

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

| | | |
|-------------------------------------|---|-----------------------------|
| In the matter of the amendment of |) | NOTICE OF PUBLIC HEARING ON |
| ARM 24.301.109 definitions, |) | PROPOSED AMENDMENT |
| 24.301.131, 24.301.154, 24.301.161, |) | |
| 24.301.171 through 24.301.173, and |) | |
| 24.301.301 incorporation by |) | |
| reference, 24.301.138 and |) | |
| 24.301.139 fees, 24.301.142 and |) | |
| 24.301.146 modifications to the |) | |
| international building code, |) | |
| 24.301.361 plumbing permits, and |) | |
| 24.301.371 plumbing inspections |) | |

TO: All Concerned Persons

1. On August 14, 2014, at 9:00 a.m., a public hearing will be held in the Large Conference Room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on August 8, 2014, to advise us of the nature of the accommodation that you need. Please contact Dave White, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2009; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2050; e-mail dlibsdbcb@mt.gov.

3. GENERAL REASONABLE NECESSITY STATEMENT: The following rule notice mainly incorporates amendments necessitated by the publication of new editions to numerous nationally recognized building codes, which have been adopted and incorporated by reference, with stated exceptions. Most of the proposed amendments reflect only renumbering of sections or tables of these updated codes without substantive change to the rule. However, where additional changes are substantive, the reason is reflected following the specific rule.

No significant and direct impact will occur to small businesses as these proposed updated standards and codes are frequently improved, modified, clarified, and renumbered to better reflect activity within the building industry.

Other amendments are made to improve readability of the rules, such as implementing acronyms rather than spelling out the adopted code names and referring to the Department of Labor and Industry as the "department." Following reorganization, the department is amending the bureau's name from the "Bureau of Building and Measurement Standards" to "Building Codes Bureau." Additional changes reflect current ARM formatting rules of the Montana Secretary of State, as well as corrections to spelling, punctuation, grammar choice, and organization.

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

24.301.109 DEFINITIONS (1) and (1)(a) remain the same.

(b) "IBC" means the International Building Code, ~~2009~~ 2012 edition.

(c) "IMC" means the International Mechanical Code, ~~2009~~ 2012 edition.

(d) "IFGC" means the International Fuel Gas Code, ~~2009~~ 2012 edition.

AUTH: 50-60-203, MCA

IMP: 50-60-203, MCA

REASON: The department is updating the edition dates to align with the proposed adoption of the 2012 codes.

24.301.131 INCORPORATION BY REFERENCE OF INTERNATIONAL BUILDING CODE (1) The department adopts and incorporates by reference the International Building Code, ~~2009~~ 2012 edition, unless another edition is specifically stated, together with Appendix Chapter C (Group U - Agricultural Buildings).

(2) and (3) remain the same.

AUTH: 50-60-203, MCA

IMP: 50-60-203, MCA

REASON: Language in (1) is amended to reflect the department's movement to the 2012 edition of the International Building Code (IBC). The IBC is being updated by the department to stay current on building code standards.

24.301.138 CALCULATION OF FEES (1) through (1)(b) remain the same.

(c) Add a new paragraph to IBC Section 109.2 to read: "Requested Inspection Fee - ~~\$45, provided that such service is not in excess of one hour in duration, and then \$25 for each 30 minutes or fractional part thereof in excess of one hour~~ \$75.00 per hour, with any portions of an hour rounded up to the next full hour. Travel and per diem ~~will~~ may 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) through (4)(c) remain the same.

(d) For purposes of modifying the building valuation values derived from the square-foot method calculations of (4)(c), the calculated building valuation shall be multiplied by a factor of ~~0.60~~ 70 to arrive at a final calculated building valuation.

(e) through (8) remain the same.

TABLE 109.2
BUILDING PERMIT FEES

| TOTAL VALUATION | FEE |
|--|--|
| \$1 to \$500 | \$23.50 |
| \$501 to \$2000 | \$23.50 for first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2000 |
| \$2001 to \$25,000 | \$69.25 for the first \$2000 plus \$14 for each additional \$1000, or fraction thereof, to and including \$25,000 |
| \$25,001 to \$50,000 | \$391.75 for the first \$25,000 plus \$10.10 for each additional \$1000, or fraction thereof, to and including \$50,000 |
| \$50,001 to \$100,000 | \$643.75 for the first \$50,000 plus \$7 for each additional \$1000, or fraction thereof, to and including \$100,000 |
| \$100,001 to \$500,000 | \$993.75 for the first \$100,000 plus \$5.60 for each additional \$1000, or fraction thereof, to and including \$500,000 |
| \$500,001 to \$1,000,000 | \$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1000, or fraction thereof, to and including \$1,000,000 |
| \$1,000,001 and up | \$5,608.75 for the first \$1,000,000 plus \$3.15 for each additional \$1000, or fraction thereof |
| Other Inspections and Fees: | |
| 1. Inspections outside of normal business hours (minimum charge - two hours) | \$45 75 .00 per hour |
| 2. Inspections for which no fee is specifically indicated (minimum charge - one-half hour) | \$45 75 .00 per hour |
| 3. Additional plan review required by changes, additions, or revisions to plans (minimum charge - one-half hour) | \$45 75 .00 per hour |
| 4. For use of outside consultants for plan checking and inspections, or both | Actual costs ¹ |

¹ Actual costs include administrative and overhead costs.

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

REASON: The department is amending (1)(c) and Table 109.2 to reflect the increased costs associated with requested inspection fees. Costs have continued to rise due to fuel increases, labor burden increases, and other costs associated with inspection labor and expenses. Additionally, the department is changing "will" to

"may" on per diem charges to give some flexibility to citizens when considering per diem charges.

The department is amending (2) to implement changes in the department's plan review procedures, making it more convenient and expeditious for the plan review process.

The department is amending (4)(d) to keep pace with the cost of construction in Montana. The changes still reflect a 30 percent reduction off the 2009 construction valuation calculator table adopted by the bureau for calculating construction cost for Montana. The fee changes will affect approximately 30 permit applicants and result in a \$900 increase to revenue.

24.301.139 INVESTIGATION FEES ASSESSED FOR WORK COMMENCING WITHOUT BUILDING PERMIT (1) In accordance with subsection 109.4 of the International Building Code and pursuant to the requirements of fees being commensurate with costs, the department may assess an investigation fee for any work commenced on a building or structure prior to obtaining the required building permits. The investigation fee will be charged on an hourly rate of \$45 ~~75.00~~ per hour, for every hour, including portions of an hour spent on investigating the work commenced without the proper building permits. This investigation fee shall be in addition to the regular plan review and building permit fee assessed in ARM 24.301.138(1)(a) and (b).

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

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

REASON: The department is increasing the investigation fees in this rule to reflect the increased costs associated with investigation fees. Costs have continued to rise due to fuel increases, labor burden increases, and other costs associated with investigation labor and expenses.

The fee changes will affect approximately 30 permit applicants and result in a \$900 increase to revenue.

24.301.142 MODIFICATIONS TO THE INTERNATIONAL BUILDING CODE APPLICABLE ONLY TO THE DEPARTMENT'S CODE ENFORCEMENT PROGRAM (1) through (3) remain the same.

(4) An owner seeking to do work that the owner believes is not subject to a building code requirement shall provide to the department, in writing, either electronically or via the U.S. mail, if in the state's jurisdiction, ~~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 107.1 of the IBC is amended to read as follows: ~~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." "Submittal documents consisting of construction documents, statement of special inspections, geotechnical report, and other data shall be submitted in one set with each permit application. The construction documents shall be prepared by a registered design professional as required by specific provisions throughout the International Building Code (IBC) as adopted by the department in ARM 24.301.131. The department is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with the IBC as adopted by the department."

(6) through (10) remain the same.

AUTH: 50-60-203, MCA

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

REASON: The department is amending (4) to specify that owners must submit written documentation to aid the department in determining if work is subject to a building code requirement. Because the department consistently receives questions in this area, and to ensure the accuracy of the process, the department determined it is reasonably necessary to require written documentation.

Due to technological advancements and the ability to process electronic documents, the department is amending (5) to only require one set of submittals and reduce this unnecessary burden on applicants.

Following questions from the public and professionals, the department is clarifying in (5) that a registered design professional is required when directed by the International Building Code for those provisions adopted by the department. The department has consistently and lawfully required construction documents for privately owned buildings that are open to the public to be prepared by a registered design professional, according to specific provisions throughout the IBC, and is now clarifying this established practice in administrative rule.

The department is also clarifying that the department may waive construction documents when it is found that the nature of the work makes submission unnecessary, as directed by the International Building Code. Although not a new practice, the department determined it is necessary to specify the waiver provisions in rule to address questions and concerns of the public and professionals.

24.301.146 MODIFICATIONS TO THE INTERNATIONAL BUILDING CODE APPLICABLE TO BOTH THE DEPARTMENT'S AND LOCAL GOVERNMENT CODE ENFORCEMENT PROGRAMS (1) through (9) remain the same.

(10) Subsection 903.3.5, Inadequate Water Supply, is amended by addition of the following: "This subsection shall apply to buildings which are required by the International Building Code to be provided with an automatic fire extinguishing system and do not have access to an existing multiple user water supply system, such as a municipal water supply system or a private community water supply system, capable of providing the water supply requirements of National Fire Protection Association Standard for the Installation of Sprinkler Systems, 2007 2010 edition (NFPA 13). Under such circumstances, water storage requirements may be

modified by the building official. The modified design shall include sufficient storage onsite to operate the hydraulically remote area for the response time of the local fire department. Response time is the time from alarm to the time the fire department can apply water to the fire. Response time shall be established by the use of the formula $T = 6.5 \text{ minutes (mobilization time)} + 1.7 \text{ minutes/mile } D \text{ (travel time)}$, where T is response time, in minutes, and D is distance, in miles, from the fire station to the building. The modified water supply shall be sufficient to operate the system for the response time calculated above but not be less than 20 minutes. Water supply requirements shall be established by using the area/density method as defined in NFPA 13. A reduction in water storage of up to 50 percent, but not less than that required for a 20 minute supply is allowed. All automatic fire sprinkler system designs and components shall be in compliance with NFPA 13. When a modified water storage is allowed, the automatic fire sprinkler system must be equipped with a flow alarm, digital alarm communicator transmitter, and a fire department connection. The automatic fire sprinkler system shall be monitored by an approved central station in accordance with NFPA 72, National Fire Alarm Code, 2007 2010 edition."

(11) and (11)(a) remain the same.

(i) Installation of Sprinkler Systems: NFPA 13 Standard for the Installation of Sprinkler Systems, 2007 2010 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, 2007 2010 edition.

(b) Standpipe Systems: NFPA 14 Standard for the Installation of Standpipe and Hose Systems, 2007 2010 edition.

(c) remains the same.

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

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

"a. ~~46~~ 9 or more transient guests or 8 or more transient guestrooms;

"b. ~~46~~ 9 or more occupants in other than dwelling units;

"c. ~~8~~ 5 or more dwelling units; or

"d. more than 2 stories.

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

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

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

~~(13) Subsection 907.2.8.1, Manual Fire Alarm System, is amended with the addition of the following: "Exception 3: A manual fire alarm system is not required in buildings with five or fewer guestrooms or 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 907.2.11."~~

(14) through (31) remain the same, but are renumbered (13) through (30).

~~(32) (31) This section only applies to buildings that fall under the additional provisions of Title 18, MCA. A building must meet the requirements of Title 18, MCA, in addition to the requirements of Title 50, MCA, if it is owned by the state or one of its political subdivisions. The definition of public building in 50-60-101, MCA, does not apply for purposes of this section only, but does apply for purposes of every other section of this rule.~~

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

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

(ii) ~~In addition, the~~ 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) and (35) remain the same, but are renumbered (32) and (33).

~~(36) (34) 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 705 706 of the International Building Code shall not be used to separate buildings otherwise covered by the state building codes into smaller buildings that would, if alone, be exempted by 50-60-102, MCA.~~

(37) remains the same, but is renumbered (35).

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

AUTH: 50-60-203, MCA

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

REASON: The department is amending (10) and (11) to reflect newer additions of the NFPA 13, NFPA 13R, NFPA 14, and NFPA 72.

Language in (12) is being amended to reflect lower thresholds in criteria when an automatic sprinkler system is required in group R buildings for the purpose of being more in line with current code. The department plans to zero this modification out completely in the 2017 code cycle.

The department is deleting the provisions of (13) because they are no longer applicable or appropriate to modify the 2012 International Building Code.

The department was informed by numerous members of the public and by the Montana Chapter of the American Institute of Architects that the current language of (33) led people to believe that the work and approval of design professionals was not required for privately owned buildings that are open to the public, such as movie theaters. However, the department has consistently and lawfully required construction documents for privately owned buildings that are open to the public to be prepared by a registered design professional, according to specific provisions throughout the IBC. Therefore, the department is amending (31) and ARM 24.301.142(5), and deleting (33) to clarify that private buildings open to the public are not exempt from the requirements of the IBC. Additionally, it is reasonably necessary to incorporate relevant provisions from deleted (33) into (31) for better organization and clarity.

The department is amending (34) to align with reformatting in the 2012 International Building Code.

The department is deleting (38) because it is no longer applicable or appropriate.

24.301.154 INCORPORATION BY REFERENCE OF INTERNATIONAL RESIDENTIAL CODE (1) remains the same.

(2) The Department of Labor and Industry adopts and incorporates by reference the International Residential Code, ~~2006~~ 2012 Edition, referred to as the International Residential Code or IRC.

(3) Chapters 11 through ~~42~~ 14, inclusive, are deleted in their entirety and chapters 16 through 43, inclusive, are deleted in their entirety. Chapter 15, Exhaust Systems, is adopted as an alternative to the International Mechanical Code for exhaust systems only. All other requirements for mechanical systems in detached one- or two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade in height, and their accessory structures, shall be found in the latest adopted edition of the International Mechanical Code.

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

(4) remains the same, but is renumbered (5).

(6) Subsection 302.2, Townhouses, delete the exception and replace with the following: "A common two-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts, or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with the adopted electrical code. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4."

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

(8) Subsection 309.5, Fire Sprinklers, is deleted in its entirety.

(5) (9) Subsection R311.5.3.1, Riser Height R311.7.5.1, Risers, is amended to allow a maximum riser height of 8 1/4 inches.

(6) (10) Subsection R311.5.3.2, Tread Depth R311.7.5.2, Treads, is amended to allow a minimum tread depth of nine inches (229 mm).

(11) Subsection 312.1.1, Where Required, delete the first sentence and replace with the following: "Guards shall be located along open-sided walking surfaces, including stairs, ramps, and landings, that are located more than 30 inches measured vertically to the floor or grade below."

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

(7) remains the same, but is renumbered (13).

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

Exceptions:

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

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

(15) Subsection 501.3, Fire Protection of Floors, is deleted in its entirety.

(16) Subsection 602.10, Wall Bracing, delete the first sentence and replace with the following: "Building shall be braced in accordance with this section or, when

applicable, Section R602.12, or the most current version of APA System Report SR-102 as an alternate method.

(17) Subsection 602.10.11, Cripple Wall Bracing, delete the last sentence and replace with the following: "The distance between adjacent edges of braced wall panels shall be 20 feet."

(18) Subsection 703.8, Flashing, delete the first paragraph in its entirety and replace with the following: "Flashing shall be provided in accordance with this section to prevent entry of water into the wall cavity or penetration of water to the building structural framing components. Flashing shall extend to the surface of the exterior wall finish or to the water resistive-barrier for drainage and shall be installed at all of the following locations:"

Further, delete Number "1", number "1.1", number "1.2", and number "1.3" in their entirety and replace with the following: "1. Exterior window and door openings."

Number "2" through "7" remain unchanged in Subsection R703.8.

(19) Add new subsection as follows: "R703.8.1, Flashing Materials. Approved flashing materials shall be corrosion-resistant. Self-adhered membranes used as flashing shall comply with AAMA 711. Pan Flashing shall comply with Section R703.8.2. Installation of flashing materials shall be in accordance with Section 703.8.3.

(20) Add new subsection as follows: "R703.8.2, Pan Flashing. Pan Flashing installed at the sill of exterior window and door openings shall comply with this section. Pan Flashing shall be corrosion-resistant and shall be permitted to be pre-manufactured, fabricated, formed, or applied at the job site. Self-adhered membranes complying with AAMA 711 shall be permitted to be used as Pan Flashing. Pan Flashing shall be sealed or sloped in such a manner as to direct water to the surface of the exterior wall finish or to the water-resistive barrier for subsequent drainage."

(21) Add new subsection as follows: "R703.8.3, Flashing Installation. Installation of flashing materials shall be in accordance with one or more of the following methods:

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

(8) remains the same, but is renumbered (22).

(9) (23) A copy of the International Residential Code may be obtained from the Department of Labor and Industry, Building Codes Bureau of Building and Measurement Standards, P.O. Box 200517, 301 South Park, Helena, MT 59620-0517, at cost plus postage and handling. A copy may also be obtained by writing to the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795.

AUTH: 50-60-203, MCA

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

REASON: The department determined it is reasonably necessary to amend (2) to reflect the adoption of the 2012 edition of the International Residential Code (IRC).

Amendments to (3) reflect the department's exclusion of certain chapters and the inclusion of one subsection of chapter 15.

The department is adding (4) to replace existing section language with alternative language commensurate with current statutes.

The addition of (6), (7), and (8) is necessary to modify current code language as stipulated by the Building Codes Advisory Council.

The department is amending (9) and (10) to reflect amendments to sections of the 2012 International Residential Code.

The department is adding (11) and (12) to reflect modifications to various sections and subsections of the IRC.

Sections (14) through (21) are added as modifications cultivated from the Montana building industry and embraced by the Building Codes Advisory Council.

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, ~~2009~~ 2012 Edition, referred to as the International Energy Conservation Code, unless another edition is specifically stated, together with the following amendments:

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

(i) remains the same.

(b) Subsections C104.2 and R104.2, Required Approvals, ~~is~~ are deleted in ~~its~~ their 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) Sections C202 and R202, General Definitions, the definition for "Air Barrier" is deleted and replaced with a new definition for "Air Barrier" as follows: "Air Barrier: Material(s) assembled and joined together to provide a barrier to air leakage through and into the building envelope. An air barrier may be a single material or a combination of materials."

(d) Table R402.1.1, INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT, is amending ~~footnote c~~ requirements for climate zone "6" and ~~is~~ adding footnote k as follows: as shown below in the table:

Footnotes: ~~"c." "15/19" means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. "10/19" means R-10 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall.~~

"k." Fenestration U-Factor is 0.33 after January 1, 2010."

| Climate Zone | Fenestration <i>U</i> -Factor(b) | Skylight(b) <i>U</i> -Factor | Glazed Penetration SHGC(b,d) | Ceiling <i>R</i> -Value | Wood Framed Wall <i>R</i> -Value |
|--------------|----------------------------------|------------------------------|------------------------------|-------------------------|----------------------------------|
| 6 | 0.35(k) 0.33(l) | 0.60 | NR | 49 | 21 or 13+5(h) |

| Mass Wall <i>R</i> -Value(i) | Floor <i>R</i> -Value | Basement(c) Wall <i>R</i> -Value | Slab(b) <i>R</i> -Value & Depth | Crawl Space Wall(c) <i>R</i> -Value |
|------------------------------|-----------------------|----------------------------------|---------------------------------|-------------------------------------|
| 15/19 | 30(g) | 15/19 | 10, 4 ft | 10/19 |

(e) Table R402.1.3, EQUIVALENT *U*-FACTORS, is amending requirements as shown below in the table:

[This table is being inserted.]

| Climate Zone | Fenestration <i>U</i> -Factor | Skylight <i>U</i> -Factor | Ceiling <i>U</i> -Factor | Frame Wall <i>U</i> -Factor | Mass Wall <i>U</i> -Factor | Floor <i>U</i> -Factor | Basement Wall <i>U</i> -Factor | Crawl Space Wall <i>U</i> -Factor |
|--------------|-------------------------------|---------------------------|--------------------------|----------------------------------|----------------------------|------------------------|--------------------------------|-----------------------------------|
| 6 | 0.32 | 0.55 | 0.026 | 0.048 <u>0.054</u> | 0.060 | 0.033 | 0.050 | 0.055 |

~~(e)~~ (f) Subsection R402.2.2, Ceilings Without Attic Spaces, is deleted and replaced with the following: "Where Section 402.1.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Section 402.1.1, shall be limited to 250 square feet or ten percent of the total insulated ceiling area, whichever is less. This reduction shall not apply to the *U*-factor alternative approach in Section 402.1.3, and the total UA alternative in Section 402.1.4."

(f) (g) Subsection R402.2.9, Crawl Space Walls, is deleted and replaced with the following: "As an alternative to insulating floors over crawl spaces, crawl space walls shall be permitted to be insulated when the crawl space is not vented to the outside. Temporary crawl space vent openings are allowed during construction for crawl spaces that have insulated crawl space walls. These temporary crawl space vent openings shall be closed, sealed, and insulated to the same R-value of the surrounding crawl space wall insulation once construction is complete and prior to the time that the final building inspection would occur. Crawl space wall insulation shall be permanently fastened to the wall and shall extend downward from the floor, the entire height of the crawl space wall. Exposed earth in unvented crawl space foundations shall be covered with a continuous Class I vapor retarder. All joints of the vapor retarder shall overlap six inches and be sealed or taped. The edges of the vapor retarder shall extend at least six inches up the stem wall and shall be attached and sealed to the stem wall."

~~(g) (h) Subsection 402.4.2.1 R402.4.1.2, Testing Option, is deleted and replaced with the following: "Building envelope tightness and insulation installation shall be considered acceptable when tested air leakage is less than four air changes per hour (ACH), when tested with a blower door at a pressure of 33.5 psf (50Pa). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances. The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding four air changes per hour in Climate Zone 6. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Where required by the code official, testing shall be conducted by an approved party. A written report of the results of the test shall be signed by the party conducting the test and provided to the code official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope. The requirements of testing found in subsection R402.4.1.2 will not be mandatory until one year following the final adoption of this rule. Buildings or dwelling units issued a building permit by a code official prior to this testing becoming required shall not be required to perform testing under subsection R402.4.1.2. During testing:~~

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

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

~~"(iii) interior doors shall be open;~~

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

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

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

~~"(vii) HVAC ducts shall not be sealed; and~~

~~"(viii) supply and return registers shall not be sealed."~~

~~(i) Subsection R403.2.2, Sealing (Mandatory). Delete the existing exception under 1. and 2. found beneath, "duct tightness shall be verified by either of the following:" and replace with the following:~~

~~Exception: The duct tightness testing is not required for ducts and air handlers located entirely within the building thermal envelope.~~

~~(j) Subsection R403.2.3, Building Cavities, is deleted in its entirety.~~

~~(k) Subsection R403.4.2, Hot Water Pipe Insulation (Prescriptive), is amended as follows:~~

~~Delete item number 3, delete item number 9, delete Table R403.4.2 and the text, "All remaining piping shall be insulated to at least R-3 or meet the run length requirements of Table R403.4.2."~~

~~(l) Table R405.5.2(1) SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS, amend the table as shown below:~~

[This table is being inserted.]

| Building Component | Standard Reference Design | Proposed Design |
|------------------------------|--|--|
| Thermal distribution systems | <p><u>Untested distribution systems:</u> DSE = 0.88</p> <p><u>Tested Ducts: Leakage rate to outside conditioned space as specified Section R403.2.2(1)</u></p> <p><u>Tested duct Location: Conditioned space</u></p> <p><u>Tested duct Insulation: in accordance with Section R403.2.1</u></p> | <p>Thermal distribution system efficiency shall be as tested or as specified in Table R405.5.2(2) if not tested. Duct insulation shall be as proposed.</p> <p><u>Untested distribution systems:</u> DSE from Table R405.5.2(2)</p> <p><u>Tested Ducts: Tested Leakage rate to outside conditioned space</u></p> <p><u>Duct Location: As proposed</u></p> <p><u>Duct Insulation: As proposed</u></p> |

(h) ~~Table 502.2(1), BUILDING ENVELOPE REQUIREMENTS OPAQUE ASSEMBLIES, is deleted for climate zone "6" and replaced, with all footnotes remaining the same as in the original text of the code, as follows:~~

| Climate Zone | 6 All Other | 6 Group R |
|---|----------------|--------------|
| Roofs | | |
| Insulation Entirely Above Deck | R-20ci | R-20ci |
| Metal Buildings (with R-5 Thermal Blocks) a, b | R13+R19 | R-19 |
| Attic and Other | R-49 | R-49 |
| Walls, Above Grade | | |
| Mass | R-13.3ci | R-15.2ci |
| Metal Buildings (b) | R-13+R-5.6ci | R-13+R-5.6ci |
| Metal Framed | R-13+R-7.5ci | R-13+R-7.5ci |

| | | |
|--------------------------|----------------------------|----------------------------|
| Wood Framed and Other | R-13+R-7.5ci or R-24 | R-13+R-7.5ci or R-24 |
| Walls, Below Grade | | |
| Below Grade Wall (d) | R-7.5ci | R-7.5ci |
| Floors | | |
| Mass | R-12.5ci | R-14.6ci |
| Joist/Framing Steel/Wood | R-30 | R-30(e) |
| Slab-on-Grade Floors | | |
| Unheated Slabs | R-10 for 24 in. below | R-15 for 24 in. below |
| Heated Slabs | R-15 for 24 in. below | R-20 for 48 in. below |
| Opaque Doors | | |
| Swinging | U-0.70 | U-0.50 |
| Roll-up or sliding | U-0.50 | U-0.50 |

(2) remains the same.

(a) The department encourages owners, design professionals, and builders to voluntarily implement greater levels of energy efficiency in building design and construction than those required by the International Energy Conservation Code. Information regarding voluntary building standards for greater levels of energy efficiency can be obtained from the department by contacting the department at the address listed in (3), by telephone at 406-841-2053, or at the department's web site, <http://mt.gov/dli/bsd/bc/bs> http://bsd.dli.mt.gov/bc/bs_index.asp.

(3) remains the same.

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

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

REASON: The department is amending (1)(a) through (c) to reflect the adoption of and changes to the 2012 Edition of the International Energy Conservation Code (IECC). It is reasonably necessary to amend (1)(d) to reflect changes in formatting and those stipulated by the Building Codes Advisory Council, and to delete language that is no longer applicable or appropriate.

The department is adding (1)(e) to reflect changes stipulated by the Building Codes Advisory Council.

The department is deleting the former (1)(h) as it is no longer applicable or appropriate and reflects changes instituted by the Building Codes Advisory Council.

The department is amending the new (1)(h) to delete language that is no longer applicable and add new provisions as stipulated by the Building Codes Advisory Council.

It is reasonably necessary to add new sections (1)(i) through (l) to reflect changes instituted by the Building Codes Advisory Council.

The department is amending (2)(a) to accurately reflect the bureau's web site stipulated by the Building Codes Advisory Council.

24.301.171 INCORPORATION BY REFERENCE OF INTERNATIONAL EXISTING BUILDING CODE (1) The department adopts and incorporates by reference the International Existing Building Code (IEBC), ~~2009~~ 2012 edition, which may be used as an alternate prescriptive method(s) for the remodel, repair, alteration, change of occupancy, addition, and relocation of existing building.

(a) through (4) remain the same.

AUTH: 50-60-203, MCA

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

REASON: The department is amending (1) to reflect the adoption of the 2012 edition of the International Existing Building Code (IEBC).

24.301.172 INCORPORATION BY REFERENCE OF INTERNATIONAL MECHANICAL CODE (1) The department adopts and incorporates by reference the International Mechanical Code, ~~2009~~ 2012 edition, published by the International Code Council, unless another edition is specifically stated, together with the following amendments:

(a) through (2)(f) remain the same.

(g) Table 403.3 is amended by the addition of a footnote "i". Footnote "i" is to be referenced in the table at, "Private Dwellings, Single and Multipleⁱⁿ". The footnote at the end of the table should be as follows: "i. Every dwelling unit shall have installed a minimum 100 CFM exhaust fan controlled by either an automatic timer or humidistat." Structures built to the provisions of the International Residential Code may provide mechanical ventilation per Section M1507 of the International Residential Code.

(2) through (6) remain the same.

AUTH: 50-60-203, MCA

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

REASON: It is reasonably necessary to amend (1) to reflect the adoption of the 2012 edition of the International Mechanical Building Code (IMC).

In response to comments from home builders, the department is amending (1)(g) to provide an option to use the IRC for mechanical ventilation. Noting that the IRC ventilation language is now congruent to the IMC, the department concluded this option should be available.

24.301.173 INCORPORATION BY REFERENCE OF INTERNATIONAL FUEL GAS CODE (1) The department adopts and incorporates by reference the International Fuel Gas Code, ~~2009~~ 2012 edition, published by the International Code

Council, IFGC, unless another edition is specifically stated, together with the following amendments:

(a) through (6) remain the same.

AUTH: 50-60-203, MCA

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

REASON: The department is amending (1) to reflect the adoption of the 2012 edition of the International Fuel Gas Code.

24.301.301 INCORPORATION BY REFERENCE OF UNIFORM PLUMBING CODE (1) The department adopts and incorporates by reference the Uniform Plumbing Code, ~~2009~~ 2012 edition, unless another edition is specifically stated, together with the following appendix chapters and amendments:

(a) through (c) remain the same.

(d) Subsection ~~103.1.3~~ 103.1.2, 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, 102.4, 102.5,~~ 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) through (iv) remain the same.

(f) Delete Table ~~No. 4.4~~ 103.4 - PLUMBING PERMIT FEES and replace with the following schedule:

| | |
|--|-------------------------|
| (i) for issuing each permit | \$30* |
| (ii) (i) for each plumbing fixture | <u>\$10</u> |
| (iii) (ii) water service - domestic or commercial | 10 <u>20</u> |
| (iv) (iii) for each building sewer and each trailer park sewer | 15 <u>20</u> |
| (v) (iv) storm drains and storm drainage | 10 <u>20</u> |
| (vi) (v) for each water heater (<u>replacement or new</u>) | 10 <u>25</u> |
| (vii) (vi) for each industrial water pretreatment interceptor, including its tray and vent, excepting kitchen type grease interceptors functioning as fixture traps | 10 <u>30</u> |
| (viii) (vii) for <u>installation</u> , alteration, or repair of water piping and/or water treatment equipment | 10 <u>30</u> |
| (ix) (viii) for repair or alteration of drainage or vent piping | 10 <u>30</u> |
| (x) (xi) for each lawn sprinkler system and fire protection system or any one meter, including backflow protection devices therefore | 10 <u>30</u> |
| (xi) (x) for <u>each hose bibb</u> , vacuum breakers, or backflow protective devices on tanks, vats, etc., or for installation on unprotected plumbing fixtures, including necessary water piping | <u>6 each</u> |
| (A) one to four each | 7 |
| (B) five or more, each | 2 |

| | |
|--|---------------|
| (xii) <u>(xi)</u> requested plumbing inspection fee (provided that such service is not in excess of one hour in duration, and then \$ 25 <u>35</u> for each 30 minutes or fractional part thereof in excess of one hour. Travel and per diem will <u>may</u> be charged as per the state of Montana's existing rate for these items) | 65 <u>75</u> |
| (xiii) <u>(xii)</u> reinspection (provided the \$30 does not exceed the original permit fee, in which case the original fee will be charged) | 30 <u>45</u> |
| (xiv) <u>(xiii)</u> for each medical gas <u>type/piping system as follows:</u> serving one to five inlet(s)/outlet(s) for a specific gas | 75 |
| <u>(A) oxygen piping</u> | <u>100</u> |
| <u>(B) nitrogen piping</u> | <u>100</u> |
| <u>(C) medical compressed air piping</u> | <u>100</u> |
| <u>(D) nitrous oxide piping</u> | <u>100</u> |
| <u>(E) carbon dioxide piping</u> | <u>100</u> |
| <u>(F) medical vacuum piping</u> | <u>100</u> |
| <u>(G) any other medical gas piping not included above in (A) through (F)</u> | <u>100</u> |
| <u>(H) if total outlets for all gases/vacuum piping exceed 20 outlets, then there is an additional fee for each outlet over 20</u> | <u>10</u> |
| (xv) for each additional medical gas piping inlet(s)/outlet(s) | 40 |
| (xvi) <u>(xiv)</u> for each gray water system (commercial or residential) *except for replacement of water heaters. | 75 <u>60</u> |
| (g) remains the same. | |
| (h) Table 4-4 422.1 , Minimum Plumbing Facilities, is deleted and replaced with ARM 24.301.351, Minimum Required Plumbing Fixtures. | |
| (i) Subsection 508.14 <u>507.13</u> , paragraph one is amended to read as follows: "Gas utilization equipment, or any equipment that generates a glow, spark, or flame, in residential garages and in adjacent spaces that open to the garage and are not part of the living space for a dwelling unit shall be installed so that all burners, burner-ignition devices, and heating elements are located not less than 18 inches (450 mm) above the floor unless listed as flammable vapor ignition resistant." | |
| (j) Delete Subsection 603.3.3 <u>603.4.2</u> . | |
| (k) Subsection 603.4 <u>603.2</u> , Approval of Devices or Assemblies, is amended to read as follows: "Before any device or assembly is installed for the prevention of backflow, it shall have first been approved by the authority having jurisdiction. Devices or assemblies shall be tested for conformity with recognized standards or other standards acceptable to the authority having jurisdiction, so long as those standards are consistent with the intent of this code. All devices or assemblies installed in a potable water supply system for protection against backflow shall be maintained in good working condition by the person or persons having control of such devices or assemblies. If found to be defective or inoperative, the device or assembly shall be repaired or replaced. No device or assembly shall be removed from use or relocated or other device or assembly substituted, without the approval of the authority having jurisdiction." | |
| (l) Subsection 603.4.10 <u>603.5.10</u> , 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."

(m) Subsection 603.5.12, Beverage Dispensers, delete the first sentence and replace with: "Potable water supply to carbonated beverage dispensers or coffee machines that may produce back pressure shall be protected by an air gap or a vented backflow preventer in accordance with ASSE 1022."

~~(m)~~ (n) Subsection ~~604.4~~ 604.0, Materials, is amended to read as follows:

(i) through (iv) remain the same.

(v) Table ~~6-4~~ 604.1 is amended to add the following: "PB is allowed for hot and cold water distribution."

(n) remains the same, but is renumbered (o).

(p) Subsection 605.13.2, Solvent Cement Joints, delete the third sentence and replace with the following: "Where surfaces to be joined are cleaned and free of dirt, moisture, oil, and other foreign material, apply approved primer in accordance with ASTM F 656."

~~(q)~~ (q) 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."

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

~~(q)~~ (s) Subsection ~~701.1.4~~ 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.

(r) remains the same, but is renumbered (t).

(u) Subsection 705.7.2, Solvent Cement Joints, delete the third sentence and replace with the following: "Where surfaces to be joined are cleaned and free of dirt, moisture, oil, and other foreign material, apply approved primer in accordance with ASTM F 656."

(s) remains the same, but is renumbered (v).

(t) ~~(w)~~ Section ~~708.0, Grade of Horizontal Drainage Piping~~ 708.1, is amended to read as follows: Horizontal drainage piping shall be run in practical alignment and a uniform slope of not less than 1/4 of an inch per foot or 2 percent toward the point of disposal provided that, where it is impractical due to the depth of the street sewer or to the structural features or to the arrangement of any building or structure to obtain a slope of 1/4 of an inch per foot or 2 percent, any such pipe or piping 2 inches or larger in diameter may have a slope of not less than 1/8 of an inch per foot or 1 percent.

(u) and (v) remain the same, but are renumbered (x) and (y).

(z) Subsection 897.4, Domestic Dishwashing Machine, add exception as follows: "Exception #1: An approved type of indirect waste receptor may be used to receive discharge from domestic dishwashing machines."

(w) remains the same, but is renumbered (aa).

~~(x)~~ (ab) 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 than 12 inches above the roof nor less than 4 one foot from any vertical surface.

(y) through (ad) remain the same, but are renumbered (ac) through (ah).

~~(ae)~~ (ai) Chapter 13, Health Care Facilities and Medical Gas and Vacuum Systems, is deleted except for subsections 1303.0, 1304.0, 1305.0, 1306.0, 1307.0, and 1308.0. In lieu of Chapter 13, except for the subsections not deleted, the Department of Labor and Industry adopts and incorporates by reference the National Fire Protection Association's Standard NFPA 99C, Gas and Vacuum Systems, 2005 2012 edition, referred to as NFPA 99C Chapters 1 through 5 for the exclusive use as a standard for medical gas and vacuum systems, unless a different edition date is specifically stated, as the standard for the installation of medical gas and vacuum systems. The requirements of this rule shall not be construed as to replace or supersede any additional requirements for testing and certification of medical gas and vacuum systems, including independent third party certification of systems, as may be applicable. NFPA 99C is a nationally recognized standard setting forth minimum standards and requirements for medical gas and vacuum systems. A copy of NFPA 99C may be obtained from the National Fire Protection Association, One Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

(2) remains the same.

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

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

REASON: The department is amending (1) to reflect the adoption of the 2012 edition of the Uniform Plumbing Code (UPC). Sections (1)(d), (e), and (f) are modified to reflect formatting changes in relevant sections and subsections of the UPC.

The department is also amending (1)(f) to adjust fees and ensure they are commensurate with associated costs. The fee increases are necessary because costs have continued to rise including fuel, labor burden, and other costs associated with inspection labor and expenses. The department is decreasing fees due to inefficiencies in online permitting and some aspects of office operations. The

department anticipates a net decrease in annual revenue of approximately \$18,800 and approximately 2,485 persons affected by the fee adjustments.

The department is eliminating (1)(f)(i) because advances in technology and efficiencies have negated the need for an issuance fee. To address confusion among medical gas installers, the department is amending (1)(f)(xiii) to more clearly set forth these fees. The fee formerly at (1)(f)(xv) is also incorporated into the new fee arrangement in (1)(f)(xiii).

The department is amending (1)(f)(x) because these are the top fee items that require voiding or reworking as they are often done incorrectly. It is also reasonably necessary to rework and simplify this fee because the department no longer has the ability to void these fees.

It is reasonably necessary to amend (1)(h) through (l) to reflect formatting changes in the 2012 edition of the UPC.

The department is adding (1)(m) to provide additional health and safety measures for beverage dispensers as embraced by the Building Codes Advisory Council.

Section (1)(n) is being amended to reflect formatting changes in the 2012 edition of the UPC.

It is reasonably necessary to add (1)(p) to reflect changes in industry installation methods as embraced by the Building Codes Advisory Council.

The department is amending subsection "(2) of (1)(q) to reflect changes in the 2012 edition of the UPC.

The department is amending (1)(r) to reflect changes in formatting.

It is reasonably necessary to add (1)(u) to reflect industry changes in the 2012 edition of the UPC.

Section (1)(w) is being amended to reflect changes in formatting.

The department is adding (1)(z) to offer an exception that provides the industry an additional installation method as embraced by the Building Codes Advisory Council.

It is reasonably necessary to amend (1)(ai) to align with changes in formatting and reflect adjustments to the 2012 edition of the National Fire Protection Association's Standard NFPA, which is no longer referred to as NFPA 99C.

24.301.361 PLUMBING PERMITS (1) and (2) remain the same.

(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~~ they will reside. The "homeowner exemption" applies to those dwellings intended for the owner's personal use and not for dwellings built on speculation of resale or intended as rental property.

(4) The exception to permit requirements listed in 50-60-506(5), MCA, for regularly employed maintenance personnel doing maintenance work on the business premises applies to personnel on the regular payroll rather than personnel under contract. Maintenance work includes the stopping of leaks in drains, soil, waste, or vent pipe, clearing of stoppages, and repairing of leaks in pipes, valves, or fixtures, when such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

(5) The applicant shall complete the plumbing application form and designate in the spaces provided the items to be covered by the plumbing permit. ~~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) and (7) remain the same.

AUTH: 50-60-203, 50-60-501, 50-60-504, MCA

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

REASON: The department is amending (5) to eliminate unnecessary requirements and facilitate the online application process.

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

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

(4) remains the same.

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

IMP: 50-60-510, 50-60-511, MCA

REASON: It is reasonably necessary to amend (3) to clarify that a certificate of compliance is only issued after a final inspection.

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Dave White, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2050, or by e-mail to dlibsdcb@mt.gov, and must be received no later than 5:00 p.m., August 22, 2014.

6. An electronic copy of this notice of public hearing is available at www.buildingcodes.mt.gov (program's web site). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the

person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written requests may be sent or delivered to Dave White, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2050; e-mailed to dlibsdbcb@mt.gov; or made by completing a request form at any rules hearing held by the agency.

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

9. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.301.109, 24.301.131, 24.301.138, 24.301.139, 24.301.142, 24.301.146, 24.301.154, 24.301.161, 24.301.171, 24.301.172, 24.301.173, 24.301.301, 24.301.361, and 24.301.371 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to Dave White, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2050, or by e-mail to dlibsdbcb@mt.gov.

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

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

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State July 14, 2014