

House Bill 664

By: Representatives Mainor of the 56<sup>th</sup>, Mallow of the 163<sup>rd</sup>, Stephens of the 164<sup>th</sup>, Dukes of the 154<sup>th</sup>, Gilliard of the 162<sup>nd</sup>, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 1 of Article 2 of Chapter 2 of Title 8 of the Official Code of Georgia  
2 Annotated, relating to units designed to be affixed to foundations or existing buildings, so  
3 as to provide for the construction, design, and modification of industrialized buildings and  
4 tiny houses; to provide for definitions; to provide rules and regulations regarding all  
5 industrialized buildings manufactured in the state; to provide for the adoption of codes; to  
6 provide for local authority; to provide for agency requirements; to provide for inspection  
7 requirements; to provide for manufacture and installation requirements; to provide for  
8 insignia requirements; to provide for requirements for certification of existing industrialized  
9 buildings; to provide for a schedule of fees; to provide for appeals procedures; to provide for  
10 a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 This subpart shall be known and may be cited as the "Georgia Industrialized Buildings Act."

14 **SECTION 2.**

15 Part 1 of Article 2 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating  
16 to units designed to be affixed to foundations or existing buildings, is amended by adding a  
17 new subpart to read as follows:

18 "Subpart 119 8-2-122.20 As used in this subpart, the term:21 (1) 'Agency' means:22 (A) A design approval organization that is authorized to evaluate and approve specific  
23 models and designs;24 (B) An evaluation organization determined by the commissioner to be especially  
25 qualified to evaluate a manufacturer's quality control procedures, systems, design plans,  
26 model plan specifications, and engineering data for compliance with this subpart and  
27 to certify compliance to the commissioner;28 (C) An inspection organization especially qualified by reason of facilities, personnel,  
29 experience, and demonstrated reliability to investigate, test, and inspect industrialized  
30 building units, systems, or component parts for compliance with the approved plans,  
31 specifications, quality control procedures, and applicable codes; and32 (D) A third-party organization that is authorized to perform evaluations, inspections,  
33 or design approvals or any combination thereof pursuant to this subpart.34 (2) 'ASTM' means American Society for Testing and Materials.35 (3) 'Building system' means plans, specifications, and documentation for a system of  
36 industrialized buildings or for a type or system of building components, which may  
37 include structural, electrical, mechanical, and fire protection systems and other building  
38 systems affecting health and safety.

39 (4) 'Closed construction' means any building, component, assembly, subassembly, or  
40 system that is manufactured in such a manner that all portions cannot be readily inspected  
41 at the installation site without disassembly, damage to, or destruction thereof.

42 (5) 'Construction site office building' means an industrialized building designed and used  
43 for a construction site office structure having a maximum gross floor area of 400 square  
44 feet.

45 (6) 'Container' means a single rigid, sealed, reusable, metal or corrugated metal box in  
46 which cargo or freight is shipped by sea vessel, air, truck, or rail that is generally ten  
47 to 40 feet in length by 8 feet wide by 8, 8.5, or 9.5 feet high and is designed and  
48 constructed in conformance with International Organization for Standardization (ISO)  
49 standards and International Convention for Safe Containers regulations to withstand  
50 normal stresses applied during regular transport.

51 (7) 'Damage' means any destruction or breakage occurring to a unit of an industrialized  
52 building or any part thereof that causes it to be out of compliance with quality control  
53 manuals and this subpart.

54 (8) 'Dealer' means any person, firm, or corporation that sells, offers for sale, leases, or  
55 distributes industrialized buildings to a person, firm, corporation, or government.

56 (9) 'Department' means the Department of Community Affairs.

57 (10) 'Electronic' shall have the same meaning as in Code Section 10-12-2 and shall also  
58 include, without limitation, analog, digital, electrical, magnetic, mechanical, optical,  
59 chemical, electromagnetic, electromechanical, electrochemical, or other similar means.

60 (11) 'Equipment' means all materials, appliances, devices, fixtures, fittings, or  
61 accessories installed in or used in the manufacture and assembly of an industrialized  
62 building.

63 (12) 'Field technical service' means clarification in the field by the commissioner or his  
64 or her designee of technical data relating to the application of this subpart.

65 (13) 'Insignia' means an approved device or seal issued by the commissioner to indicate  
66 compliance with this subpart.

67 (14) 'Installer' means any person, firm, or corporation engaged in the activity of  
68 installation of industrialized buildings or components.

69 (15) 'Local government' means a county or municipality of Georgia.

70 (16) 'Manufactured for export from Georgia' means an industrialized building which has  
71 not been inspected for compliance with the standards, codes, and laws required by this  
72 subpart and cannot be installed in the State of Georgia.

73 (17) 'Model' means a specific design of an industrialized building, which is based on  
74 size, room arrangement, method of construction, location, arrangement, or size of  
75 plumbing, mechanical, or electrical equipment and systems therein in accordance with  
76 plans submitted to the commissioner.

77 (18) 'Open construction' means any building, building component, assembly, or system  
78 manufactured in such a manner that all parts or processes of manufacture can be readily  
79 inspected at the installation site without disassembly, damage to, or destruction thereof.

80 (19) 'Organization' means a corporation, association, partnership, political subdivision,  
81 or an individual.

82 (20) 'Remanufacture' means the manufacture of an industrialized building into a  
83 habilitated building, causing the building to come into substantial compliance with the  
84 current construction codes and laws.

85 (21) 'Shipping container building module' means a new or used container which has been  
86 inspected, tested, and certified by an approved third-party agency in accordance with  
87 approved quality control and inspection protocols.

88 (22) 'System' means a collection of materials or components interrelated or joined  
89 together to form all or part of a structural, plumbing, mechanical, electrical, thermal  
90 efficiency, or fire safety element of an industrialized building.

91 (23) 'Tiny house' means a residential industrialized building dwelling unit that is 400  
92 square feet or less in floor area, excluding lofts.

93 8-2-123.

94 (a)(1) In order to provide uniformity in the construction of industrialized buildings, the  
95 following construction codes are adopted by reference and shall govern the design,  
96 fabrication, and construction of industrialized buildings. All editions shall be the latest  
97 editions as adopted by the department with the approval of the Board of Community  
98 Affairs, unless otherwise stated in this subpart. Where, in any specific case, this subpart  
99 specifies different materials, methods of construction, or other requirement, the most  
100 restrictive provision shall govern. Where there is a conflict between a general  
101 requirement and a specific requirement, the following specific requirements, as adopted  
102 and amended by the department, shall be applicable:

- 103 (A) The International Building Code;
- 104 (B) The International Fuel Gas Code;
- 105 (C) The International Mechanical Code;
- 106 (D) The International Plumbing Code;
- 107 (E) The National Electric Code;
- 108 (F) The International Fire Code;
- 109 (G) The International Energy Conservation Code; and
- 110 (H) The International Residential Code.

111 (2) Where there is a conflict between a general requirement and a specific requirement,  
112 the specific requirements of the state minimum fire safety standards, as adopted by the  
113 Georgia Office of Insurance and Safety Fire Commissioner, shall be applicable.

114 (b) The provisions of this subpart are not intended to prevent the use of any material or  
115 method of construction not specifically prescribed, provided that an alternate has been  
116 reviewed and approved by the commissioner. The commissioner shall approve any

117 alternate that, for the purpose intended, is at least the equivalent of that prescribed in the  
118 technical codes in quality, strength, effectiveness, fire resistance, durability, and safety. The  
119 commissioner shall require that sufficient evidence or proof be submitted to substantiate  
120 any claim made regarding an alternate.

121 (c) Any requirements necessary for the strength, stability, or proper operation of an  
122 existing or proposed building, structure, electrical, gas, mechanical, or plumbing system,  
123 or for the public safety, health, and general welfare, not specifically covered by this  
124 subpart, shall be determined by the commissioner.

125 (d) It is the intent of this subpart that those areas of authority rightfully belonging to the  
126 local government are specifically and entirely reserved thereto. Such areas of county and  
127 municipal authority include, but are not limited to, local land use and zoning, local fire  
128 zones, site development, building setback, side and rear yard requirements, property line  
129 requirements, subdivision regulations, subdivision control, review and regulation of  
130 architectural and aesthetic requirements, foundation design, and utility connections. These  
131 authorities are specifically and entirely reserved to the county, if in the unincorporated area,  
132 or the municipality where the industrialized building or residential industrialized building  
133 is sited. Such local requirements and regulations not in conflict with the provisions of this  
134 subpart, which currently exist or may be enacted which relate to transportation, erection,  
135 and use, must be reasonable and uniformly applied and enforced without distinction as to  
136 whether such building is manufactured off site or built on site in a conventional manner.

137 (e) No ordinance or regulation enacted by a county or municipality shall exclude  
138 residential industrialized buildings from being sited in such county or municipality in a  
139 residential district solely because the building is a residential industrialized building.

140 (f) Building permits for the installation of industrialized buildings shall be issued by the  
141 local government which shall require permit fees only for those inspections actually  
142 performed. Such fees shall not exceed the amount charged for similar inspections or  
143 permits on conventionally built structures.

144 (g) All industrialized buildings and residential industrialized buildings bearing an insignia  
145 of approval issued by the commissioner pursuant to Code Section 8-2-126 shall be deemed  
146 to comply with the state minimum standard codes and all ordinances and regulations  
147 enacted by any local government which are applicable to the manufacture and installation  
148 of such buildings. The determination by the commissioner of the scope of such approval  
149 is final.

150 (h) Installation work, service connections, and foundations accomplished at the installation  
151 site shall be regulated by the local government.

152 (i) The local government shall be reserved the authority to:

153 (1) Require a set of design plans necessary to show compliance with zoning and utility  
154 connection requirements, installation procedures, and an approval letter certified by the  
155 commissioner for each installation of any unit on a building site;

156 (2) Require that all permits be obtained before installation of any unit on a building site;  
157 and

158 (3) Require that all industrialized buildings bear the commissioner's insignia of approval  
159 before installation.

160 (j) The local government shall report any violation of this subpart or damage received after  
161 manufacture to the commissioner.

162 8-2-124.

163 (a) An agency must be approved by the commissioner for the specific type of functions to  
164 be performed. Limitations on the scope of services may be included in the agency's  
165 contract with the commissioner.

166 (b) The commissioner shall consider an organization for approval upon receipt of an  
167 application accompanied by appropriate fees and a prospectus detailing its capabilities to  
168 act on behalf of the commissioner, along with the following information:

169 (1) Qualifications of its employees who perform the services outlined in its application;

- 170 (2) Proof that all engineers or architects are registered in the State of Georgia;  
171 (3) An affidavit, signed by the principal officer of the organization or agency, that its  
172 officers, staff, or organization are not under the control or jurisdiction of any  
173 industrialized building manufacturer or supplier, or an affiliate or parent corporation  
174 thereof, and that it will notify the commissioner at least 90 days prior to the effective date  
175 of coming under any such control. Contracts for professional services of similar or  
176 identical nature shall not prohibit the commissioner's acceptance of the applicant's  
177 qualifications; and
- 178 (4) Other specific information as required by the commissioner.
- 179 (c) Agency approvals shall expire 12 months after the date of the commissioner's approval.  
180 The agency shall apply for renewal accompanied by current information regarding engineer  
181 or architect and personnel qualifications and the appropriate fee, prior to the expiration  
182 date. Renewal requests received after the expiration date shall be as for a new application.
- 183 (d) An organization applying for approval as an inspection agency shall:
- 184 (1) Submit an application on a form provided by the commissioner;  
185 (2) Submit a prospectus detailing its qualifications to inspect and test systems,  
186 components, and equipment; and
- 187 (3) Comply with the personnel qualifications of the ASTM standard to establish  
188 minimum personnel qualification requirements.
- 189 (e) An organization applying for approval as an evaluation agency shall:
- 190 (1) Submit an application on a form provided by the commissioner;  
191 (2) Submit a prospectus detailing its qualifications to evaluate quality control procedures,  
192 system designs, design plans, model plans, and engineering data;  
193 (3) Certify that it has on its staff a construction oriented professional architect or  
194 engineer, registered in the State of Georgia, who will be responsible for certifying  
195 compliance with this subpart; and

196 (4) Comply with the personnel qualifications of the ASTM standard to establish  
197 minimum personnel qualification requirements.

198 (f) The commissioner shall consider an approved evaluation agency for approval as a  
199 design approval agency upon request, provided that:

200 (1) The requesting agency has submitted to the commissioner not less than three different  
201 sets of acceptable manufacturer model plans;

202 (2) The request is accompanied by a notarized letter stating that the agency will accept  
203 full responsibility for codes compliance of any plans or changes thereto which it  
204 approves; and

205 (3) A listing of personnel is provided showing compliance with the qualification  
206 requirements of the ASTM standard.

207 (g) Failure on the part of an agency to fulfill its responsibilities as provided by contract  
208 with the commissioner or to fail to notify the commissioner of violations of this subpart or  
209 variations from the approved plans shall be cause for revocation of the agency's contract  
210 with the commissioner.

211 (h) The approved inspection agency shall conduct a thorough inspection of all  
212 manufacturing facilities prior to the submission of the application of a manufacturer  
213 applying for state approval. The results of this inspection shall be reported to the  
214 department along with the initial application for approval. Thereafter, the agency shall  
215 conduct announced and unannounced inspections at the manufacturing site to review any  
216 or all aspects of the manufacturer's production and quality control procedures. Changes  
217 in the manufacturer's quality control or responsible personnel shall be promptly reported  
218 to the commissioner. The inspection agency shall make a complete inspection of at least  
219 one unit through all the operations of manufacture to assure that the manufacturer has the  
220 capabilities to produce units in compliance with their approved design and the appropriate  
221 codes. Thereafter, to determine if the in-plant quality control program is working as set  
222 forth in the manufacturer's approved quality control manual, inspection of every visible

223 aspect of every building or component shall be made at least once during the  
224 manufacturing process.

225 (i) The approved inspection agency shall make inspections of existing industrialized  
226 buildings which have been submitted to the commissioner for certification. The inspection  
227 shall be made to assure compliance with the approved plans. The inspection agency shall  
228 report the results of the inspection to the commissioner.

229 (j) An inspection agency shall conduct inspections at the manufacturing plant or  
230 remanufacturing site to determine compliance with the approved plans, specifications,  
231 quality control manuals, and applicable codes. Violation of any of the provisions of this  
232 subpart or variations from the approved plans shall be cause for revocation of the plan  
233 approval and shall be reported to the commissioner.

234 (k) An evaluation agency shall discharge the following responsibilities:

235 (1) To perform investigations, evaluations, testing, and approval of applications, building  
236 systems, quality control, and model plan documentation, and all amendments thereto;

237 (2) To affix an approval stamp, electronically, on all approved plans and table of  
238 contents sheets of all manuals; and

239 (3) For the architect or engineer of the agency to affix his or her signature to the  
240 application, in the space provided, which indicates compliance of all documents with this  
241 subpart, and submit all documents to the commissioner for review. The seal of an  
242 architect or engineer shall be by electronic means unless otherwise prohibited by law or  
243 regulation.

244 (l)(1) The agency approval stamp for model plans shall include, as a minimum, the  
245 following information:

246 (A) Agency approval stamp which shall be placed on at least the floor plan of each  
247 model set;

248 (B) Name of the agency;

249 (C) Building construction classification;

- 250 (D) Building occupancy classification;  
251 (E) The designed wind velocity stated in miles per hour;  
252 (F) Fire rating of the exterior walls;  
253 (G) The designed floor live load;  
254 (H) The seismic design category; and  
255 (I) The date on which the agency approved the plans.
- 256 (2) The agency approval stamp for all other documentation may be the corporate seal,  
257 the agency engineer's seal, or other stamps as adopted by the agency which shows the  
258 agency's approval of documentation. The stamp shall also show the name of the agency  
259 and the date the agency approved the documentation.
- 260 (m) In addition to the responsibilities of an evaluation agency, a design approval agency  
261 is authorized to issue final approval of model plans which are based on building system  
262 documentation which has received prior approval by the commissioner.
- 263 8-2-125.
- 264 (a) When there is a change of ownership or a controlling interest in ownership of a  
265 manufacturing business in industrialized building units or components thereof, the new  
266 owner shall notify the commissioner of such change within ten days after such change has  
267 taken place. To eliminate a new plan application and filing fees, the new owner must  
268 submit a statement in written form and notarized by a notary public that he or she will  
269 continue to manufacture in accordance with previously approved plans and quality control  
270 manual procedures.
- 271 (b) In the event of a change in the name or address of any manufacturer, the manufacturer  
272 shall so notify the commissioner in writing within ten days.
- 273 (c) When a manufacturer discontinues production, the manufacturer shall, within ten days,  
274 advise the commissioner of the date of such discontinuance and return all Georgia insignia  
275 in its possession to the commissioner.

276 (d) Prior to commencement of manufacturing operations, the manufacturer's plant shall  
277 have had a certification inspection, by an approved inspection agency, to verify that  
278 procedures, personnel, and equipment are ready for operations.

279 (e) If the manufacturer plans to produce at more than one location, building system plan  
280 approval may be obtained at the time of filing subject to submission of an additional set of  
281 plans, specifications, and quality control procedures for each manufacturing site. If,  
282 subsequent to building system approval, the manufacturer wishes to obtain approval for  
283 additional locations of manufacture, application shall be made to the commissioner prior  
284 to start of production at such locations.

285 8-2-126.

286 (a) Any open construction components of a substantially closed construction building may,  
287 at the option of the manufacturer, be declared closed and thus be subject to the certification  
288 of the building system. This option shall only apply where approval of the open  
289 components is essential to the installation procedures. All components subject to this  
290 option shall be shipped with and be identified as part of the building package. Any person  
291 may request field technical services, provided that such requests are submitted to the  
292 commissioner in writing. The services available are inspection of industrialized buildings  
293 or components and installation work for compliance with the approved plans and codes and  
294 plan and specification review of industrialized buildings for compliance with the adopted  
295 codes and laws. The cost of such services shall be borne by the requesting party at the rates  
296 listed in Code Section 8-2-128. The commissioner, upon request from a local government  
297 which does not have inspection capability, shall provide inspection service for the  
298 installation of an industrialized building. The manufacturer shall be charged for such  
299 service at a rate required for field technical services. All records pertaining to an approved  
300 building or component thereof, such as applications, quality control manuals, building  
301 systems documentation, model plans, inspection reports, disposition reports, and insignia

302 applied, shall be maintained by the manufacturer and third-party agency for a minimum  
303 period of three years from the date the industrialized building product is shipped from the  
304 manufacturing facility.

305 (b) A final building system approval shall be issued from the commissioner for each  
306 industrialized building which bears an insignia of approval and is subject to this subpart.

307 (c) All building systems, component design plans, and model design plans and changes  
308 shall be filed with the commissioner.

309 (d) Plans and building system submissions are accepted for approval upon the  
310 recommendation of an approved evaluation agency and are subject to review as deemed  
311 necessary by the commissioner. Model plans and component plans may be approved by  
312 a design approval agency with one copy submitted to the department for filing for record.

313 (e) All submissions to the commissioner shall be made by electronic means or as required  
314 by the commissioner and shall be made through the manufacturer's evaluation agency.  
315 Additional copies of plans or data shall be supplied upon request. All submissions shall  
316 include a completed application on forms obtainable from the commissioner.

317 (f) Application to the commissioner for building system approval shall include:

318 (1) A minimum of one electronic set of documentation prepared by an architect or  
319 engineer licensed to practice in the State of Georgia, except as exempted by law, quality  
320 control manuals, calculations, and any required test results for each system to be  
321 approved. The manufacturer's evaluation agency shall approve or disapprove the  
322 manufacturer's submission and, if the submission is approved, shall affix a stamp  
323 authorized by the commissioner on each plan print and the table of contents of the  
324 supporting data in manual form. The table of contents or index shall identify each sheet  
325 contained in the manual by sheet number and date. The seal of an architect or engineer  
326 shall be made by electronic means unless otherwise prohibited by law or regulation;

327 (2) Specifications of all materials, equipment, and devices to be used;

- 328 (3) Specifications and typical details for methods of incorporating materials, equipment,  
329 and devices into a building;
- 330 (4) Calculations or tests required to substantiate the system design or any variance from  
331 the prescriptive requirements of the codes; and
- 332 (5) Typical details in sufficient clarity to show compliance with the codes. Such  
333 information shall be specific, and the codes shall not be cited as a whole or in part, nor  
334 shall the term 'approved' or its equivalent be used as a substitute for specific information.
- 335 (g) Effective January 1, 2022, all model plan submissions shall:
- 336 (1) Be performed by electronic means;
- 337 (2) Consist of elevations, cross sections, architectural, electrical, plumbing, and heating  
338 and air-conditioning floor plans and foundation plans for the particular model;
- 339 (3) Be drawn to scale and the scale ratio indicated. A scale bar shall be shown on the  
340 plan sheets;
- 341 (4) Contain information, in the form of notes or details, as to the quality of materials and  
342 the method of construction or shall reference specific details or other documents  
343 contained in the building system documentation which apply and are essential for  
344 determining compliance with the codes. The floor plans shall show the designed use for  
345 all areas of the building; and
- 346 (5) Contain a title block which shall indicate the:
- 347 (A) Manufacturer's name and address;
- 348 (B) Sheet title and number;
- 349 (C) Model, job, or plan number;
- 350 (D) Date the drawing was completed;
- 351 (E) Dates of all revisions; and
- 352 (F) Name of the designer.
- 353 (h) Where it is necessary to substantiate any structural design or method of construction,  
354 calculations and supporting data signed by a Georgia licensed architect or professional

355 engineer shall be submitted to the commissioner. The load-bearing capacity of elements  
356 or assemblies may be established either by calculations in accordance with generally  
357 established principles of engineering design or by physical tests acceptable to the  
358 commissioner. When the composition of configuration of elements, assemblies, or details  
359 of structural members are such that calculations of their safe load-bearing capacity, basic  
360 structural integrity, or fire resistance cannot be accurately determined in accordance with  
361 generally established principles of engineering design, such structural properties or fire  
362 resistance of such members of assemblies may be established by the results of tests  
363 acceptable to the commissioner.

364 (i) Building system and model design plans may be renewed prior to the expiration date  
365 by submission of a building system approval renewal form obtainable from the  
366 commissioner. Applications for renewal shall be submitted with the appropriate renewal  
367 fees as designated in Code Section 8-2-128. After the expiration date, applications for  
368 approval of building systems and models previously approved shall be processed as new  
369 applications. Renewal is granted only when the plans for the designated model design meet  
370 the requirements of this subpart. A building system approval renewal shall be made only  
371 for a system identical to the one which had prior approval by the commissioner, except the  
372 plans shall be updated to comply with the current construction codes.

373 (j) Revocation of a building system approval shall occur upon the failure of the  
374 manufacturer to comply with the provisions of this subpart. Nothing in this subpart shall  
375 be construed to prohibit a manufacturer from submitting, for a new approval, a system for  
376 which approval has been revoked as provided in this subpart.

377 (k) Should the application submission not conform to the requirements of this subpart, the  
378 applicant and the evaluation agency shall be notified in writing. If corrections have not  
379 been received by the commissioner within 90 days of such notice, the application shall be  
380 deemed abandoned and filing fees shall be nonrefundable. Subsequent submission shall be  
381 as for a new application.

382 (l) Plans and specifications approved by the commissioner shall be accompanied by an  
383 approval letter issued by the commissioner, and a stamp of approval shall be placed on  
384 each plan print and on the table of contents sheet of each manual. An approved copy of the  
385 plans and specifications shall be returned to the manufacturer with an approval letter  
386 indicating any necessary limitations. A copy of the approved documents shall be available  
387 for inspection at each place of manufacture.

388 (m) The method and manner of transporting units to storage areas and the installation site  
389 and the method of placing or storing units on site must be specified. Calculations or tests  
390 to show that the unit will perform under transportation stresses shall be included.  
391 Movement over the road to the installation site without damage is an acceptable test.

392 (n) The manufacturer shall compile a document labeled 'Installation Procedures' which  
393 shall contain the necessary instructions needed to prepare the building for occupancy. The  
394 installation procedures shall list those items to be inspected or installed at the installation  
395 site and show in detail methods of placing each unit on site without functional damage.  
396 These designs shall include, but not be limited to, lift point designations, jacking points,  
397 and stresses. Installation of industrialized buildings shall comply with the codes specified  
398 in this subpart. A minimum of two printed sets of installation procedures shall accompany  
399 each building or component when it leaves the manufacturing or remanufacturing facility.

400 (o) Where the manufacturer proposes to change any portion of its system design or if this  
401 subpart or the state construction codes are amended to necessitate such change, the  
402 manufacturer shall be required to submit to the commissioner a minimum of three sets of  
403 supplemental documentation. Documentation shall be accompanied by an application  
404 form, obtainable from the commissioner, and the appropriate fee pursuant to Code  
405 Section 8-2-128. If the commissioner determines that the supplemental documentation  
406 does not constitute a change to the existing approval, the supplements will be filed with and  
407 become a part of the existing approval of recognition.

408 (p) When amendment of the department's rules and regulations pursuant to this subpart  
409 require changes to approved building system documentation, the commissioner shall notify  
410 the manufacturer of such rule and regulation changes and shall allow the manufacturer 90  
411 days from the date of such notification, or such additional time as the commissioner shall  
412 deem reasonable, in which to submit revised documents for approval. Revised documents  
413 submitted pursuant to this subsection shall be processed as supplemental.

414 (q) Quality control procedures shall be established by the manufacturer and documented  
415 in manual form. After review by an approved evaluation agency, the procedures shall be  
416 approved by the commissioner. The manufacturer shall have a written agreement with an  
417 approved evaluation agency concerning the quality control procedures which it shall  
418 institute in its manufacturing facilities. A copy of the agreement shall be filed with the  
419 commissioner.

420 (r) The manual shall include quality control procedures of the overall program, such as  
421 method and sequence of construction, compliance of basic materials with specifications,  
422 method of test, frequency of inspections, administrative procedures, samples of quality  
423 control forms to be used, and a system description for retention of quality control records.  
424 The manual shall also include a résumé of the experience and education of all supervisory  
425 personnel involved in quality control of the units. The manual shall contain a table of  
426 contents with page revision dates listed. Quality control manuals shall be submitted in an  
427 electronic format.

428 (s) Where the manufacturer proposes changes in the quality control manual or procedures,  
429 a minimum of one copy, if current manuals are in electronic format, of such changes shall  
430 be submitted through its evaluation agency for approval by the commissioner.

431 (t) The manufacturer shall designate an individual to be responsible for the quality control  
432 program in each plant who shall maintain records to substantiate that each unit has been  
433 inspected in accordance with the approved quality control manual and complies with the

434 plans as approved by the commissioner. The commissioner shall be notified in writing  
435 within ten working days of any change in the designated quality control person.

436 (u) The quality control procedures set forth in this Code section may be waived by the  
437 commissioner at the manufacturer's request. Waiver of such procedures shall require the  
438 manufacturer to have each unit individually inspected during all phases of production.

439 8-2-127.

440 (a) No industrialized building shall be sold, offered for sale, or installed in the State of  
441 Georgia unless it bears an insignia of approval issued by the commissioner or it has been  
442 inspected by the local government. Industrialized buildings manufactured or  
443 remanufactured in accordance with this subpart shall bear the commissioner's insignia of  
444 approval and those buildings not constructed in accordance with this subpart shall bear the  
445 commissioner's notice of 'manufactured for export from Georgia.' Construction site office  
446 buildings manufactured in accordance with this subpart shall bear the commissioner's  
447 insignia of approval for such buildings.

448 (b) Each new industrialized building, remanufactured industrialized building, new or  
449 modified construction site office industrialized building, industrialized building  
450 manufactured for export from Georgia. or component containing any portion of a closed  
451 system manufactured separately for sale or installation in Georgia or in a state with which  
452 Georgia has a reciprocal agreement shall bear an insignia issued by the commissioner prior  
453 to leaving the manufacturing plant or remanufacturing site, unless otherwise authorized by  
454 the commissioner. Each insignia shall be assigned and affixed to a specific unit. One  
455 insignia shall be required for each module of a building or component.

456 (c)(1) Any construction site office building manufactured on or after April 1, 1996, shall  
457 bear the insignia of the commissioner.

458 (2) Buildings used as construction site office buildings, regardless of size, and  
459 constructed prior to April 1, 1996, modified, rehabilitated, or otherwise altered prior to  
460 April 1, 2006, shall conform to the following:

461 (A) Any additions, deletions, or modifications performed in or on a construction site  
462 office building and which constitutes less than 50 percent of the value of the system  
463 being modified shall be made in conformance with the codes and rules in effect at the  
464 time the work is initiated. Such addition, deletion, or modification shall not require an  
465 insignia of the commissioner;

466 (B) If the value of modifications made to a system in or on a construction site office  
467 building exceeds 50 percent or more of the value of the entire system, all portions of  
468 the existing system shall be made to comply with the codes and rules then in effect. In  
469 addition, such modifications shall require inspection by an approved inspection agency  
470 and shall bear a separate system insignia for each such system being modified in  
471 accordance with subsection (b) of this Code section; and

472 (C) A construction site office building used for other than a construction site office  
473 building shall be made to comply with the codes and rules approved for the intended  
474 use. Said building shall require an insignia as a remanufactured industrialized building  
475 in accordance with this subsection.

476 (d) If a local government inspects a building at the manufacture site for installation within  
477 its jurisdiction, that building shall not be required to have a Georgia insignia affixed.

478 (e) To exempt an industrialized building or component in accordance with paragraph (2)  
479 of subsection (c) of this Code section, the manufacturer shall provide:

480 (1) An inspection report or certification from the local government or state agency  
481 performing the inspection for units to be installed in its jurisdiction. The report shall  
482 show the model and serial numbers, the address where the building or component thereof  
483 is to be installed, construction codes or standard to which the building or component is

484 constructed, and in the case of inspected units the name and address of the official  
485 performing the inspection; and

486 (2) A certification and such other evidence as required to show that the industrialized  
487 building is not subject to regulation.

488 (f) Following the receipt of building system and model design plan approval, the  
489 manufacturer shall make application for an insignia as required by this Code section. The  
490 application shall be submitted to the commissioner accompanied by the appropriate  
491 insignia fees as required by Code Section 8-2-128. The application shall include the  
492 building system approval number of each unit for which an insignia is required.

493 (g) The commissioner shall issue an insignia of approval for industrialized building units  
494 and components that have been manufactured after the effective date of this Act. The  
495 issuance of insignia shall be conditioned on compliance with this subpart by the  
496 manufacturer or remanufacturer and the findings resulting from the inspections required  
497 by this Code section. Insignia shall be applied only after approval by the inspection  
498 agency. The attachment of the Georgia insignia shall not relieve the manufacturer of  
499 responsibility for compliance with this subpart and other applicable laws. The  
500 commissioner shall not guarantee the performance of any manufacturer or agency.

501 (h) Insignia control shall remain with the commissioner; approval for use of the insignia  
502 may be revoked by the commissioner in the event of violation of the conditions of  
503 approval. Approval for use of insignia shall be revoked at the moment the manufacturer  
504 is without an approved inspection agency.

505 (i) The insignia shall be affixed permanently to the module. The insignia shall be located  
506 in a readily accessible location, such as the electrical panel, a utility area, inside a  
507 permanently mounted cabinet, or other area as approved by the commissioner. The  
508 insignia shall be located in the vicinity of the data plate or its location shall be identified  
509 on the data plate. The insignia location shall be shown on the model plans.

510 (j) The manufacturer shall report monthly to the commissioner the present disposition of  
511 all insignia received. The report shall be submitted on a form acceptable to the  
512 commissioner and shall indicate the model number or designation, module serial numbers,  
513 insignia numbers of Georgia and the reciprocal state, building square footage, agency  
514 insignia numbers, date of manufacture, the name and address of the purchaser of the  
515 building, where known, and the address where the building is installed.

516 (k) Should inspection reveal that a manufacturer is not manufacturing buildings or  
517 components according to plans and quality control procedures as approved by the  
518 commissioner, and such manufacturer, after having been served with a notice setting forth  
519 in what respect the provisions of the plan approval have been violated, continues to  
520 manufacture units in violation of the plan approval, applications for new insignia shall be  
521 denied and the insignia previously issued for units in violation of the plan approval shall  
522 be confiscated. Upon satisfactory proof of compliance, such manufacturer may resubmit  
523 an application for insignia.

524 (l) In the event that any industrialized building bearing the state insignia is found to be in  
525 violation of the approved plans, the inspection agency or commissioner shall remove the  
526 insignia on such defective unit and shall furnish the manufacturer, agency, dealer, and  
527 installer with a written statement of such violations. The manufacturer shall be required  
528 to correct the deficiencies and shall request an inspection to bring the industrialized  
529 building into compliance before the commissioner shall issue a replacement insignia  
530 pursuant to subsection (k) of this Code section.

531 (m) Any unauthorized alteration or conversion made to an approved industrialized  
532 building prior to initial installation shall void the approval. The state insignia affixed to the  
533 building shall be returned to or be confiscated by the agency or the commissioner.

534 (n) The manufacturer shall install on each component or package of components a data  
535 plate which indicates the limiting characteristics and design criteria of such components  
536 for determining how they can be installed and utilized within their capabilities.

537 (o) The manufacturer shall install on all industrialized building units a data plate which  
538 shall contain, but not be limited to, the following design information:

539 (1) Name and address of the manufacturer;

540 (2) Manufacturer's identification serial number;

541 (3) Manufacturer's plan designation model number or name;

542 (4) State insignia numbers;

543 (5) Occupancy classification;

544 (6) Fire rating of exterior walls;

545 (7) Construction type;

546 (8) Maximum roof live load;

547 (9) Maximum wind velocity in miles per hour;

548 (10) Seismic design category;

549 (11) Individual thermal resistance value (R-value) of walls, roof, ceiling, and floors; and

550 (12) Date of manufacture.

551 The data plate shall be permanently mounted in a conspicuous location in the utility area  
552 or other area as approved by the commissioner.

553 (p) A person, firm, or corporation may apply to the commissioner for certification of an  
554 existing industrialized building. The request shall be accompanied by plans and  
555 specifications and shall state the:

556 (1) Proposed occupancy class;

557 (2) Construction type;

558 (3) Wind velocity in miles per hour;

559 (4) Floor loads;

560 (5) Roof live loads;

561 (6) Height (in stories);

562 (7) Fire rating of exterior walls;

563 (8) Individual thermal resistance value (R-value) of walls, roof, ceiling, and floors;

- 564 (9) Date of original construction, where known;  
565 (10) The registration number of any existing insignia;  
566 (11) The construction code standards used in the original construction, where known;  
567 (12) The unit serial number, where known; and  
568 (13) All items not in substantial compliance with the current construction codes.
- 569 (q) Building plans may be prepared from measurements and details of the existing  
570 building. Plans and specifications shall be evaluated as provided by Code Section 8-2-125  
571 for substantial compliance with the laws and current construction codes.
- 572 (r) The building shall be inspected by an approved inspection agency for compliance with  
573 the approved plans. The building shall be inspected at a designated remanufacturing site  
574 or at a location approved by the commissioner, other than the proposed site of installation.  
575 All portions of the building, including concealed spaces, shall be made available for  
576 inspection as requested by the inspection agency. The inspection agency may require  
577 inspections to be made during the remanufacturing process or may require that portions be  
578 opened or made accessible.
- 579 (s) The building shall bear a data plate listing the current information as required by  
580 subsection (m) of Code Section 8-2-126.
- 581 (t) The inspection agency shall report in writing to the commissioner whether the building  
582 complies with the approved plans. Any and all nonconformance shall also be noted in the  
583 report.
- 584 (u) All existing state approval insignia and data plates shall be removed from the building  
585 by the inspection agency.
- 586 (v) Following receipt of inspection approval and the inspection report, the manufacturer  
587 shall make application for an insignia for each remanufactured industrialized building as  
588 required by this subpart. The application shall be submitted to the commissioner  
589 accompanied by the appropriate insignia fees as required by Code Section 8-2-128.

590 (w) The commissioner shall issue an insignia of approval for industrialized buildings that  
591 have been remanufactured after the effective date of this Act, which are sold, offered for  
592 sale, or installed in the State of Georgia, with the exception of those that are approved and  
593 inspected by a local government, provided they have been found to be in compliance with  
594 this subpart. The issuance of insignia shall be conditioned on compliance with this subpart  
595 by the remanufacturer and the findings of the inspections outlined above. A copy of the  
596 agency inspection report shall accompany the request. Insignia shall be applied by the  
597 inspection agency. The attachment of the Georgia insignia shall not relieve the  
598 remanufacturer of responsibility for compliance with this subpart and other applicable  
599 laws. Control of insignia shall be as required in this Code Section. The commissioner  
600 shall not guarantee the performance of any remanufacturer or other agency.

601 (x) Georgia industrialized building insignias shall be affixed to shipping containers and  
602 shipping container building modules which are intended for manufacture and  
603 remanufacture as commercial or residential industrialized buildings. Shipping containers  
604 and shipping container building modules which are intended for manufacture and  
605 remanufacture are included under the scope of this subpart. This subpart shall also apply  
606 to any new or used shipping containers or shipping container building modules which are  
607 intended for use as construction site office buildings, with or without storage.

608 8-2-128.

609 The commissioner may enter into agreements with other states for reciprocal approval of  
610 industrialized buildings when the commissioner determines that the standards and the  
611 administration of other states' programs are reasonably consistent with those of the Georgia  
612 program. Reciprocity agreements may provide for dividing insignia fees between  
613 participating states. The commissioner reserves the right to determine compliance of all  
614 units to be sold or installed in Georgia which have been inspected under a reciprocal  
615 agreement with another state.

616 8-2-129.

617 (a) The system filing fee for three-dimensional modules that either individually or when  
618 joined together form an industrialized building shall be \$500.00. This approval expires one  
619 year from the date of the commissioner's approval. The renewal fee for any system shall  
620 be \$200.00 to extend the approval for a period of one year.

621 (b) The application fee shall be a one-time fee of \$100.00 for the application of new  
622 manufacturers and remanufacturers.

623 (c) Review of revisions to approved building systems to ensure compliance with newly  
624 adopted codes shall be without additional charge except as provided by subsection (f) of  
625 this Code section.

626 (d) The model design plan filing fee for three-dimensional modules that either individually  
627 or when joined together form an industrialized building shall be \$100.00. The fee for  
628 model design plans filed for record shall be \$20.00 for each model plan.

629 (e) The plan and system filing fees for component systems shall be as follows:

630	<u>(1) Structural systems</u>	<u>.....</u>	<u>\$100.00</u>
631	<u>(2) Electrical systems</u>	<u>.....</u>	<u>\$40.00</u>
632	<u>(3) Plumbing systems</u>	<u>.....</u>	<u>\$40.00</u>
633	<u>(4) HVAC systems</u>	<u>.....</u>	<u>\$40.00</u>
634	<u>(5) Total of all systems</u>	<u>.....</u>	<u>\$220.00</u>

635 Review fees for design approval, evaluation, or inspection agencies shall be \$250.00 for  
636 one classification review, an additional \$150.00 for a second classification review, and an  
637 additional \$100.00 for a third classification review. Approval shall expire one year from  
638 the last approved date. The renewal fee shall be \$75.00 for each classification renewed.

639 (f) Depending on the complexity and sophistication of the system or model design plan,  
640 evaluation costs shall be charged at a rate of \$75.00 per work hour when the time involved  
641 exceeds the filing fees listed above.

642 (g) Field technical service fees shall be charged at a rate of \$75.00 per work hour plus  
643 transportation and expenses in accordance with state travel regulations. Minimum time  
644 charged shall be one hour.

645 (h) The insignia fee for a new industrialized building or remanufactured industrialized  
646 building shall be \$75.00 per insignia.

647 (i) The insignia fee for a new construction site office building shall be \$50.00 per insignia.  
648 The insignia fee for systems rehabilitated pursuant to Code Section 8-2-126 shall be \$15.00  
649 for each system rehabilitated.

650 (j) The insignia fee for a new industrialized building manufactured for export from  
651 Georgia shall be \$25.00 per insignia.

652 (k) The insignia fee for components shall be determined by either of two optional methods.  
653 The option shall be exercised by the manufacturer prior to the issuance of insignia. The  
654 optional method chosen shall apply to all components produced in a given factory. The  
655 minimum fee per order of component insignia must total \$10.00. The options are:

656 (1) One-third of 1 percent of the manufacturer's current list price for each component  
657 with a minimum insignia fee of \$1.00; or

658 (2) One dollar and 75¢ per 100 square feet of floor area or major fraction thereof, based  
659 upon the floor plan with the largest floor area produced in the factory, for each of the  
660 following subsystems or portions thereof:

661 (A) Foundation;

662 (B) Floor;

663 (C) Exterior walls;

664 (D) Interior walls; and

665 (E) Ceiling and roof.

666 (l) The fee for insignia to replace those removed under Code Section 8-2-126 shall be 50  
667 percent of that required by subsections (h) through (k) of this Code section.

668 (m) The fees provided in this Code section are minimum and payable at the time of  
669 submission of the application. All filing and review fees are nonrefundable.

670 8-2-129.1.

671 (a) The commissioner shall appoint an appeals committee which shall consist of three to  
672 five members, one of whom shall be chosen from the department's State Codes Advisory  
673 Committee and one of whom shall be chosen from the department's Industrialized  
674 Buildings Advisory Committee.

675 (b) Any person or organization aggrieved by the application of this subpart may initiate  
676 an appeal by writing to the appeals committee within 30 days following the date of action  
677 on which the appeal is based. The request shall contain:

678 (1) The name and address of the appellant;

679 (2) The names and addresses of all other persons likely to be involved;

680 (3) A summary of the action from which the appeal is taken;

681 (4) The grounds of disagreement with the action from which the appeal is taken;

682 (5) A statement that the appellant desires a hearing or decision based on written  
683 argument and documents submitted;

684 (6) The signature of the appellant or responsible officer if the appellant is an  
685 organization; and

686 (7) Additional documents as the appellant may consider pertinent.

687 (c) Upon receipt of a request, the commissioner shall call a meeting of the appeals  
688 committee to be held within 45 days of the request. The commissioner shall provide  
689 written notice of the date, time, and location of the hearing to the appellant and all persons  
690 indicated in the request.

691 (d) Technical rules of evidence shall not be applicable and all relevant evidence of  
692 reasonable value may be received.

693 (e) A ruling of the appeals committee shall require a majority vote of the committee  
694 members present. A record of the meeting, stating the committee's ruling and reasons  
695 therefor, shall be maintained for public review.

696 (f) The commissioner shall notify the appellant of the ruling within ten days after the final  
697 decision of the appeals committee. A final decision of the appeals committee may be  
698 appealed in the same manner as specified in Chapter 13 of Title 50, the 'Georgia  
699 Administrative Procedure Act,' to the same courts with the same rights and limitations  
700 specified in such chapter.

701 8-2-129.2.

702 (a) All new and used metal or corrugated metal shipping containers which are intended for  
703 manufacture or remanufacture and use as commercial or residential industrialized buildings  
704 shall be certified to comply with ISO Standard 1496-1 and the International Convention  
705 for Safe Containers regulations. New and used containers shall be general purpose or dry  
706 bulk cargo type with a valid container safety convention approval plate affixed to them.  
707 Containers which do not have a valid safety approval plate shall not be permitted for  
708 manufacture or remanufacture as industrialized buildings. Containers previously  
709 designated to transport hazardous materials or dangerous or toxic substances shall not be  
710 permitted for manufacture or remanufacture as industrialized buildings.

711 (b) Used shipping containers shall comply with the following additional requirements:

712 (1) Shall be a minimum Grade A or Grade B in accordance with the Institute of  
713 International Container Lessors Guide for Container Equipment Inspection, 5th edition,  
714 or an equivalent grading standard, shall be certified as cargo-worthy as required by the  
715 appropriate or equivalent classification society, and shall have a legible and valid  
716 container safety convention plate affixed to them. A copy of the certificate shall be  
717 obtained from the certification company and shall be verified for authenticity and retained  
718 for record by the third-party inspection agency;

719 (2) Shall not have been manufactured more than 48 months prior to the date of the  
720 third-party agency approval;

721 (3) Shall not have been previously designated or used for transportation or storage of any  
722 hazardous materials. The entire container shall be sanitized and free of asbestos and any  
723 toxic or deleterious residues. Containers suspected of having harmful levels of toxicity  
724 present, such as fumigants, pesticides, formaldehyde, styrene, benzene, toluene, or any  
725 other toxic chemicals or contaminants, shall be properly tested for toxicity as required by  
726 appropriate hygienic standards;

727 (4) Shall be in good condition, free from excessive dents and other severe visual or  
728 structural defects, undamaged, and have had no previous repairs. Containers showing  
729 signs of wear, such as small rust spots, holes, and peeling or flaking paint, shall be  
730 properly evaluated, sanded and repaired, resealed, and repainted to meet with current  
731 approved industry repair standards; and

732 (5) Shall not have been painted with any lead paint. If lead paint is found, the paint shall  
733 be removed and remediated in accordance with current United States Environmental  
734 Protection Agency guidelines for lead based paint.

735 (c) Used containers shall comply with one of the following evaluation, testing, and  
736 inspection protocols:

737 (1) Acceptance based on an International Code Council evaluation service report or an  
738 equivalent evaluation report from an approved accredited testing and evaluation agency;

739 (2) Acceptance based on current standards of the International Organization for  
740 Standardization or International Convention for Safe Containers or Institute of  
741 International Container Lessors or American Bureau of Shipping or equivalent  
742 certification organizations which perform evaluation, testing, and inspection of shipping  
743 containers; or

744 (3) Acceptance based on an equivalent alternative protocol approved by the department.

745 (d) Existing preservative treated wood flooring shall be evaluated and, if deemed  
746 necessary, may be encapsulated in accordance with current United States Environmental  
747 Protection Agency remediation guidelines or entirely removed and replaced with new  
748 flooring to comply with the current code requirements for interior finishes.

749 (e) Model plans shall be submitted for container buildings which include any structural  
750 modifications and load calculations for clear spans, cut wall openings or other building  
751 modifications. The model plans and structural calculations shall be approved by the  
752 third-party agency and stamped by a Georgia registered professional engineer.

753 8-2-129.3.

754 (a) Tiny houses shall comply with the following requirements:

755 (1) Shall not exceed 400 square feet in total area of habitable floor space, excluding loft  
756 spaces. Habitable spaces are for living, sleeping, eating, or cooking. Bathrooms, toilet  
757 rooms, closets, halls, storage or utility spaces, and similar areas are not considered  
758 habitable spaces;

759 (2) Shall comply with the current state minimum standard codes;

760 (3) Shall be allowed to conform to the requirements of Appendix S entitled 'Tiny Houses'  
761 of the current International Residential Code as adopted and amended by the department;

762 (4) Shall not contain a permanent metal chassis and shall be affixed to a permanent  
763 load-bearing foundation. Tiny houses on wheels shall not fall under scope of this subpart.

764 (5) Shall have at least one principal means of egress or a doorway with a clear opening  
765 width of at least 32 inches and a clear height of at least 78 inches;

766 (6) Shall have at least one operable means of emergency escape and rescue door or  
767 window that complies with the current code in every sleeping room and habitable loft.

768 An approved operable egress skylight or roof access window shall be allowed in  
769 habitable lofts;

770 (7) Shall be capable of maintaining a minimum room temperature of 68 degrees at three  
771 feet above the floor and two feet from the exterior walls, excluding the use of portable  
772 heaters;

773 (8) Shall contain smoke alarms which are required in each sleeping room, in the  
774 immediate vicinity of the bedrooms, and on each additional story or loft of the dwelling,  
775 including basements and habitable attics; and

776 (9) Shall contain a carbon monoxide alarm in every dwelling unit having fuel fired or  
777 electric appliances.

778 (b) Model plans submitted for approval or for record shall be stamped by a Georgia  
779 registered professional engineer and shall be reviewed, approved, and stamped by a  
780 department approved third-party agency.

781 (c) Manufactured or mobile homes constructed under the requirements of the United States  
782 Department of Housing and Urban Development do not fall under the scope of this subpart.

783 (d) Recreational vehicles, motor homes, park trailers, and travel trailers built in accordance  
784 with National Fire Protection Association Standard 1192 for recreational vehicles or the  
785 Park Model Recreational Vehicle Standard, ANSI A119.5, do not fall under the scope of  
786 this subpart.

787 (e) All approved factory-built tiny houses shall have a department insignia affixed to each  
788 module or unit which certifies that the unit complies with the state's current construction  
789 codes and this subpart.

790 (f) Local governments shall retain full control over all matters relating to site installation,  
791 including subdivision controls, zoning issues, site grading, foundation installations, and  
792 utility hookups."

793 **SECTION 3.**

794 All laws and parts of laws in conflict with this Act are repealed.