

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 207

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE IDAHO BUILDING CODE ACT; AMENDING SECTION 39-4111, IDAHO
CODE, TO REVISE PROVISIONS RELATING TO CERTAIN PERMITS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-4111, Idaho Code, be, and the same is hereby
amended to read as follows:

39-4111. PERMITS REQUIRED. (1) It shall be unlawful for any person
to do, or cause or permit to be done, whether acting as principal, agent or
employee, any construction, improvement, extension or alteration of any
building, residence or structure, coming under the purview of the division,
in the state of Idaho without first procuring a permit from the division au-
thorizing such work to be done.

(2) It shall be unlawful for any person to do, or cause or permit to be
done, whether acting as principal, agent or employee, any construction, im-
provement, extension or alteration of any building, residence or structure
in a local government jurisdiction enforcing building codes, without first
procuring a permit in accordance with the applicable ordinance or ordinances
of the local government.

(3) No permit shall require that any improvement, extension or alter-
ation of any building, residence or structure includes an upgrade to comply
with building code requirements in unaffected existing parts of the build-
ing, residence or structure where the existing parts complied with the ap-
plicable building code in effect when such parts were constructed. This lim-
itation shall not apply where the division or enforcing jurisdiction identi-
fies a specific substantial safety hazard that would be created in the exist-
ing building, residence or structure by reason of the new improvement, ex-
tension or alteration, provided that any additional permitting requirement
shall be limited to correcting the specific substantial safety hazard. The
burden shall be upon the division or enforcing jurisdiction to prove the ex-
istence of such specific substantial safety hazard. The permit shall iden-
tify the specific hazard and the basis for determining that it is a substan-
tial hazard.