

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 24.301.501 applicability of ) PROPOSED AMENDMENT AND  
statutes and rules, 24.301.511 ) REPEAL  
definitions, 24.301.513 commercial or )  
business occupancy, 24.301.516 third )  
party inspections, 24.301.523 )  
reciprocity, 24.301.525 requirements )  
for data plate, 24.301.535 and )  
24.301.536 application for review, )  
24.301.542 plan review termination, )  
24.301.543 quality control, )  
24.301.545 changes to reviewed )  
plans, 24.301.549 unit identification, )  
24.301.550 plan renewal, 24.301.557, )  
24.301.558, 24.301.560, 24.301.561, )  
24.301.562, and 24.301.566 )  
insignias, 24.301.565 and 24.301.567 )  
fees, 24.301.607 inspections - )  
certificates - fees, and the repeal of )  
ARM 24.301.512 effective date, )  
24.301.524 information required to )  
dealer, 24.301.532, 24.301.533, and )  
24.301.534 application for approval, )  
24.301.538 model manufactured )  
location, 24.301.539 out-of-state )  
applicant, 24.301.541 evidence of )  
review, and 24.301.548 )  
discontinuance of review )

TO: All Concerned Persons

1. On March 11, 2016, at 2:00 p.m., a public hearing will be held in the Basement Conference Room #B-07, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment and repeal 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 Building Codes Bureau no later than 5:00 p.m., on March 4, 2016, to advise us of the nature of the accommodation that you need. Please contact David White, Building Codes Bureau, 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; or [dlibsdbcb@mt.gov](mailto:dlibsdbcb@mt.gov) (bureau's e-mail).

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

24.301.501 APPLICABILITY OF STATE STATUTES AND ADOPTED ADMINISTRATIVE RULES (1) remains the same.

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

(a) ~~the latest adopted edition of the International Building Code as adopted by ARM 24.301.131 or, as applicable, the International Residential Code as applicable, as drafted by the International Code Council adopted by ARM~~ 24.301.154;

(b) ~~the latest adopted edition of the National Electrical Code as drafted by the National Fire Protection Association adopted by ARM 24.301.401;~~

(c) ~~the latest adopted edition of the International Mechanical Code as drafted by the International Code Council adopted by ARM 24.301.172;~~

(d) ~~the latest adopted edition of the Uniform Plumbing Code as drafted by the International Association of Plumbing and Mechanical Officials adopted by ARM~~ 24.301.301; and

(e) ~~the latest adopted edition of the International Energy Conservation Code as adopted by ARM 24.301.161.;~~

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

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

(3) remains the same.

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

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

REASON: The department is adopting both the swimming pool and spa code and the wildland-urban interface code in other rulemaking projects as part of the state building code and as they apply to the Factory Built Building Program (FBBP). It is reasonably necessary to add (2)(f) and (g) to align with and reference these other code adoptions.

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

(1) remains the same.

(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) remains the same, but is renumbered (3).

~~(6)~~ (4) "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) and (8) remain the same, but are renumbered (5) and (6).

~~(9)~~ (7) "Local enforcement agency" means the zoning or building department of a city, town, or county.

~~(10)~~ (8) "Alteration or conversion" means the replacement, addition, modification, or removal of any equipment or installations which may affect construction, fire safety, occupancy, plumbing, heat-producing, or electrical systems or the functions thereof, of units subject to these rules.

(11) through (13) remain the same, but are renamed (9) through (11).

~~(14)~~ (12) "System" means an arrangement or method based on maximum capacity for structural, plumbing, heating, or electrical installations.

(15) and (16) remain the same, but are renumbered (13) and (14).

(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; and

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

~~(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) remains the same, but is renumbered (15).

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

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

REASON: The department is eliminating the definition of "custom made unit" in (3) because it is only used in one other rule, ARM 24.301.534, which is being repealed. The department is striking the definition of "effective date" in (4) and amending (14)(a), to address stakeholder confusion. Stakeholders have incorrectly inferred that no FBB built before March 1, 1975 is required to meet department administrative rules when department rules do, in fact, apply if a unit of that vintage is moved or modified, or if the same plans are used in new construction. The original purpose in defining the effective date, as it related to the initial manufacture of new mobile homes, is no longer necessary.

It is reasonably necessary to delete (14)(c) and (d) because the department has updated its processes related to issuance of insignias and has eliminated the requirement for a third-party inspecting agency to report this information.

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 Except as provided in (4), manufactured (mobile) homes and recreational vehicles shall not be utilized for any occupancy other than as a single family dwelling, whether for transient stay or longer periods. "Transient stay" means a guest staying at one location for 30 days or less.

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

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

- (a) is not used for a period exceeding ~~two~~ five years;
- (b) through (f) remain the same.

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

IMP: 50-60-402, MCA

REASON: The department is deleting the term "private" from (1) to be consistent with the provisions of Senate Bill 324 (2013) that amended the definition of "building" for the purposes of subdivision law to include mobile homes and recreational vehicles. This change will expand the residential occupancy of mobile homes and recreational vehicles beyond mere private use, while still restricting business occupancy (except as provided in (4)(a)) of mobile homes and recreational vehicles.

The department is now amending (2) to include "recreational vehicles" with mobile homes as structures which may not be used for commercial or business occupancy. The department inadvertently omitted this in the past.

It is reasonably necessary to amend (2) to address transient stays and clarify that a permit will still be required regardless of the length of stay of the occupant.

The department is amending (4)(a) to extend the time frame from two to five years during which a mobile home seller may use a mobile home as an office. This is reasonably necessary to acknowledge and align with the time it takes to set up and organize an office.

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.~~

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

REASON: The department determined it is reasonably necessary to strike (2) to align with the proposed deletion of the referenced rule section in ARM 24.301.511.

24.301.523 RECIPROCITY (1) and (2) remain the same.

(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.~~

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

REASON: The department is deleting the specific list of HUD-approved Category III Housing States in lieu of directing the reader to the HUD web site. This change will reduce the risk of having an outdated list or needing to continually amend the list in administrative rule.

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 or other location easily visible without the use of tools or special knowledge to access the data plate.

~~(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.~~

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

REASON: It is reasonably necessary to amend (1) by striking D or D1 as the design category, because the IRC does not limit the category to D or D1. The IRC states that the load maximum is based on whichever category is applicable to the geographical location where the unit is being installed.

The department is amending (2) to prevent manufacturers from continuing to place the data plate in locations difficult for the department and consumer to locate.

The department is deleting (3) because the minimum acceptable loads are governed by the IRC and may vary depending on the geographic location of the installation of the unit. Listing only the minimum loads was misleading to stakeholders erroneously building to only this standard.

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

(a) and (b) remain the same.

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

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

(i) through (iii) remain the same.

(iv) all necessary cross sections;

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

(vi) typical connections;

(vii) design live and dead loads;

(viii) grade and quality of materials; and

(ix) substantiating calculations or test results, where required including energy calculations as applicable.

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

(i) type and size of feeder assembly;

(ii) voltage and amperage of branch circuit panelboard;

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

(iv) voltage and amperage of fixed appliances;

~~(v)~~ (v) location of all appliances and fixtures;

~~(vi)~~ (vi) location of all electrical outlets (receptacles and lights); and

~~(vii)~~ (vii) number of outlets and appliances on each circuit and circuit rating.

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

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

(ii) BTUH input rating of all fuel burning appliances;

(iii) size of openings for combustion air, except where combustible air is an integral part of an approved appliance;

(iv) size, length, type, and location of vents and vent connectors;

(v) type, minimum dimension, and gauge of air ducts;

- (vi) minimum free area and location of circulating air supply inlet; and
- (vii) minimum free area and location of all air openings.
- (g) the plan may be drawn to scale or schematic. It must set forth the following plumbing specifications:
  - (i) description of all materials, fixtures, fittings, pipe tubing, shower stalls, and walls;
  - (ii) diameter and type of pipe and tubing, and length of all trap arms;
  - (iii) size and type of fittings;
  - (iv) grade of drainage piping; and
  - (v) method of securing all piping.

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

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

REASON: The department is combining the substantive content of ARM 24.301.532 and 24.301.533, which address the structural and electrical, mechanical, and plumbing components of a required application separately, and ARM 24.301.534, which addresses submission of drawings, plans, and application fees, into a single rule at ARM 24.301.535. This combination will serve to address all aspects of an application for an FBB. The reference to NFPA 70 in ARM 24.301.533(21)(e) will not be incorporated into ARM 24.301.535, because the controlling electrical code is defined at ARM 24.301.501.

Additionally, the department is changing the term "may" to "shall" in (1) to clarify that application submission is not an option, but a requirement for approval. The department is also reducing the required number of plan copies at (1)(d) to allow for applicants to submit one set of plans instead of two. Because most of the processes are now electronic, the department concluded that requiring two sets is redundant and unnecessary.

Authority citations are being amended to accurately reflect the full statutory authority of the board to promulgate rules.

24.301.536 APPLICATION FOR IN-PLANT QUALITY CONTROL MANUAL REVIEW (1) and (1)(a) remain the same.

(b) one copy of all documents submitted for review, which shall be on substantial paper or cloth not less than 8 1/2" x 11" or electronically in a format acceptable to the department;

(c) an application on forms supplied by the bureau; and

(d) remains the same.

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

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

REASON: The department is amending (1)(b) to further facilitate the department's shift to electronic submissions and processes.

Authority citations are being amended to accurately reflect the full statutory authority of the board to promulgate rules.

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.

(2) A plan review will be revoked by the bureau upon:

(a) the department's adoption of a different version of codes applicable to that particular review;

(b) a finding that a manufacturer is not complying with the plan as reviewed;  
or

(c) a finding that such a manufacturer has used materials not listed and reviewed by a listing agency, or reviewed as an alternate or equivalent by the bureau.

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

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

REASON: The department determined it is reasonably necessary to amend (2) and clarify the necessity to apply a newly adopted code to a plan review in progress. The department's adoption of any new codes will only apply to units not already in production.

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~~ their request for plan review. The program outlined must meet the standards of and be reviewed and approved by the bureau. In addition, the manufacturer shall designate a company or corporate officer or other responsible person to be responsible for the quality control program, and shall maintain records to substantiate that each unit has been inspected and complies with the plans as reviewed and approved by the bureau. The bureau may make periodic inspections and may condition the issuance of insignia on compliance with these rules by the manufacturer. Approval of in-plant quality control does not constitute approval of any submitted application, plans, or insignia.

(2) through (2)(i) remain the same.

(j) test procedural manual, including electrical, gas line, water systems and drain/vent/plumbing fixture tests and type of test equipment used; and

(k) remains the same.

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

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

REASON: The department is amending (1) to address and clarify stakeholders' mistaken assumptions that if they have received an approved "In-Plant Quality Control" report, no further application, review, or approval by the department is necessary.

24.301.545 CHANGES TO REVIEWED PLANS (1) Where the manufacturer proposes changes in the construction, plumbing, ~~heat-producing mechanical~~, or electrical equipment or installations or where these rules are amended to necessitate such change, ~~two sets~~ one set 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) and (3) remain the same.

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

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

REASON: In (1) and various other places in this rule notice, the department is replacing "heat-producing" with "mechanical" to avoid confusion and be consistent with current industry terminology. The department is reducing the required number of plan sets because most of the processes are now electronic and the department concluded that requiring two sets is redundant and unnecessary.

Authority citations are being amended to accurately reflect the full statutory authority of the board to promulgate rules.

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) remains the same.

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

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

REASON: The department is amending (1) to eliminate confusion as the pre-printed insignia already contains the letter "S" allocated, and the department never intended to require two Ss, as only one is necessary.

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. If the department adopts new versions of codes applicable to the plans, then renewal of existing plans reviewed under the previous codes are not allowed and an updated plan is required.

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

REASON: See REASON for ARM 24.301.542.

Authority citations are being amended to accurately reflect the full statutory authority of the board to promulgate rules.

24.301.557 INSIGNIA--WHEN REQUIRED (1) All units manufactured or delivered prior to sale or sold or offered for sale in ~~this state~~ Montana 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 insignia are not transferable and are void when not affixed or assigned, and all such insignias shall be returned to or may be confiscated by the bureau. The insignia 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.~~

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

REASON: The department is amending (1) by substituting "Montana" for "this state" to assist stakeholder manufacturers who typically reside outside of Montana and deal with numerous jurisdictions. The department is striking (2) and (3) because the department has updated its processes related to issuance of insignias.

Authority citations are being amended to accurately reflect the full statutory authority of the board to promulgate rules.

24.301.558 APPLICATION FOR INSIGNIA PURSUANT TO PLAN REVIEW

~~(1) Following receipt of plan approval, the~~ The unit manufacturer shall make application for an insignia for each individual unit manufactured. The application shall be submitted to the bureau ~~in duplicate on the proper bureau form,~~ 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~~ model number of the approved model the insignia will be applied to and the serial number(s) for each individual unit the insignia(s) will be applied to.

~~(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 insignia 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) (2) The unit manufacturer third party inspector of record for the manufacturer producing the model shall receive the insignia(s) from the bureau and will be responsible to permanently imprint the unit serial number on the insignia when insignia is obtained affixed to the unit pursuant to ARM ~~24.301.557 through 24.301.564~~ 24.301.549.~~

~~(6) (3) 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.~~

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

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

REASON: The department determined it is reasonably necessary to amend this rule to modernize the process for review and approval of plans and issuance of insignias. Internal rule references are being updated due to rules being repealed or modified in this rule notice.

Authority citations are being amended to accurately reflect the full statutory authority of the board to promulgate rules.

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~~ 24.301.567.

(2) remains the same.

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

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

REASON: It is necessary to amend this rule to correct an erroneous citation.

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~~ third party certification and inspection agency. 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 not 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~~ An application for a new insignia will be required and delivered by the bureau upon payment of the insignia fee as provided in ARM 24.301.566.

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

REASON: It is reasonably necessary to amend (1) to reflect that due to changes in the process for review and approval of plans and issuance of insignias, it will no longer be the manufacturer, but the third party certification agency who has obligations respecting the insignia. The department is amending (2) to increase efficiency within the department and eliminate a cumbersome process for replacing insignias.

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

- (2) through (2)(b) remain the same.
- (c) adjustment and maintenance of equipment; and
- (d) remains the same.

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

REASON: The department is amending (1) to replace "heat-producing" with "mechanical" to avoid confusion and be consistent with current industry terminology.

24.301.565 IN-STATE PLAN AND SYSTEM REVIEW FEES FOR FACTORY-BUILT BUILDINGS (1) remains the same.

<del>(a) Original plan filing:</del>	<del>\$ 30</del> per unit
<del>(b) (a) Quality control manual:</del>	<del>25</del> <u>\$20</u>
(c) remains the same, but is renumbered (b).	
(i) structural review	<del>350</del> <u>325</u>
(ii) plumbing review	<del>40</del> <u>35</u>
(iii) electrical review	<del>40</del> <u>35</u>
(iv) mechanical review	<del>40</del> <u>35</u>
(d) remains the same, but is renumbered (c).	
(i) structural review	<del>500</del> <u>450</u>
(ii) plumbing review	<del>60</del> <u>55</u>
(iii) electrical review	<del>60</del> <u>55</u>
(iv) mechanical review	<del>60</del> <u>55</u>
(e) remains the same, but is renumbered (d).	
(i) structural review	<del>700</del> <u>650</u>

- (ii) plumbing review 80 75
- (iii) electrical review 80 75
- (iv) mechanical review 80 75
- (f) remains the same, but is renumbered (e).
- (i) structural review 400 125
- (ii) through (iv) remain the same.
- (g) and (h) remain the same, but are renumbered (f) and (g).

(i) ~~\$75~~ 100 for each set of documents describing a unit which is to be utilized during the next approved plan period. Obsolete plans or specifications are to be removed at the time of plan renewal by written notification at no additional cost.

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

**REASON:** The department is striking the requirement and fee for submitting an original plan at (1)(a) to reduce application costs. Because the department no longer requires paper files to be catalogued, scanned, and archived, this requirement and fee are no longer needed.

To align more appropriately with actual costs of services provided, the department is reducing plan and system review fees in (1)(b) through (d), and raising the structural review fee for plan resubmission and the fee for plan renewal. Following these adjustments, the fees will be commensurate with current program costs. The department estimates the fee changes will affect 102 persons and decrease annual revenue by approximately \$250.

Authority and implementation citations are being amended to accurately reflect all statutes implemented through the rule and provide the complete sources of the board's rulemaking authority.

24.301.566 INSIGNIA FEES (1) and (1)(a) remain the same.  
~~(b) Replacement insignia -- \$10 for each replacement insignia.~~

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

**REASON:** The department is deleting the fee for replacement insignias to align with amendments to ARM 24.301.561 that will eliminate replacement insignias. The department estimates the stricken fee will affect 6 persons and decrease annual revenue by approximately \$60.

Authority and implementation citations are being amended to accurately reflect all statutes implemented through the rule and provide the complete sources of the board's rulemaking authority.

24.301.567 MISCELLANEOUS FEES (1) remains the same.  
~~(2) Change in manufacturer name, ownership or address fee -- \$10.~~  
 (3) remains the same, but is renumbered (2).

(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~~ 45 per hour, not to exceed eight hours in any one day.

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

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

**REASON:** The department is striking (2) to eliminate the address or ownership change fee as this unnecessary fee has not been assessed in years. Eliminating this fee results in no impact to the department's annual revenue.

The department is increasing the per hours inspection fee in (2)(a) to account for standard inflation. The department estimates the higher fee will affect a single individual with a 3-hour average inspection time, and increase annual revenue by approximately \$45.

Authority and implementation citations are being amended to accurately reflect all statutes implemented through the rule and provide the complete sources of the board's rulemaking authority.

24.301.607 INSPECTIONS - CERTIFICATES - FEES (1) through (5) remain the same.

(6) When a department inspection reveals a deficient condition, the department, within 24 hours, will issue a corrective notice providing the owner or lessee ~~14~~ 45 days to correct the deficiencies. Failure by the owner or lessee to correct the deficiencies or to submit a plan of correction acceptable to the department within the time stated will result in the issuance of a formal notice and order to stop operation of the conveyance.

(7) through (9) remain the same.

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

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

**REASON:** Industry stakeholders and building owners have repeatedly reported to the department that 14 days is not a realistic time frame to hire and schedule an elevator contractor to make repairs. The department concluded it is reasonably necessary to extend the time and that such extension helps maintain a level of public safety, especially considering the provisions of ARM 24.301.624, which prescribe "tag out" and "lock out" requirements to disable a conveyance when it presents an imminent threat to public safety.

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

24.301.512 EFFECTIVE DATE OF REQUIREMENTS RELATING TO SALES  
found at ARM page 24-31689.

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

IMP: 50-60-203, 50-60-401, 50-60-402, 50-60-404, MCA

REASON: The department is repealing this rule to align with proposed amendments to ARM 24.301.511, specifically the amendments to (4) and (14)(a).

24.301.524 INFORMATION REQUIRED TO BE SUBMITTED UPON DELIVERY OF UNIT TO DEALER found at ARM page 24-31693.

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

REASON: The department is repealing this rule to align with proposed amendments to ARM 24.301.511, specifically the deletion of (14)(c) and (d).

24.301.532 APPLICATION FOR TYPICAL STRUCTURAL DESIGN APPROVAL found at ARM page 24-31713.

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

REASON: The department is combining the substantive content of ARM 24.301.532 and 24.301.533, which address the structural and electrical, mechanical, and plumbing components of a required application separately, and ARM 24.301.534, which addresses submission of drawings, plans, and application fees, into a single rule at ARM 24.301.535. This combination will serve to address all aspects of an application for an FBB. The reference to NFPA 70 in ARM 24.301.533(21)(e) will not be incorporated into ARM 24.301.535, because the controlling electrical code is defined at ARM 24.301.501. It is therefore reasonably necessary to repeal ARM 24.301.532, 24.301.533, and 24.301.534.

24.301.533 APPLICATION FOR ELECTRICAL, MECHANICAL AND PLUMBING SYSTEM APPROVAL found at ARM page 24-31713.

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

24.301.534 APPLICATION FOR CUSTOM-MADE FACTORY-BUILT BUILDING UNIT REVIEW found at ARM page 24-31714.

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

24.301.538 MODEL MANUFACTURED AT MORE THAN ONE LOCATION found at ARM page 24-31716.

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

REASON: Because plan review is required for all designs and requires documents to be submitted for all models at the time of application, it is redundant as well as irrelevant to inquire into the place or location of manufacture of a model, whether or not the model is manufactured in numerous locations. It is reasonably necessary to repeal this rule at this time.

24.301.539 OUT-OF-STATE APPLICANT found at ARM page 24-31717.

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

REASON: The department is repealing this rule because it does not matter if the applicant is from Montana or from out of state. There is no valid reason to provide different treatment to the applicant, as the plan review and inspection process undergoes the same level of scrutiny regardless of this status.

24.301.541 EVIDENCE OF BUREAU'S REVIEW found at ARM page 24-31717.

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

REASON: The department is repealing this rule because electronic submission and electronic storage of plans does not require the number of copies listed in ARM 24.301.541, and, therefore, is not applicable.

24.301.548 DISCONTINUANCE OF MANUFACTURE found at ARM page 24-31720.

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

REASON: The department is repealing this rule because there is no public safety or administrative reason for requesting this information, and because the department no longer issues insignias in advance of production, there is no insignia to return.

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 David White, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2050, or e-mail to [dlibsdbcb@mt.gov](mailto:dlibsdbcb@mt.gov) and must be received no later than 5:00 p.m., March 18, 2016.

6. An electronic copy of this notice of public hearing is available at [www.buildingcodes.mt.gov](http://www.buildingcodes.mt.gov) (department and bureau'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 request may be sent or delivered to David 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](mailto: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 24.301.501, 24.301.511, 24.301.513, 24.301.516, 24.301.523, 24.301.525, 24.301.535, 24.301.536, 24.301.542, 24.301.543, 24.301.545, 24.301.549, 24.301.550, 24.301.557, 24.301.558, 24.301.560, 24.301.561, 24.301.562, 24.301.565, 24.301.566, 24.301.567, and 24.301.607 will not significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the repeal of ARM 24.301.512, 24.301.524, 24.301.532, 24.301.533, 24.301.534, 24.301.538, 24.301.539, 24.301.541, and 24.301.548 will not significantly and directly impact small businesses.

Documentation of the department's above-stated determinations is available upon request to David 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](mailto: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 February 8, 2016