



Sen. A. J. Wilhelmi

**Filed: 4/2/2008**

09500SB2654sam001

LRB095 05383 RCE 48702 a

1 AMENDMENT TO SENATE BILL 2654

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2654 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Capital Development Board Act is amended by  
5 adding Section 10.09-1 as follows:

6 (20 ILCS 3105/10.09-1 new)

7 Sec. 10.09-1. Local government adoption of building code;  
8 enforcement.

9 (a) A local government that does not have an adopted model  
10 minimum building code shall adopt such a building code based  
11 on:

12 (1) The most recently published editions of the  
13 following codes developed by the International Code  
14 Council:

15 (A) International Building Code.

16 (B) International Fire Code.

1           (C) International Mechanical Code.

2           (D) International Fuel Gas Code.

3           (E) International Existing Building Code.

4           (F) International Property Maintenance Code.

5           (2) NFPA 70 National Electrical Code.

6           (3) State building codes and State agency rules, such  
7           as the Illinois Plumbing Code and the Illinois  
8           Accessibility Code, as well as the 2000 edition of NFPA 101  
9           Life Safety Code where adopted, or such other nationally  
10           recognized model code as approved by the Capital  
11           Development Board.

12           Additions, insertions, deletions, and changes allowed by  
13           the code shall be determined by the local government.

14           (b) A person performing building code enforcement must be  
15           qualified by the State of Illinois or certified by a nationally  
16           recognized building official certification organization with  
17           significant office presence in Illinois. The Illinois State  
18           Board of Education rules for plan reviewers and building  
19           inspectors shall be adapted by the Capital Development Board to  
20           provide the requirements of this subsection. Local governments  
21           may establish agreements with other governmental entities or  
22           qualified third party providers within the State to issue  
23           permits and enforce building codes in a consistent manner and  
24           as required by this Section.

25           (c) Buildings constructed under the requirements of this  
26           Section must be inspected in accordance with the codes in

1 effect on the date of the issuance of the original building  
2 permit.

3 (d) New residential construction is exempt from this  
4 Section and is defined as any original construction of a  
5 single-family home or a dwelling containing 2 or fewer  
6 apartments, condominiums, or town houses in accordance with the  
7 Illinois Residential Building Code Act.

8 (e) As used in this Section, "local government" means a  
9 city, village, incorporated town, county, or fire protection  
10 district.

11 (f) This Section applies beginning July 1, 2010.

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

14 (815 ILCS 670/10)

15 Sec. 10. Definitions. In this Act:

16 "2006 International Residential Code" means the 2006  
17 edition of the International Residential Code for One and Two  
18 Family Dwellings published by the International Code Council,  
19 without amendment or appendices ~~as now or hereafter amended by~~  
20 ~~the Council.~~

21 "New residential construction" means any original  
22 construction of a single-family home or a dwelling containing 2  
23 or fewer apartments, condominiums, or town houses.

24 "Residential building code" means an ordinance,

1 resolution, law, housing or building code, or zoning ordinance  
2 that establishes, for residential building contractors,  
3 construction-related activities applicable to single-family or  
4 2-family residential structures.

5 "Residential building contractor" means any individual,  
6 corporation, or partnership that constructs a fixed building or  
7 structure for sale or use by another as a residence or that,  
8 for a price, commission, fee, wage, or other compensation,  
9 undertakes or offers to undertake the construction of any  
10 building or structure to be used by another as a residence, if  
11 the individual, corporation, or partnership reasonably expects  
12 to earn a financial profit from that activity.

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

14 (815 ILCS 670/15)

15 Sec. 15. Adoption of building code. A contract to build a  
16 home (1) in any municipality in this State that does not have a  
17 residential building code in effect or (2) in any portion of a  
18 county that is not located within a municipality and does not  
19 have a residential building code in effect must adopt as part  
20 of the construction contract the applicability of a residential  
21 building code that is agreed to by the home builder and the  
22 home purchaser as provided in this Section. ~~The home builder  
23 and the home purchaser may agree to adopt any municipal  
24 residential building code or county residential building code  
25 that is in effect on the first day of construction in any~~

1 ~~county or municipality that is within 100 miles of the location~~  
2 ~~of the new home. If the home builder and the home purchaser~~  
3 ~~fail to agree to a residential building code or if no~~  
4 ~~residential building code is stated in the contract, the~~  
5 plumbing code promulgated by the Illinois Department of Public  
6 Health under Section 35 of the Illinois Plumbing License Law,  
7 the NFPA 70 National Electric Code as adopted by the American  
8 National Standards Institute, and the 2006 International  
9 Residential Code shall, by law, be adopted as part of the  
10 construction contract.

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