



Sen. David Koehler

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LRB103 25789 SPS 58214 a

1 AMENDMENT TO SENATE BILL 2368

2 AMENDMENT NO. _____. Amend Senate Bill 2368 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Capital Development Board Act is amended
5 by changing Sections 10.09-1 and 10.18 as follows:

6 (20 ILCS 3105/10.09-1)

7 Sec. 10.09-1. Certification of inspection.

8 (a) No ~~After July 1, 2011, no~~ person may occupy a newly
9 constructed commercial building in a non-building code
10 jurisdiction until:

11 (1) The property owner or property owner's ~~his or her~~
12 agent has first contracted for the inspection of the
13 building by an inspector who meets the qualifications
14 established by the Board; and

15 (2) The qualified inspector files a certification of
16 inspection with the municipality or county having such

1 jurisdiction over the property indicating that the
2 building complies ~~meets compliance~~ with all of the
3 ~~building codes adopted by the Board for non-building code~~
4 ~~jurisdictions based on~~ the following:

5 (A) to the extent they do not conflict with the
6 codes and rules listed in subparagraphs (C) through
7 (F), the ~~The~~ current edition or most recent preceding
8 edition ~~editions~~ of the following codes published
9 ~~developed~~ by the International Code Council:

10 (i) the International Building Code, including
11 Appendix G and excluding Chapters 11, 13, and 29;

12 (ii) the International Existing Building Code;
13 and

14 (B) to the extent it does not conflict with the
15 codes and rules listed in subparagraphs (C) through
16 (F), the ~~The~~ current edition or most recent preceding
17 edition of the National Electrical Code NFPA 70
18 published by the National Fire Protection
19 Association;-

20 (C) either:

21 (i) The Energy Efficient Building Code adopted
22 under Section 15 of the Energy Efficient Building
23 Act; or

24 (ii) The Illinois Stretch Energy Code adopted
25 under Section 55 of the Energy Efficient Building
26 Act;

1 (D) the Illinois Accessibility Code adopted under
2 Section 4 of the Environmental Barriers Act;

3 (E) the Illinois Plumbing Code adopted under
4 Section 35 of the Illinois Plumbing License Law; and

5 (F) the rules adopted in accordance with Section 9
6 of the Fire Investigation Act.

7 (3) Once a building permit is issued, the applicable
8 requirements that are in effect on January 1 of the
9 calendar year when the building permit was applied for,
10 or, where a building permit is not required, on January 1
11 of the calendar year when construction begins, shall be
12 the only requirements that apply for the duration of the
13 building permit or construction.

14 (b) (Blank). ~~This Section does not apply to any area in a~~
15 ~~municipality or county having jurisdiction that has registered~~
16 ~~its adopted building code with the Board as required by~~
17 ~~Section 55 of the Illinois Building Commission Act.~~

18 (c) The qualification requirements of this Section do not
19 apply to building enforcement personnel employed by a
20 municipality or county who are acting in their official
21 capacity ~~jurisdictions as defined in subsection (b).~~

22 (d) For purposes of this Section:

23 "Commercial building" means any building other than: (i) a
24 single-family home or a dwelling containing 2 or fewer
25 apartments, condominiums, or townhouses; ~~townhomes~~ or (ii) a
26 farm building as exempted from Section 3 of the Illinois

1 Architecture Practice Act of 1989.

2 "Newly constructed commercial building" means any
3 commercial building for which original construction has
4 commenced on or after July 1, 2011.

5 "Non-building code jurisdiction" means any area of the
6 State in a municipality or county having jurisdiction that:
7 (i) has not adopted a building code; or (ii) is required to but
8 has not identified its adopted building code to the Board
9 under Section 10.18 of the Capital Development Board Act ~~not~~
10 subject to a building code imposed by either a county or
11 municipality.

12 "Qualified inspector" means an individual qualified by the
13 State of Illinois, certified by a nationally recognized
14 building official certification organization, qualified by an
15 apprentice program certified by the Bureau of Apprentice
16 Training, or who has filed verification of inspection
17 experience according to rules adopted by the Board for the
18 purposes of conducting inspections in non-building code
19 jurisdictions.

20 (e) Except as provided in Section 15 of the Illinois
21 Residential Building Code Act, new ~~New~~ residential
22 construction is exempt from this Section and is defined as any
23 original construction of a single-family home or a dwelling
24 containing 2 or fewer apartments, condominiums, or townhouses
25 ~~townhomes in accordance with the Illinois Residential Building~~
26 ~~Code Act.~~

1 (f) Local governments may establish agreements with other
2 governmental entities within the State to issue permits and
3 enforce building codes and may hire third-party providers that
4 are qualified in accordance with this Section to provide
5 inspection services.

6 (g) This Section does not limit the applicability of
7 ~~regulate~~ any other statutorily authorized code or regulation
8 administered by State agencies. These include without
9 limitation the codes and regulations listed in subparagraphs
10 (C) through (F) of paragraph (2) of subsection (a) Illinois
11 ~~Plumbing Code, the Illinois Environmental Barriers Act, the~~
12 ~~International Energy Conservation Code, and administrative~~
13 ~~rules adopted by the Office of the State Fire Marshal.~~

14 (h) The changes to this Section made by this amendatory
15 Act of the 103rd General Assembly shall apply beginning on
16 July 1, 2024 ~~This Section applies beginning July 1, 2011.~~

17 (Source: P.A. 101-369, eff. 12-15-19; 102-558, eff. 8-20-21.)

18 (20 ILCS 3105/10.18)

19 Sec. 10.18. Identification of local building codes.

20 (a) All municipalities with a population of less than
21 1,000,000 and all counties ~~or a county~~ adopting a new building
22 code edition ~~or amending an existing building code~~ must, at
23 least 30 days before ~~adopting~~ the effective date of the
24 building code ~~or amendment, identify provide an identification~~
25 ~~of the model code being adopted, by title and edition, and any~~

1 local amendments ~~or the amendment~~ to the ~~Capital Development~~
2 Board in writing.

3 (b) No later than 180 days after the effective date of this
4 amendatory Act of the 103rd General Assembly, all
5 municipalities with a population of less than 1,000,000 and
6 all counties that have adopted and are enforcing a building
7 code must identify the adopted model code, by title and
8 edition, and any local amendments, to the Board in writing.

9 (c) For each municipality and county subject to this
10 Section, the ~~The Capital Development~~ Board must identify the
11 adopted model ~~proposed~~ code, by ~~the~~ title and edition, and
12 note if any local amendments were adopted, and identify the
13 date when this information was reported to the Board ~~made to~~
14 the public on the Board's public ~~Capital Development Board~~
15 website.

16 (d) For the purposes of this Section, "building code"
17 means a model ~~building~~ code adopted with or without local
18 amendments to regulate ~~regulating~~ the construction or
19 rehabilitation ~~and maintenance~~ of structures within the
20 municipality or county. "Building code" does not include any
21 zoning ordinance adopted under Division 13 of Article 11 of
22 the Illinois Municipal Code or Division 5-12 of Article 5 of
23 the Counties Code.

24 (e) Beginning July 1, 2024, any building code identified
25 under subsection (a) or (b) must:

26 (1) regulate the structural design of new buildings,

1 other than residential buildings, in a manner that is at
2 least as stringent as the baseline building code;

3 (2) regulate the structural design of rehabilitation
4 work in existing buildings, other than residential
5 buildings, in a manner that is at least as stringent as the
6 baseline existing building code; and

7 (3) regulate the structural design of residential
8 buildings in a manner that is at least as stringent as the
9 baseline residential code.

10 In this subsection:

11 "Baseline building code" means the edition of the
12 International Building Code, including Appendix G, first
13 published by the International Code Council during the current
14 year or preceding 9 calendar years with the least restrictive
15 provisions for structural design.

16 "Baseline existing building code" means the edition of the
17 International Existing Building Code first published by the
18 International Code Council during the current year or
19 preceding 9 calendar years with the least restrictive
20 provisions for structural design.

21 "Baseline residential code" means the edition of the
22 International Residential Code for One- and Two-Family
23 Dwellings first published by the International Code Council
24 during the current year or preceding 9 calendar years with the
25 least restrictive provisions for structural design.

26 "Residential building" means a single-family home or a

1 dwelling containing 2 or fewer apartments, condominiums, or
2 townhouses.

3 "Structural design" means the capacity of a newly
4 constructed structure or altered or repaired existing
5 structure, including its foundation, to withstand forces,
6 including, but not limited to, dead loads, live loads, snow
7 loads, wind loads, soil loads and hydrostatic pressure, rain
8 loads, and earthquake loads, and to resist flood damage.

9 This subsection is a limitation under subsection (i) of
10 Section 6 of Article VII of the Illinois Constitution on the
11 concurrent exercise by home rule units of powers and functions
12 exercised by the State.

13 (f) On an annual basis, the Board shall send written
14 notification to the corporate authorities of each municipality
15 and county subject to this Section of their obligations under
16 this Section.

17 (Source: P.A. 99-639, eff. 7-28-16.)

18 Section 10. The Illinois Residential Building Code Act is
19 amended by changing Sections 10 and 15 as follows:

20 (815 ILCS 670/10)

21 Sec. 10. Definitions. In this Act:

22 "International Residential Code" means the current edition
23 or the most recent preceding edition of the International
24 Residential Code for One- and Two-Family ~~One and Two Family~~

1 Dwellings published by the International Code Council,
2 excluding Parts IV and VII ~~as now or hereafter amended by the~~
3 ~~Council.~~

4 "New residential construction" means any original
5 construction of a single-family home or a dwelling containing
6 2 or fewer apartments, condominiums, or townhouses ~~town~~
7 ~~houses.~~

8 "Non-building code jurisdiction" means any area of the
9 State in a municipality or county having jurisdiction that:
10 (i) has not adopted a residential building code; or (ii) is
11 required to but has not identified its adopted residential
12 building code to the Board under Section 10.18 of the Capital
13 Development Board Act.

14 "Residential building code" means a model code adopted by
15 a municipality or county, with or without local amendments, to
16 regulate the construction of ~~an ordinance, resolution, law,~~
17 ~~housing or building code, or zoning ordinance that~~
18 ~~establishes, for residential building contractors,~~
19 ~~construction related activities applicable to~~ single-family or
20 2-family residential structures or townhouses within the
21 municipality or county.

22 "Residential building contractor" means any individual,
23 corporation, or partnership that constructs a fixed building
24 or structure for sale or use by another as a residence or that,
25 for a price, commission, fee, wage, or other compensation,
26 undertakes or offers to undertake the construction of any

1 building or structure to be used by another as a residence, if
2 the individual, corporation, or partnership reasonably expects
3 to earn a financial profit from that activity.

4 (Source: P.A. 93-778, eff. 1-1-05.)

5 (815 ILCS 670/15)

6 Sec. 15. Adoption of residential building code. A contract
7 to build a home (1) in any non-building code jurisdiction
8 ~~municipality in this State that does not have a residential~~
9 ~~building code in effect or (2) in any portion of a county that~~
10 ~~is not located within a municipality and does not have a~~
11 ~~residential building code in effect~~ must adopt as part of the
12 construction contract the applicability of a residential
13 building code that is agreed to by the home builder and the
14 home purchaser as provided in this Section. The home builder
15 and the home purchaser may agree to adopt the International
16 Residential Code or any municipal residential building code or
17 county residential building code that is in effect on the
18 first day of construction in any county or municipality that
19 is within 100 miles of the location of the new home. If the
20 home builder and the home purchaser fail to agree to a
21 residential building code or if no residential building code
22 is stated in the contract, the code adopted under Section 15 of
23 the Energy Efficient Building Act, the plumbing code
24 promulgated by the Illinois Department of Public Health under
25 Section 35 of the Illinois Plumbing License Law, ~~the National~~

1 ~~Electric Code as adopted by the American National Standards~~
2 ~~Institute,~~ and the current edition of the International
3 Residential Code shall, by law, be adopted as part of the
4 construction contract.

5 (Source: P.A. 93-778, eff. 1-1-05.)".