-60-402, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1994 MAR p. 299, Eff. 2/11/94; AMD, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301.)

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

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

(3) Where the manufacturer proposes changes to the quality control manual, one copy of such changes shall be submitted to the bureau for approval accompanied by a quality control manual inspection fee pursuant to ARM 24.301.567. (History: 50-60-203, 50-60-401, 50-60-402, MCA; IMP, 50-60-203, 50-60-401, 50-60-402, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1994 MAR p. 299, Eff. 2/11/94; AMD, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.546 CHANGE OF OWNERSHIP (1) Where there is a change of ownership of a manufacturing business under department plan review, the new owner shall notify the bureau of such change within 10 days after delivery and possession. If the new owner submits a statement that he will continue to manufacture in accordance with previously approved plans, new applications and plan inspection fees shall not be required. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.547 CHANGE OF NAME OR ADDRESS (1) In the event of a change of name or address of a manufacturer, the manufacturer shall so notify the bureau in writing within 10 days after such change of name or address. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.548 DISCONTINUANCE OF MANUFACTURE (1) When a manufacturer discontinues production of a model under bureau plan review, the manufacturer shall within 10 days advise the bureau of the date of such discontinuance and return all insignia allocated for such discontinued vehicles. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301.)

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

(2) The manufacturer's identifying serial number and the bureau's insignia shall be permanently attached to the exterior wall adjacent to the rear or side exit. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.550 PLAN RENEWAL (1) Except as established in ARM 24.301.542 for original plan approvals, the manufacturer shall make application to have their plans renewed for the following year prior to the December 31 expiration date of each year. At the time of renewal, plans which have not been changed do not require the submission of plans. If any changes have been made, an updated plan must be submitted. The application shall be accompanied by the fee listed in ARM 24.301.565. (History: 50-60-203, 50-60-401, 50-60-402, MCA; IMP, 50-60-203, 50-60-401, 50-60-402, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1994 MAR p. 299, Eff. 2/11/94; AMD, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301.)

Rules 24.301.551 through 24.301.556 reserved

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

(2) Any unit manufactured prior to the effective date of these rules need not bear an insignia.

(3) Any unit manufactured subsequent to the effective date of these rules which was neither manufactured nor delivered prior to sale nor sold nor offered in this state need not bear an insignia. (History: 50-60-203, 50-60-401, 50-60-402, MCA; IMP, 50-60-203, 50-60-401, 50-60-402, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1994 MAR p. 299, Eff. 2/11/94; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.558 APPLICATION FOR INSIGNIA PURSUANT TO PLAN REVIEW

(1) Following receipt of plan approval, the unit manufacturer shall make application for an insignia for each unit manufactured. The application shall be submitted to the bureau in duplicate, accompanied by the insignia fees pursuant to ARM 24.301.566. The application shall include the plan review number and serial number of each unit for which an insignia is requested. Multiple units shall be designated where applicable.

(2) Advance inclusions of the unit's serial number may be omitted from the application provided the applicant submits a report of the insignia number and serial number of the specific unit to which the insignia has been assigned. Such report shall be on the monthly insignia report form and shall be submitted no later than the tenth of the month after the use of such insignia.

(3) Manufacturers that possess insignias issued by the department shall provide monthly insignia reports. Monthly insignia report forms shall be completed and submitted to the department no later than the tenth of each month following issuance of the insignia by the department, until all such insignias have been lawfully affixed to the manufactured products for which they were issued.

(4) Failure to submit monthly insignia report forms shall result in subsequent plan approval, plan renewal and application for insignia submittals to be placed in a pending status until said reports are submitted.

(5) The unit manufacturer shall permanently imprint the unit serial number on the insignia when insignia is obtained pursuant to ARM 24.301.557 through 24.301.564.

(6) An insignia obtained pursuant to the provisions provided by ARM 24.301.558(2) shall be utilized within 12 months of the date of issuance. An insignia which is not utilized within said period, shall be deemed void and shall be promptly returned to the bureau. No refund or credit for an insignia fee shall be issued for a void insignia. (History: 50-60-203, 50-60-401, 50-60-402, MCA; IMP, 50-60-201, 50-60-203, 50-60-401, 50-60-402, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1994 MAR p. 299, Eff. 2/11/94; AMD, 1996 MAR p. 420, Eff. 2/9/96; AMD, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2006 MAR p. 567, Eff. 2/24/06.)

24.301.559 DENIAL OF INSIGNIA (1) Should inspection reveal that a manufacturer is not manufacturing units according to plans approved by the bureau, and such manufacturer, after having been served with a notice setting forth in what respect the provisions of these rules have been violated continues to manufacture units in violation of these rules, applications for new insignia shall be denied and the insignia previously issued shall be confiscated after a proper hearing as provided for in ARM 24.301.577. Upon satisfactory proof of compliance such manufacturer may resubmit an application for insignia. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.560 INSIGNIA REMOVAL (1) In the event that any unit bearing the insignia is found to be in violation of these rules the bureau may remove the insignia after furnishing the manufacturer with a written statement of such violations. The bureau will not issue a new insignia until corrections have been made and the manufacturer has requested an inspection pursuant to ARM 8.70.519.

(2) No person or persons may remove or cause to be removed an insignia of inspection without prior authorization of the bureau. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.561 LOST OR DAMAGED INSIGNIA (1) When an insignia becomes lost or damaged, the bureau shall be notified immediately in writing by the manufacturer. The notice shall specify the manufacturer, the unit's serial number and, when possible, the insignia number.

(2) All damaged insignia shall be promptly returned. Damaged and lost insignia will be replaced by the bureau with a replacement insignia which shall bear the date of issue of the original insignia and which shall be designated as a replacement insignia upon payment of the replacement insignia fee as provided in ARM 24.301.566. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; TRANS, from Commerce, 2001 MAR p. 2301.)

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

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

- (a) repairs with approved component parts;
- (b) conversion of listed fuel burning appliances in accordance with the terms of their listing;
- (c) adjustment and maintenance of equipment;
- (d) replacement of equipment in kind. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.563 ALTERATION OR CONVERSION OF UNIT BEARING INSIGNIA

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

- (a) make and model of the unit;
- (b) serial number;
- (c) bureau insignia number;
- (d) complete description of the work to be performed, together with plans and specifications when required;
- (e) location of the unit where work is to be performed;
- (f) alteration or conversion inspection fee;
- (g) name and address of the manufacturer or dealer of the unit.

(2) Upon completion of the alteration or conversion, the applicant shall request the bureau to perform an inspection. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2004 MAR p. 571, Eff. 3/12/04.)

24.301.564 EFFECT OF INSIGNIA (1) All units bearing the bureau insignia or the insignia of a reciprocal state pursuant to the provisions of ARM 24.301.557 through 24.301.563 shall be acceptable as meeting the requirements of Title 50, chapter 60, MCA, throughout the state of Montana without further inspection or fees except for zoning, utility connections, and foundation permits required by local ordinance. Reciprocal status shall be granted to other states at the discretion of the bureau.

(2) Any new unit delivered to the state of Montana, either to a sales lot or placed on location, that does not bear a bureau insignia, pursuant to ARM 24.301.557(1), shall be posted with a prohibited sales notice and shall not be sold and/or occupied until such time as it bears said insignia. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, 50-60-402, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1994 MAR p. 299, Eff. 2/11/94; AMD, 1996 MAR p. 420, Eff. 2/9/96; TRANS, from Commerce, 2001 MAR p. 2301.)

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

(a) Original plan filing:	\$ 30 per unit
(b) Quality control manual:	25
(c) Units with one or two parts:	
(i) structural review	350
(ii) plumbing review	40
(iii) electrical review	40
(iv) mechanical review	40
(d) Units with three or four parts:	
(i) structural review	500
(ii) plumbing review	60
(iii) electrical review	60
(iv) mechanical review	60
(e) Units with five or more parts:	
(i) structural review	700
(ii) plumbing review	80
(iii) electrical review	80
(iv) mechanical review	80
(f) Plan resubmission or revision:	
(i) structural review	100
(ii) plumbing review	20
(iii) electrical review	20
(iv) mechanical review	20
(g) Plan supplement:	\$20 per unit
(h) Plan renewal:	
(i) \$75 for each set of documents describing a unit which is to be utilized during the next approved plan period. Obsolete plans or specifications are to be removed at the time of plan renewal by written notification at no additional cost.	

(History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; AMD, 1978 MAR p. 278, Eff. 3/15/78; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1989 MAR p. 476, Eff. 4/28/89; AMD, 1994 MAR p. 299, Eff. 2/11/94; AMD, 1998 MAR p. 2563, Eff. 9/25/98; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.566 INSIGNIA FEES (1) The following are the insignia fees to be charged by the department:

(a) Factory-built buildings - \$40 per part. This insignia fee covers the building construction, plumbing, electrical and mechanical.

(b) Replacement insignia - \$10 for each replacement insignia. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; AMD, 1978 MAR p. 378, Eff. 3/25/78; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1989 MAR p. 476, Eff. 4/28/89; AMD, 1997 MAR p. 2061, Eff. 11/18/97; AMD, 1998 MAR p. 2563, Eff. 9/25/98; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.567 MISCELLANEOUS FEES (1) Field technical service fees - \$45, provided that such service is not in excess of one hour in duration. Twenty-five dollars for every 30 minutes or fractional part thereof in excess of one hour.

(2) Change in manufacturer name, ownership or address fee - \$10.

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

(a) Requested out-of-state inspection or field technical service fee - total travel cost based on published air fare, or equivalent rate, between Helena, Montana, and the point of inspection, plus necessary supplemental surface transportation, reimbursement for food and lodging consistent with state of Montana per diem and mileage rate, and inspection fees of \$30 per hour, not to exceed eight hours in any one day. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; AMD, 1978 MAR p. 378, Eff. 3/25/78; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1989 MAR p. 476, Eff. 4/28/89; AMD, 1994 MAR p. 299, Eff. 2/11/94; AMD, 1997 MAR p. 2061, Eff. 11/18/97; AMD, 1998 MAR p. 2563, Eff. 9/25/98; TRANS, from Commerce, 2001 MAR p. 2301.)

Rules 24.301.568 through 24.301.575 reserved

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

(2) Upon receipt of a notice of violation, the manufacturer shall notify the bureau in writing within 10 days of the action taken to correct the violations. The manufacturer so served shall not move said unit or cause it to be moved until the bureau is notified of its destination or disposition. If the unit is posted with a prohibited sales notice, such notice shall not be removed until authorized by the bureau.

(3) Upon correction of a violation as posted, a reinspection shall be called for and appropriate fees shall be paid as listed in ARM 24.301.565 through 24.301.567. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.577 VIOLATION AND HEARINGS (1) Any violation of or noncompliance with any provision of Title 50, chapter 60, MCA, or these rules or orders of the bureau shall be cause for the suspension or revocation of insignia issued pursuant to said statutes or rules after a proper hearing as provided in this rule.

(2) The hearing board for such violations or noncompliance shall be the Department of Labor and Industry.

(3) The hearing board shall hold hearings for any purpose deemed by the bureau to be necessary for the enforcement of Title 50, chapter 60, MCA, and these rules.

(4) Any person aggrieved by an order or decision of the bureau may request and shall be granted a hearing on the matter before the hearing board. Such person shall file with the bureau a written petition requesting such hearing, which shall set forth a brief statement of the grounds thereof.

(5) Upon receipt of such petition, the bureau shall set a time and place for such hearing and shall give the petitioner written notice thereof by certified mail. Said hearing shall commence no later than 30 days after the day on which said petition was filed; however, the bureau may postpone the date of such hearing for a reasonable time beyond such 30-day period if the bureau determines that good and sufficient reasons exist for such postponement.

(6) All hearings shall be held in accordance with the provisions of Title 50, chapter 60, MCA, and the Montana Administrative Procedure Act.

(7) Upon conclusion of such hearing, the bureau shall notify the petitioner in writing by certified mail of its decision in the matter within 30 days after termination of the hearing. (History: 50-60-203, 50-60-401, MCA; IMP, 50-60-203, 50-60-401, MCA; NEW, Eff. 3/1/75; AMD, Eff. 4/4/77; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; TRANS, from Commerce, 2001 MAR p. 2301.)

Subchapter 6

Elevators, Escalators, and Moving Walks

24.301.601 INCORPORATION BY REFERENCE OF ELEVATOR CODE
(REPEALED) (History: 50-60-203, 50-60-701, 50-60-702, MCA; IMP, 50-60-203, 50-60-701, 50-60-702, MCA; NEW, Eff. 3/1/75; AMD, 1978 MAR p. 382, Eff. 3/25/78; AMD, 1979 MAR p. 1663, Eff. 12/28/79; AMD, 1982 MAR p. 2170, Eff. 12/31/82; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1986 MAR p. 106, Eff. 1/31/86; AMD, 1989 MAR p. 476, Eff. 4/28/89; AMD, 1992 MAR p. 1133, Eff. 5/29/92; AMD, 1994 MAR p. 670, Eff. 2/11/94; AMD, 1996 MAR p. 420, Eff. 2/9/96; AMD, 1996 MAR p. 2160, Eff. 8/9/96; AMD, 1998 MAR p. 2563, Eff. 9/25/98; AMD, 1999 MAR p. 1885, Eff. 10/1/99; TRANS, from Commerce, & AMD, 2001 MAR p. 2293, Eff. 11/22/01; AMD, 2004 MAR p. 571, Eff. 3/12/04; REP, 2006 MAR p. 567, Eff. 2/24/06.)

24.301.602 INCORPORATION BY REFERENCE OF ELEVATOR CODE

(1) The Department of Labor and Industry, referred to as department, adopts and incorporates by reference:

- (a) Safety Code for Elevators and Escalators, ASME A17.1 2004, A17.1a-2005 Addenda, and ASMEA17.1S-2005 Supplement;
- (b) Safety Code for Existing Elevators and Escalators, ASME A17.3 2002;
- (c) Safety Standard for Platform Lifts and Stairway Chairlifts, ASME A18.1-2003; 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 as specified in (1)(d).

(2) The purpose of the elevator code is to provide safety standards for the design, construction, installation, operation, inspection, testing, maintenance, alteration, and repair of permanently installed hoisting and lowering mechanisms.

(a) Devices covered by the elevator code include but are not limited to:

- (i) elevators;
- (ii) platform lifts;
- (iii) stairway chair lifts;
- (iv) dumbwaiters;
- (v) escalators;
- (vi) automated people movers;
- (vii) inclined lifts; and
- (viii) moving walks and their hoistway.

(b) The elevator code does not apply to self-powered, mobile equipment including, but not limited to:

- (i) material hoists and man lifts;
- (ii) mobile scaffolds, towers, and platforms;
- (iii) powered platforms and equipment for exterior and interior maintenance;
- (iv) conveyors and related equipment;
- (v) cranes, derricks, hoist, hooks, jacks, and slings;
- (vi) industrial trucks;
- (vii) portable equipment, except for portable escalators;
- (viii) tiering or piling machines used to move materials to and from storage that are located and operated entirely within one story;
- (ix) equipment for feeding or positioning materials at machine tools, printing presses, and similar locations;
- (x) furnace hoists; and
- (xi) railroad car lifts or dumps which are typically used on a temporary basis on construction sites.

(3) Inspection, code compliance, and enforcement of hoistway (shaft) standards is the responsibility of the appropriate authority having jurisdiction for inspection and enforcement of the building code.

(4) The codes, standard and appendix referenced in (1) are collectively referred to as the elevator code. A copy of the elevator code may be obtained from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017. (History: 50-60-203, 50-60-705, 50-60-715, MCA; IMP, 50-60-201, 50-60-704, 50-60-705, 50-60-715, MCA; NEW, 2006 MAR p. 567, Eff. 2/24/06; AMD, 2007 MAR p. 112, Eff. 1/26/07.)

Rules 24.301.603 through 24.301.605 reserved

24.301.606 PLAN REVIEW AND PERMIT FEE (1) An elevator contractor may not erect, construct, install or alter an elevator, dumbwaiter, escalator, or other equipment subject to the provisions of Title 50, chapter 60, MCA, unless the elevator contractor has first obtained a permit from the department and paid the requisite permit fee.

(2) The plan review and permit fee for new installations and alterations of an elevator, escalator, moving walk and other conveyance covered within the scope of the elevator code and subject to the inspection requirements of Title 50, chapter 60, MCA, is:

(a) valuation up to and including \$40,000	\$55
(b) valuation over \$40,000	55,

plus \$1 for each \$1,000 or fraction thereof over \$40,000

(3) Plans, applications and fees for new units must be submitted to the department at least 30 days prior to commencement of construction and installation of the unit. Plan approval and issuance of permits must be obtained from the department prior to the commencement of construction and installation.

(4) No elevator permit will be issued until a building permit is issued, unless it is determined by the department that a building permit is not required.

(5) Building code related drawings as required by 50-60-709, MCA, must also be submitted to certified cities, counties, and towns if an elevator is being installed within their building codes jurisdictions.

(6) Private residential elevators are only allowed in buildings that are not accessible to the general public or to other occupants of the building.

(7) Permits will expire six months after issuance.

(8) Permits may be revoked for cause including but not limited to:

(a) unprofessional conduct, as defined in 37-1-410, MCA, which conduct materially relates to work done under a lawfully issued permit;

(b) not following the plans approved by the department; or

(c) failure to obtain or maintain insurance on an installation as required in 50-60-716, MCA. (History: 50-60-203, 50-60-705, MCA; IMP, 50-60-201, 50-60-709, 50-60-711, MCA; NEW, 2006 MAR p. 567, Eff. 2/24/06.)

24.301.607 CERTIFICATE OF INSPECTION - FEES (1) The department shall inspect hoisting and lowering mechanisms equipped with a car or platform, which move between two or more landings, including but not limited to:

- (a) elevators, platform lifts and stairway chair lifts;
- (b) power driven stairways and walkways for carrying persons between landings, including but not limited to:
 - (i) escalators; and
 - (ii) moving walks;
- (c) hoisting and lowering mechanisms equipped with a car, which serves two or more landings and is restricted to carrying only materials by its limited size or limited access to the car, including but not limited to:
 - (i) dumbwaiters;
 - (ii) material lifts and dumbwaiters with automatic transfer devices; and
 - (d) automatic guarded transit vehicles on guideways with an exclusive right-of-way including, but not limited to, automated people movers.

(2) Each installation shall be inspected at least once every 12 months, except as provided in ARM 24.301.609, and freight elevator inspections must be conducted at least every two years.

(3) If the inspection by the department reveals a unit complies with the requirements of the code and the inspection fee has been paid, a certificate of inspection will be issued.

(4) If the inspection by the department reveals a unit has minor deficiencies that do not cause imminent hazard to life and safety but that should be corrected before the next inspection, a conditional certificate may be issued after the certificate of inspection fee has been paid. Only one conditional certificate will be issued for each specified deficiency. Upon the next scheduled inspection, if the same deficiencies exist, the department will require those deficiencies be corrected before a certificate of inspection will be issued.

(5) New or upgraded elevators cannot be placed in operation prior to an inspection by the department and the issuance of a temporary certificate of inspection. Installers shall call the department for an inspection a minimum of 10 working days prior to the scheduled or anticipated date for placing the elevator in use. A temporary certificate may be withdrawn at any time, for cause, by the department.

(6) A duplicate certificate of inspection will be issued for a \$10 fee.

- (7) The annual certificate of inspection fee is:
 - (a) when inspections are performed by the department:
 - (i) for each elevator, escalator, and moving walk
(also applies to follow-up inspections performed after a licensed inspector's inspection) \$100
 - (ii) for each lift (also applies to follow-up inspections done after certified inspector's inspection) 70
 - (b) when inspections are made by certified inspectors and no follow up is required by the department:
 - (i) for each elevator, escalator and moving walk 10

(8) When an inspection reveals an unsafe condition, the inspector shall immediately file with the owner and the department a full and true report of such inspection and such unsafe condition.

(a) If the department finds that the unsafe condition endangers human life, it shall cause the elevator, escalator, moving walk, or other conveyance to be posted with a notice, in a conspicuous place, stating that the conveyance is unsafe. The owner shall see to it that such notice is legibly maintained where placed by the department.

(b) The department shall also issue an order in writing to the owner requiring the repairs or alterations to be made to the conveyance, which is necessary to render it safe. The department may order the operation thereof discontinued until the repairs or alterations are made or the unsafe conditions are removed.

(c) Only the department may remove a posted notice of unsafe conditions when the department is satisfied that the unsafe conditions have been corrected.

(d) The certificate fee will be charged even though the unit is not certified for operation, and at such time as the deficiencies are corrected, a reinspection fee will be charged.

(9) It is unlawful to operate any elevator, escalator, moving walk, or other conveyance without a current certificate of inspection or authorization from the department. These certificates shall be issued upon payment of prescribed fees and the presentation of a valid inspection report indicating that the conveyance is safe and that the inspection was made within the previous six months. Certificates shall not be issued when the conveyance is posted as unsafe. Obtaining current certificates of inspection is the responsibility of the owners of the conveyance.

(10) Elevator certificates of inspection, or signs indicating that a copy of the certificate is available upon request and where one can be obtained, must be posted in each elevator. (History: 50-60-203, 50-60-705, 50-60-711, MCA; IMP, 50-60-103, 50-60-211, 50-60-706, 50-60-711, 50-60-715, MCA; NEW, 2006 MAR p. 567, Eff. 2/24/06.)

24.301.608 REINSPECTION - FEE (1) Reinspection may be required when deficiencies discovered during regular inspections are of such a nature that, in the department's opinion, the deficiencies must be corrected before the next annual inspection. The department alone shall make this determination.

(2) When reinspections are required by the department, the owner shall be charged a fee equal to one-half the original annual inspection fee provided for in ARM 24.301.607.

(3) When reinspections are requested by the elevator owner, the elevator owner shall be charged a fee equal to the regular inspection fee provided for in ARM 24.301.607 for the type of equipment being inspected.

(4) The plan review and permit fee also covers the cost of the initial inspection performed when installation is complete. If an installer requests an inspection on a new or modified installation and the inspector determines the installation is not complete and ready for inspection at the time of the initial inspection, the department may assess the installer an additional inspection fee equal to the annual inspection fee for that type of conveyance. In addition to the inspection fee, the department may charge \$45 per hour for travel time to and from the inspection site. Fees must be submitted to the department before subsequent inspections will be performed. (History: 50-60-203, 50-60-705, 50-60-711, MCA; IMP, 50-60-103, 50-60-201, 50-60-211, 50-60-705, 50-60-711, MCA; NEW, 2006 MAR p. 567, Eff. 2/24/06.)

24.301.609 INSPECTION INTERVAL EXTENSION (1) With the approval of the owner, the department may extend the inspection interval to 18 months for elevators that have no outstanding violations or operational problems in order to provide for more efficient scheduling of inspections. The department will issue a provisional certificate of inspection to the owner to cover the period of extension.

(2) Inspection intervals will not be extended so that an elevator is not inspected during any given year. (History: 50-60-203, 50-60-705, MCA; IMP, 50-60-103, 50-60-201, 50-60-705, 50-60-711, MCA; NEW, 2006 MAR p. 567, Eff. 2/24/06.)

24.301.610 ACCIDENTS (1) When a permanently installed conveyance is involved in an accident causing injury or death, such accident must be reported to the department within 72 hours. The department may then cause the site of the accident to be inspected, the cause of the accident to be determined, and if necessary, require corrective action. (History: 50-60-203, 50-60-705, MCA; IMP, 50-60-103, 50-60-201, 50-60-211, 50-60-705, 50-60-711, MCA; NEW, 2006 MAR p. 567, Eff. 2/24/06.)

24.301.611 MODIFICATIONS, APPEALS AND VARIANCES (1) Any violation of or noncompliance with any provision of Title 50, chapter 60, MCA, these rules, or orders of the department are cause for the suspension or revocation of a certificate of inspection issued pursuant to statutes or rules, after a hearing.

(2) Any person aggrieved by an order or decision of the department or who desires to request a variance to a department order or decision may request and shall be granted a hearing on the matter as provided by 50-60-206, MCA. Such person shall file with the department a written petition requesting such hearing, and set forth a brief statement of the grounds for the request. (History: 50-60-203, 50-60-705, MCA; IMP, 50-60-201, 50-60-206, MCA; NEW, 2006 MAR p. 567, Eff. 2/24/06.)

24.301.612 REINSPECTION (REPEALED) (History: 50-60-203, 50-60-702, MCA; IMP, 50-60-203, 50-60-701, 50-60-702, MCA; NEW, Eff. 3/1/75; AMD, 1978 MAR p. 382, Eff. 3/25/78; AMD, 1979 MAR p. 1663, Eff. 12/28/79; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; TRANS, from Commerce, 2001 MAR p. 2301; REP, 2006 MAR p. 567, Eff. 2/24/06.)

24.301.613 CERTIFICATES OF INSPECTION (REPEALED) (History: 50-60-203, 50-60-702, MCA; IMP, 50-60-203, 50-60-701, 50-60-702, MCA; NEW, Eff. 3/1/75; AMD, 1978 MAR p. 382, Eff. 3/25/78; AMD, 1979 MAR p. 1663, Eff. 12/28/79; AMD, 1982 MAR p. 2170, Eff. 12/31/82; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1989 MAR p. 476, Eff. 4/28/89; AMD, 1998 MAR p. 2563, Eff. 9/25/98; TRANS, from Commerce, & AMD, 2001 MAR p. 2293, Eff. 11/22/01; REP, 2006 MAR p. 567, Eff. 2/24/06.)

24.301.614 ACCIDENTS (REPEALED) (History: 50-60-203, 50-60-702, MCA; IMP, 50-60-203, 50-60-701, 50-60-702, MCA; NEW, Eff. 3/1/75; AMD, 1978 MAR p. 382, Eff. 3/25/78; AMD, 1979 MAR p. 1663, Eff. 12/28/79; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; TRANS, from Commerce, 2001 MAR p. 2301; REP, 2006 MAR p. 567, Eff. 2/24/06.)

24.301.615 VIOLATIONS, APPEALS AND VARIANCES (REPEALED) (History: 50-60-203, 50-60-702, MCA; IMP, 50-60-203, 50-60-206, 50-60-701, 50-60-702, MCA; NEW, Eff. 3/1/75; AMD, 1978 MAR p. 382, Eff. 3/25/78; AMD, 1979 MAR p. 1663, Eff. 12/28/79; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; TRANS, from Commerce, 2001 MAR p. 2301; REP, 2006 MAR p. 567, Eff. 2/24/06.)

Rules 24.301.616 through 24.301.620 reserved

24.301.621 CERTIFICATION OF MAINTENANCE AND INSURANCE COMPANIES AS INSPECTORS (REPEALED) (History: 50-60-203, 50-60-702, MCA; IMP, 50-60-203, 50-60-702, MCA; NEW, Eff. 3/1/75; AMD, 1978 MAR p. 382, Eff. 3/25/78; AMD, 1979 MAR p. 1663, Eff. 12/28/79; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; TRANS, from Commerce, 2001 MAR p. 2301; REP, 2006 MAR p. 567, Eff. 2/24/06.)

24.301.622 INSPECTIONS BY CERTIFIED MAINTENANCE OR INSURANCE COMPANIES (REPEALED) (History: 50-60-203, 50-60-701, 50-60-702, MCA; IMP, 50-60-203, 50-60-701, 50-60-702, MCA; NEW, Eff. 3/1/75; AMD, 1978 MAR p. 382, Eff. 3/25/78; AMD, 1979 MAR p. 1663, Eff. 12/28/79; TRANS, from Dept. of Admin., Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1994 MAR p. 299, Eff. 2/11/94; AMD, 1998 MAR p. 2563, Eff. 9/25/98; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2004 MAR p. 571, Eff. 3/12/04; AMD, 2004 MAR p. 2103, Eff. 9/3/04; REP, 2006 MAR p. 567, Eff. 2/24/06.)

24.301.623 INSPECTIONS BY LICENSED PRIVATE INSPECTORS

(1) The department shall accept inspections by licensed private elevator inspectors of permanently installed hoisting and lowering mechanisms equipped with a car or platform, which move between two or more landings, including but not limited to:

- (a) elevators, platform lifts and stairway chair lifts;
- (b) power driven stairways and walkways for carrying persons between landings, including but not limited to:
 - (i) escalators; and
 - (ii) moving walks;
- (c) hoisting and lowering mechanisms equipped with a car, which serves two or more landings and is restricted to the carrying of material by its limited size or limited access to the car, including but not limited to:
 - (i) dumbwaiters;
 - (ii) material lifts and dumbwaiters with automatic transfer devices; and
 - (d) automatic guarded transit vehicles on guideways with an exclusive right-of-way including, but not limited to, automated people movers.

(2) Each installation must be inspected at least once every 12 months, except that freight elevator inspections must be conducted at least every two years.

(a) A detailed report of each unit inspected must be filed with the department within 14 working days after the inspection is completed on a form approved by the department. Such report must list all failures of the installation specific in reference to the code requirements of Chapter 30 of the International Building Code, and the state elevator code.

(b) A certificate of inspection must be issued by the department upon receipt of the report of the licensed elevator inspector that the unit is in an acceptable state of repair for receiving certification, and after the inspection fee has been paid to the department.

(c) Licensed private elevator inspectors shall attempt to secure compliance with the department's rules. If unsuccessful, inspectors shall so report to the department. If it then becomes necessary for the department to make an inspection, the fee for inspecting each permanently installed hoisting and lowering mechanism will be charged to the owner as per other inspections made by the department, as provided in ARM 24.301.607 and 24.301.608.

(d) The department may inspect any installation, which has been or will also be inspected by a licensed private elevator inspector. Whenever the department inspection confirms that a licensed private elevator inspector's inspection report is substantially or materially incomplete, invalid, or otherwise unacceptable, the department may assess that licensed private elevator inspector the fee for inspection by the department, as provided in ARM 24.301.607 and 24.301.608.

(e) The owners of units inspected by licensed private elevator inspectors shall be charged \$10 by the department. This charge covers receiving and processing the condition report for each individual piece of equipment in a building and for issuing a certificate of inspection for that equipment if the licensed private elevator inspector doing the inspection certifies to the department that there are not any deficient conditions or that all deficient conditions noted in the condition report have been corrected and that a follow-up inspection by the department is not necessary.

(3) Whenever the department has reason to believe the conduct of a licensed private elevator inspector has been unprofessional, as provided in 37-1-410, MCA, the department will report that information to the Professional and Occupational Licensing Bureau for further investigation. (History: 50-60-705, 50-60-711, MCA; IMP, 50-60-201, 50-60-211, 50-60-711, 50-60-715, MCA; NEW, 2006 MAR p. 567, Eff. 2/24/06.)

Subchapter 7

Boiler Safety

24.301.701 SCOPE OF RULES (1) This subchapter is promulgated in order to provide rules and definitions, as required by 50-74-101, MCA, for the safe construction, installation, operation, inspection and repair of equipment covered to Title 50, chapter 74, MCA.

(2) Title 50, chapter 74, MCA, does not give the Department of Labor and Industry jurisdiction over unfired pressure vessels, therefore the provisions contained herein are not applicable to unfired pressure vessels. (History: 50-60-203, 50-74-101, MCA; IMP, 50-60-203, 50-74-101, MCA; NEW, 1996 MAR p. 420, Eff. 2/9/96; TRANS, from Commerce, 2001 MAR p. 2301.)

Rules 24.301.702 through 24.301.709 reserved

24.301.710 INCORPORATION BY REFERENCE OF BOILER AND PRESSURE VESSEL CODE (1) The Department of Labor and Industry, referred to as department in this and all subsequent rules, adopts and incorporates by reference the following sections of the American Society of Mechanical Engineers (ASME), Boiler and Pressure Vessel Code, 2004 edition, referred to as Boiler and Pressure Vessel Code unless another edition is specifically stated:

- (a) Section I, Power Boilers;
- (b) Section II, Parts A, B, C, and D, Material Specifications;
- (c) Section IV, Heating Boilers, Except Part HLW, Lined Water Heaters;
- (d) Section V, Nondestructive Examination;
- (e) Section VI, Recommended Rules for the Care and Operation of Heating Boilers;
- (f) Section VII, Recommended Guidelines for the Care of Power Boilers; and
- (g) Section IX, Welding and Brazing Qualifications.

(2) The Department of Labor and Industry adopts and incorporates by reference, the American Society of Mechanical Engineers publication CSD-1, Controls and Safety Devices for Automatically Fired Boilers, 2002 edition, referred to as CSD-1, unless another edition is specifically stated.

(3) The Boiler and Pressure Vessel Code and CSD-1 are nationally recognized codes setting forth minimum standards and requirements for the construction, operation, and safety of boilers. A copy of the Boiler and Pressure Vessel Code and CSD-1 may be obtained from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017.

(4) The department adopts and incorporates by reference, the National Board of Boiler and Pressure Vessel Inspectors, National Board Inspection Code (NBIC), 2004 edition.

(5) The NBIC is a nationally recognized inspection manual which establishes basic boiler safety inspection procedures. A copy of the NBIC may be obtained from the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, OH 43229-1183. (History: 50-60-203, 50-74-101, MCA; IMP, 50-60-203, 50-74-101, MCA; NEW, 1996 MAR p. 420, Eff. 2/9/96; AMD, 1999 MAR p. 1885, Eff. 10/1/99; TRANS, from Commerce, & AMD, 2001 MAR p. 2293, Eff. 11/22/01; AMD, 2004 MAR p. 571, Eff. 3/12/04; AMD, 2007 MAR p. 112, Eff. 1/26/07.)

24.301.711 DEFINITIONS For the purposes of this subchapter, the following definitions apply:

(1) "Alteration" means any change in an item described on the original manufacturer's data report which affects the pressure containing capability of the boiler.

(2) "ASME" means the American Society of Mechanical Engineers.

(3) "Boiler" means a closed vessel in which water is heated, steam is generated, steam is super-heated or any combination thereof, under pressure or vacuum, for use external to itself, by the direct application of heat from combustible fuels or electricity. The term boiler includes fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and complete within themselves.

(4) "Certificate of inspection" means the boiler inspection report issued by either the department or an insurance company following a boiler inspection.

(5) "Degrees" means Fahrenheit or equivalent Celsius.

(6) "External inspection" means an inspection of the external portions of a boiler, preferably made when the boiler is in operation.

(7) "High temperature water boiler" (power hot water) means a water boiler intended for operation at pressures exceeding 160 psig and/or temperatures exceeding 250 degrees F.

(8) "Hot water heating boiler" means a boiler operating at pressures not exceeding 160 psig and/or temperatures not exceeding 250 degrees F., at or near the boiler outlet, designed to heat water for circulation through an external heating system.

(9) "Hot water supply boiler" means a boiler, completely filled with water, intended for operation at pressures not exceeding 160 psig and/or temperatures exceeding 250 degrees F., measured at or near the boiler outlet, that furnishes hot water to be used external to itself.

(10) "Inspector" means a state inspector or special boiler inspector.

(11) "Internal inspection" means as complete an examination as can reasonably be made of the internal surfaces of a boiler while it is shut down, when such manhole plates, handhole plates or other inspection opening closures are opened or removed for cleaning or repair.

(12) "National board" means the National Board of Boiler and Pressure Vessel Inspectors.

(13) "National board certificate" means a National Board of Boiler and Pressure Vessel Inspectors' commission.

(14) "Operating certificate" means a certificate issued by the department which authorizes the owner or user to allow the boiler to be operated.

(15) "Owner" means any person, firm, corporation, state, county, municipality or other entity owning or possessing for operation any boiler within the state of Montana.

(16) "Potable water" means water which is utilized for drinking, culinary and domestic purposes.

(17) "Power boiler" means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig.

(18) "Pressure vessel" means an unfired closed container in which pressure is obtained from an external source, the application of heat from an indirect source or from a direct source other than a boiler.

(19) "PSIG" means pounds per square inch gauge or equivalent metric units.

(20) "Repair" means the work necessary to restore a boiler to a safe and satisfactory operating condition.

(21) "Special boiler inspector" means a person, other than a state inspector, authorized by the department to perform boiler inspections.

(22) "Standard boiler" means a boiler that bears a state of Montana stamp, the stamp of another state which has adopted equivalent boiler construction standards, an ASME stamp, a national board stamp or other approved stamp acceptable to the department.

(23) "State boiler inspector" means a person employed by the department for the purpose of inspecting boilers.

(24) "State special boiler" means a boiler that is not a standard boiler, which must be granted a special operating certificate by the department prior to being operated.

(25) "Steam heating boiler" means a steam or vapor boiler operated at pressures not exceeding 15 psig.

(26) "Temporary boiler" means a boiler, such as a portable rental boiler, which is intended to be utilized at a temporary location and such usage permits it to be readily moved from one location to another.

(27) "Traction engine" means a historic model, historic power boiler, portable steam engine or steam traction engine utilized primarily for exhibition purposes.

(28) "User" means any person, firm, corporation, state, county, municipality or other entity operating any boiler within the state of Montana.

(29) "Water heater or water heating system" means a closed vessel or combination of appliances and/or apparatus, consisting of corrosion resistant elements, operating at pressures not exceeding 150 psig and/or temperatures not exceeding 210 degrees F., which supplies potable hot water as regulated by the state plumbing code. (History: 50-60-203, 50-74-101, MCA; IMP, 50-60-103, 50-60-201, 50-60-203, 50-74-209, 50-74-215, MCA; NEW, 1996 MAR p. 420, Eff. 2/9/96; AMD, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2006 MAR p. 567, Eff. 2/24/06.)

24.301.712 PURCHASER OF BOILER TO NOTIFY THE DEPARTMENT

(1) Section 50-74-105, MCA, requires any person purchasing a boiler, not exempt from the rules of this subchapter, to give notification to the department, within 10 days of purchase, as to the boiler's intended location and the timetable for installation.

(2) Notification to the department of the boiler purchase shall be in writing or via telephone call. (History: 50-60-203, 50-74-101, MCA; IMP, 50-60-203, 50-74-105, MCA; NEW, 1996 MAR p. 420, Eff. 2/9/96; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.713 OPERATING CERTIFICATE (1) Boilers shall not be placed into operation, prior to the issuance of an operating certificate by the department, as required by 50-74-206, MCA, unless otherwise exempted by the rules of this subchapter or permission to operate the boiler on a temporary basis is obtained from the department.

(2) Operating certificates for boilers inspected by the department will be issued following the boiler inspection(s), proper notification to the department of corrections of all deficiencies found during inspection, submission of the boiler inspection report/invoice and payment of the fee(s) imposed by 50-74-219, MCA.

(3) Operating certificates for boilers inspected by insurance companies may be issued following submission of boiler inspection reports, approved by the insurance company's special boiler inspector, to the department and payment of the operating certificate fee, by the owner or user, as required by 50-74-219, MCA. Owners and/or users will receive notification for payment of the operating certificate fee from the department.

(4) Operating certificates are valid for 12 months from the date of issuance, unless the expiration date is extended by the department, pursuant to the longer inspection intervals authorized by 50-74-209, MCA.

(5) Operating certificates issued for a boiler inspected by a special boiler inspector, shall be valid only if the boiler continues to be insured by an authorized insurance company or until the expiration date.

(6) When an accident occurs which renders a boiler inoperative, the owner or user shall notify the department as soon as it is practical. (History: 50-60-203, 50-74-101, MCA; IMP, 50-60-203, 50-74-206, 50-74-208, MCA; NEW, 1996 MAR p. 420, Eff. 2/9/96; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.714 FEES (1) Prior to the department issuing an operating certificate for a boiler, the applicant shall make payment to the department the applicable fee(s) as required by 50-74-219, MCA. The fees established are as follows:

(a) operating certificate	\$31
(b) internal inspection	75
(c) external inspection:	
(i) hot water heating and supply	35
(ii) steam heating	50
(iii) power boiler	70
(d) special inspection	50 per hour plus expenses

(2) The owner and/or user of a boiler, inspected by a special boiler inspector and insured by an insurance company, shall, within ten days of receipt of notification from the department, remit the operating certificate fee, as outlined in (1)(a), to obtain a boiler operating certificate from the department.

(3) If two or more boilers in the same room are inspected at the same time, the total inspection fee imposed for all boilers must be the fee for inspection of one boiler, and the inspection fee is the amount for the type of boiler with the highest fee. The operating certificate fee is required for each boiler inspected.

(4) Refunds or credit for fees remitted in error or based on false or incorrect information will be at the discretion of the department.

(5) The fee schedule established in (1) is repeated from 50-74-219, MCA, for the convenience of boiler owners and users. (History: 50-60-203, 50-74-101, MCA; IMP, 50-60-203, 50-74-219, MCA; NEW, 1996 MAR p. 420, Eff. 2/9/96; AMD, 1997 MAR p. 1179, Eff. 7/8/97; TRANS, from Commerce, & AMD, 2001 MAR p. 2293, Eff. 11/22/01; AMD, 2007 MAR p. 112, Eff. 1/26/07.)

24.301.715 BOILERS EXEMPTED (1) The rules in this subchapter do not apply to:

- (a) boilers under federal control;
- (b) steam heating boilers operated at not over 15 psig in private residences or apartments of six or less families or whenever a single boiler provides heat for six or less apartment (dwelling) units;
- (c) hot water heating or supply boilers operated at not over 50 psig and temperatures not over 250 degrees F. when in private residences or apartments of six or less families or whenever a single boiler provides heat for six or less apartment (dwelling) units;
- (d) unfired pressure vessels; or
- (e) water heaters or water heating systems operating at pressures not exceeding 150 psig and/or temperatures not exceeding 210 degrees F. which are utilized to supply potable hot water as regulated by the state plumbing code. Maximum operating pressures and temperatures shall be determined by the listing(s) on the manufacturer's data plate. Examples of exempted water heaters and water heating systems include, but are not limited to, lined potable water heaters, hot water heaters of corrosion resistant elements utilized in conjunction with lined potable storage vessels, instantaneous type water heaters designed to deliver potable hot water without storage, water heating systems which utilize an approved heat exchanger to heat potable water and other similar systems. (History: 50-60-203, 50-74-101, MCA; IMP, 50-60-203, 50-74-103, MCA; NEW, 1996 MAR p. 420, Eff. 2/9/96; AMD, 1997 MAR p. 44, Eff. 1/17/97; AMD, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, & AMD, 2001 MAR p. 2293, Eff. 11/22/01.)

24.301.716 SPECIAL BOILER INSPECTOR CERTIFICATION AND IDENTIFICATION CARD (1) Application for certification as a special boiler inspector shall be made to the department on forms provided by the department, as required by 50-74-202, MCA.

(2) The applicant for special boiler inspector certification shall submit documentation with his/her application that indicates the applicant holds a current national board commission.

(3) Special boiler inspector certification and identification cards are issued for employment with a specific insurance company and are not valid when the special boiler inspector is no longer employed by said company.

(4) Insurance companies shall notify the department of changes in the employment status of its special boiler inspectors and shall furnish to the department, upon request, a roster of its inspectors.

(5) Upon the effective date of these rules, special boiler inspectors, presently employed by insurance companies to inspect boilers in this state and whose names appear on the insurance company's initial roster, submitted to the department, will receive the credentials from the department, as outlined in 50-74-202, MCA, without application. (History: 50-60-203, 50-74-101, MCA; IMP, 50-60-203, 50-74-202, MCA; NEW, 1996 MAR p. 420, Eff. 2/9/96; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.717 INSURANCE COMPANY TO PROVIDE WRITTEN NOTIFICATION TO THE DEPARTMENT OF CHANGE IN BOILER STATUS (1) To meet the requirements of 50-74-202, MCA, insurance companies shall notify the department, in writing, of any change in the status of the boilers it insures, including but not limited to, the following:

- (a) new boiler insured;
- (b) boiler with insurance canceled;
- (c) boiler with insurance not renewed;
- (d) boiler with insurance suspended; or
- (e) boiler refused for insurance.

(2) The written notification of boiler status, referenced in (1), shall be filed with the department within 30 days of the change in boiler status and shall include all applicable boiler information (boiler identification number or stamp, owner, location, operating certificate number, etc.).

(3) If a special boiler inspector, upon inspection of a boiler, finds that the boiler or any of its parts are of such condition that the inspector's company refuses or suspends insurance, the company shall immediately notify the department.

(History: 50-60-203, 50-74-101, MCA; IMP, 50-60-203, 50-74-202, MCA; NEW, 1996 MAR p. 420, Eff. 2/9/96; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2007 MAR p. 112, Eff. 1/26/07.)

24.301.718 BOILER INSPECTIONS (1) The requirements imposed by 50-74-206 and 50-74-209, MCA, regarding the requirements for boiler inspections, shall be as follows:

(a) All boilers not exempted from the rules of this subchapter are to be inspected prior to being placed into operation, unless authorization is obtained from the department to operate the boiler on a temporary basis.

(b) Upon notification to the department, in writing or via telephone, new boilers may be placed into operation prior to inspection, when scheduled for inspection within 90 days after being placed into operation.

(c) A bank of boilers is a row of similar or matched boilers connected to common header piping. Total input of a bank of boilers is the aggregate input of the individual boilers comprising the bank.

(d) Agricultural class boilers, such as those operated during the harvest by mint and honey producers, will be considered for longer inspection intervals on a case-by-case basis.

(e) The department may accept boiler inspection reports from insurance companies, which employ special boiler inspectors, subject to the following:

(i) Boiler inspection reports shall be filed with the department within 30 days after inspection on forms acceptable to the department. Such report shall indicate the boiler has been approved for operation by a special boiler inspector employed by the insurance company that insures the boiler.

(ii) The department may inspect any boiler, which is also inspected by a special boiler inspector employed by an insurance company. Whenever the department inspection confirms that the insurance company inspection report is substantially and materially incomplete, invalid, or unacceptable, the department may assess the insurance company the fee for a special inspection as imposed by ARM 24.301.714.

(2) Steam heating boilers and power boilers must be inspected internally:

(a) on an annual basis; or

(b) during a scheduled maintenance shutdown, with prior approval from the department. (History: 50-60-203, 50-74-101, MCA; IMP, 50-60-203, 50-74-206, 50-74-209, 50-74-215, 51-74-217, MCA; NEW, 1996 MAR p. 420, Eff. 2/9/96; TRANS, from Commerce, & AMD, 2001 MAR p. 2293, Eff. 11/22/01; AMD, 2006 MAR p. 567, Eff. 2/24/06; AMD, 2007 MAR p. 300, Eff. 1/26/07.)

24.301.719 ASSIGNMENT OF STATE IDENTIFICATION NUMBER (1) At the time of the initial boiler inspection, the state boiler inspector or special boiler inspector will assign and apply to the boiler a state identification number as directed by the department.

(2) Each steel boiler will be stamped by the inspector, utilizing letters and figures not less than 5/16" in height and arranged as follows: MTB 00000.

(3) Each cast iron boiler will be marked with a permanent marker in two locations and arranged as follows: MTB 00000.

(4) State identification numbers applied to boilers shall be maintained so as to be legible. When a boiler's state identification number becomes indistinct, the department will require the original number to be reapplied. (History: 50-60-203, 50-74-101, MCA; IMP, 50-60-203, 50-74-102, 50-74-206, MCA; NEW, 1996 MAR p. 420, Eff. 2/9/96; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.720 MINIMUM CONSTRUCTION STANDARDS FOR BOILERS

(1) All new boilers, unless otherwise exempt, to be operated in this state, shall be designed and constructed in accordance with the ASME code(s) adopted and incorporated in ARM 24.301.710.

(2) The department, at its discretion, may require documentation to verify new boilers are in compliance with the minimum construction standards imposed by the ASME code(s). Documentation may include the manufacturer's data report, national board registration number, inspection reports or other documentation acceptable to the department.

(3) Boilers not designed or constructed in accordance with the ASME code(s) or boilers which do not have documentation for approval as a standard boiler may, at the discretion of the department, be considered for classification as a state special boiler and receive a special operating certificate. (History: 50-60-203, 50-74-101, MCA; IMP, 50-60-203, 50-74-102, 50-74-206, 50-74-209, MCA; NEW, 1996 MAR p. 420, Eff. 2/9/96; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.721 BOILER SAFETY APPLIANCES (1) All boiler safety appliances shall be maintained in good working order or replaced with appliances which meet the standards and requirements imposed by the ASME code(s).

(2) Repair of safety appliances shall be made in accordance with established standards and procedures. The department, at its discretion, may require documentation which verifies compliance with said standards and procedures. Documentation may include manufacturer's repair records, national board "VR" stamp certification, company repair records or other documentation acceptable to the department. (History: 50-60-203, 50-74-101, MCA; IMP, 50-60-203, 50-74-102, 50-74-108, 50-74-217, MCA; NEW, 1996 MAR p. 420, Eff. 2/9/96; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.722 BOILER REPAIRS (1) Boiler repairs shall be made in accordance with established standards, procedures and the ASME code(s) adopted and incorporated in ARM 24.301.710.

(2) The department, at its discretion, may require documentation which verifies repairs were completed in compliance with established standards, procedures and the ASME code(s). Documentation may include welding certifications, weld records, certification by a design professional, national board "R" symbol stamp or other verifiable documentation acceptable to the department.

(3) Weld repairs to boilers shall not be initiated without authorization of the department or special boiler inspector if the boiler is insured by an authorized insurance company. Other repairs to boilers shall be reported to the department, by the party performing the work, within 30 days of completion of the work.

(4) Failure to report boiler repairs to the department, within 30 days of completion of the work, or to provide documentation as required in (2) above, may cause the department to deny issuance of the boiler operating certificate until such time as the imposed requirements are met. (History: 50-60-203, 50-74-101, MCA; IMP, 50-60-203, 50-74-102, 50-74-207, 50-74-215, 50-74-218, MCA; NEW, 1996 MAR p. 420, Eff. 2/9/96; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.723 BOILER ALTERATIONS (1) Alterations to boilers shall be made in accordance with the established standards, procedures and the ASME code(s) adopted and incorporated in ARM 24.301.710.

(2) Alterations to boilers shall not be initiated without authorization of the department or special boiler inspector if the boiler is insured by an authorized insurance company.

(3) The department, at its discretion, may require documentation which verifies the proposed alteration(s) will be completed in compliance with established standards, procedures and the ASME code(s). Documentation may include welding certifications, certification by a design professional, national board "R" symbol stamp or other verifiable documentation acceptable to the department.

(4) Failure to comply with the requirements contained in (1), (2) and (3) above, may cause the department to deny issuance of the boiler operating certificate until such time as the imposed requirements are met. (History: 50-60-203, 50-74-101, MCA; IMP, 50-60-203, 50-60-209, 50-74-102, 50-74-207, 50-74-215, 50-74-218, MCA; NEW, 1996 MAR p. 420, Eff. 2/9/96; TRANS, from Commerce, 2001 MAR p. 2301.)

24.301.724 TRACTION ENGINES (1) Traction engines shall not be placed into operation, prior to the issuance of an operating certificate by the department, unless permission is obtained from the department to operate the traction engine on a temporary basis.

(2) Every traction engine shall have a log book, maintained by the owner or user, which indicates operational hours, repairs, defects, adverse operating conditions or other information related to the boiler.

(3) Traction engines, except historic models, which are utilized to operate belt drive equipment and machinery shall be roped off or barricaded to prevent public access within six feet of a moving part of the equipment and machinery.

(4) At least 30 days prior to a public gathering or show of traction engines, the show promoter, manager, fair board or other responsible party shall report to the department all traction engines that are intended to be operated in the show. (History: 50-60-203, 50-74-101, MCA; IMP, 50-60-203, 50-74-101, 50-74-104, MCA; NEW, 1996 MAR p. 420, Eff. 2/9/96; TRANS, from Commerce, 2001 MAR p. 2301.)

Subchapter 8

Swimming Pool Licensure

24.301.801 ADOPTION BY REFERENCE OF ARM 37.111.1115--REVIEW OF PLANS (1) Pursuant to 50-53-103, MCA, the Building Codes Bureau of the Department of Labor and Industry adopts by reference ARM 37.111.1115, regarding barrier and area requirements, deck area requirements, and handhold requirements as they relate to swimming pool construction. ARM 37.111.1115 is enforced by the Department of Public Health and Human Services and will not be enforced by the Building Codes Bureau.

(2) In accordance with ARM 37.111.1105, the Building Codes Bureau of the Department of Labor and Industry retains all other building regulation authority provided to it by 50-60-101, MCA, et seq. and by ARM 24.301.101, et seq.

(3) Copies of ARM 37.111.1115 can be obtained by contacting the Department of Public Health and Human Services, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, MT 59620-2951. (History: 50-60-203, MCA; IMP, 50-53-103, 50-60-104, MCA; NEW, 1997 MAR p. 44, Eff. 1/17/97; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2006 MAR p. 567, Eff. 2/24/06.)

Sub-Chapter 9

Building Accessibility Rules

24.301.901 SCOPE OF RULES (1) The access requirements established in the currently adopted edition of the state building code and the joint international code committee/American national standards institute (ICC/ANSI) standard, ICC/ANSI A117.1, are utilized as the basis for establishing the accessibility requirements and guidelines in this sub-chapter.

(2) This subchapter is promulgated in order to provide rules and guidelines, as required by 50-60-203, MCA, to ensure that newly constructed public buildings and certain altered public buildings are readily accessible and usable by persons with disabilities, according to the principles applicable to accessibility in the state building code.

(3) The term "public building" as used in this rule means a building or facility owned or operated by a government entity or a private sector building or facility that is open to members of the public, as established in 50-60-101, MCA. (History: 50-60-203, MCA; IMP, 50-60-201, MCA; NEW, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2004 MAR p. 571, Eff. 3/12/04.)

24.301.902 DISCLAIMER (1) A building permit or certificate of occupancy issued by the state or a municipality or county must contain a statement that reads: "Compliance with the requirements of the state building code for physical accessibility to persons with disabilities does not necessarily guarantee compliance with the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, the Fair Housing Amendments Act of 1988, Title 49, chapter 2, commonly known as the Montana Human Rights Act or other similar federal, state or local laws that mandate accessibility to commercial construction or multifamily housing." (History: 50-60-203, MCA; IMP, 50-60-201, MCA; NEW, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301.)

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

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

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

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

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

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

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

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

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

(f) Business or commercial occupancies which are open to the public and located in portions of a private residence are required to be accessible even if those portions used for the business or commercial purposes are also used for residential purposes. The accessibility requirements extend to and include an accessible route from the sidewalk, through the doorway, through the hallway and other portions of the home, such as restrooms, used by clients and customers of the business or commercial occupancy. (History: 50-60-203, MCA; IMP, 50-60-201, 50-60-214, MCA; NEW, 1997 MAR p. 2061, Eff. 11/18/97; AMD, 1998 MAR p. 2563, Eff. 9/25/98; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2004 MAR p. 571, Eff. 3/12/04.)

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

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

(3) Sections 1104, 1106 and 3409 are each amended by addition of the following: "A person or entity may not be required to meet fully the accessible exterior route requirements for new buildings or alterations to existing buildings, where the person or entity can demonstrate that due to unique characteristics of the terrain, it is structurally impractical to fully comply, as determined on a case-by-case basis, at the discretion of the building official. Full compliance may be considered structurally impractical only in those rare circumstances when the unique characteristics of the terrain prevent the incorporation of accessibility features. The person or entity shall comply with the accessible facilities requirements to the extent that compliance is not structurally impractical."

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

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

(6) Each new building or alteration to an existing building which provides off street parking shall provide at least one accessible parking space with required additional parking spaces as established in Table 1106.1 and Section 1106. One van accessible parking space shall be provided for every eight accessible parking spaces, or fraction thereof. If only one accessible parking space is required, the space shall be a van accessible parking space. (History: 50-60-203, MCA; IMP, 50-60-201, 50-60-213, MCA; NEW, 1997 MAR p. 2061, Eff. 11/18/97; AMD, 1998 MAR p. 2563, Eff. 9/25/98; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2004 MAR p. 571, Eff. 3/12/04.)

24.301.905 GUIDELINES FOR COMPLIANCE WITH REQUIREMENTS FOR EXTERIOR ACCESSIBLE ROUTE AND PARKING SPACE (1) The following

guidelines for providing an accessible exterior route and parking spaces are not inclusive of all means for achieving compliance but may be utilized to meet the established requirements:

(a) Width of route: 36 inches minimum.

(b) Length of route: The most direct route to the accessible building entrance with passing spaces of 60 inches x 60 inches provided at intervals not to exceed 200 feet for routes with a clear width of less than 60 inches.

(c) Slope of route: The cross slope of a route (perpendicular to the direction of travel) shall not exceed 1:50 (1 vertical to 50 horizontal). The maximum running slope (in the direction of travel) of a route may not exceed 1:20 (1 vertical to 20 horizontal) with portions of the route with running slopes steeper than 1:20 (1 vertical to 20 horizontal) considered ramps. If the terrain precludes development of accessible routes with running slopes of 1:8 (1 vertical to 8 horizontal), it may be infeasible to develop accessible routes.

(d) Surface material: Surface texture of a route shall be stable, firm and slip-resistant, with all surface coverings securely attached. If carpet is used on the route it must have a firm cushion if a cushion is provided, and a maximum pile thickness of 1/2 inch. Other acceptable surface materials may include concrete, asphalt, wood and 3/8 inch minus crushed aggregate, with an acceptable bonding agent, compacted to a field density of 95% maximum dry density, which can be shown to be sufficiently durable to allow for snow removal and other maintenance activities without affecting surface stability, firmness or slip-resistance. The building official may approve alternate surface materials for accessible routes which will provide compliance with the requirements for surface texture.

(e) Vehicle parking space size per vehicle: 108 inches minimum wide by 216 inches long and shall include 60 inches minimum access aisle. A van accessible parking space shall have a minimum of 96 inches access aisle width. Two accessible parking spaces may share a common access aisle.

(f) Vehicle parking space and access aisle slope: To be level with surface slopes not exceeding 1:50 (1 vertical to 50 horizontal) in all directions.

(g) Signage requirements: Parking spaces shall be designated as reserved by a post or wall mounted sign showing the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space and the sign shall be preferably located immediately adjacent to the designated space but no more than 10 feet from the designated space. The sign shall also indicate that a permit is required and state the penalty for a violation as established in 49-4-302 and 49-4-307, MCA. (History: 50-60-203, MCA; IMP, 50-60-201, MCA; NEW, 1997 MAR p. 2061, Eff. 11/18/97; TRANS, from Commerce, 2001 MAR p. 2301.)