

Adopted July 9, 1993

UNIFORM ADMINISTRATIVE PROCEDURES

"Uniform Administrative Procedures" means the procedures adopted by the Commission (after consideration of any recommendations from the Rules Development Committee) which state and local officials, and other parties, in one state, will utilize to assure state and local officials, and other parties, in other states, of the substantial compliance of industrialized/modular building construction with the construction standard or requirements of such other states; to assess the adequacy of building systems; and to verify and assure the competency and performance of evaluation and inspection agencies.

Current through 8/1/02

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PART 1: PURPOSE, OBJECTIVE, AND SCOPE

Section 1. Purpose

(A) The purpose of this document is to provide uniform administrative procedures supporting the creation and operation of a state-level compact that need not be approved by U.S. Congress under the U.S. Constitution and applicable decisions of the U.S. Supreme Court. Accordingly, these Uniform Administrative Procedures shall be interpreted in accordance with the following principles:

(1) These Uniform Administrative Procedures shall not enhance state political power nor encroach on federal supremacy.

(2) These Uniform Administrative Procedures shall not authorize the *participating states* to exercise any powers that they could not exercise in the absence of the Interstate Compact on Industrialized/Modular Buildings.

(3) These Uniform Administrative Procedures shall not delegate any sovereign power to the *Commission*.

(4) Each *participating state* retains complete freedom to adopt or reject these Uniform Administrative Procedures.

(5) These Uniform Administrative Procedures shall not provide to the *Commission* any authority to punish failures to comply with these Uniform Administrative Procedures; provided, however, the *Commission* may act on behalf of the *participating states* in certifying, withholding, or revoking certification of *evaluation* and *inspection agencies* and *industrialized/modular buildings* and *building components*.

(6) These Uniform Administrative Procedures shall not affect a *participating state's* freedom to certify, for that state's intrastate purposes, *evaluation* and *inspection agencies* operating in that state and *industrialized/modular buildings* and *building components* for use in that state, where such *evaluation* or *inspection agency* or *industrialized/modular building* or *building component* has not been or is not certified pursuant to the Interstate Compact on Industrialized/Modular Buildings.

(B) The further purpose of this document is to provide uniform administrative procedures for a *participating state* to adopt by reference to effectively implement the Interstate Compact on Industrialized/Modular Buildings. The adoption of these Uniform Administrative Procedures by the *participating state* will create uniformity in the compliance requirements of individual states; promote the use of new technologies, techniques, and materials; and increase the availability of safe, decent, and affordable housing and other building occupancies.

(C) It is further the purpose of this document to provide uniform administrative procedures for the *Commission* to assure state and local officials, and other parties, in other states, of the substantial compliance of *industrialized/modular building* construction with the construction standard or requirements of such other states; to assess the adequacy of *building systems*; and to verify and assure the competency and performance of *evaluation* and *inspection agencies*. Adherence to which will be evidenced by the affixing of a *Commission's certification label* pursuant to these Uniform Administrative Procedures.

Section 2. Objective

To provide uniform administrative procedures pursuant to the findings and declarations of the Interstate Compact on Industrialized/Modular Buildings, as stated below:

(A) The *Commission* finds that:

(1) *Industrialized/modular buildings* and *building components* are constructed in factories in the various states and are a growing segment of the nation's affordable housing and commercial building stock.

(2) The regulation of *industrialized/modular buildings* and *building components* varies from state to state and locality to locality, which creates confusion and burdens state and local building officials and the *industrialized/modular buildings* industry.

(3) Regulation by multiple jurisdictions imposes additional costs, which are ultimately borne by the owners and users of *industrialized/modular buildings* and *building components*; restricts market access;

and discourages the development and incorporation of new technologies.

- (B) It is the policy of the *Commission* to:
- (1) Provide the states which regulate the design and construction of industrialized/modular buildings and *building components* with a system to coordinate and uniformly administer their rules and regulations for such buildings, all in a manner to assure mutual acceptance of *industrialized/modular buildings* and *building components*.
 - (2) Provide to the U.S. Congress assurances that would preclude the need for a voluntary preemptive Federal regulatory system for industrialized/modular housing, as outlined in Section 572 of the Housing and Community Development Act of 1987, including development of model standards for industrialized/modular housing construction, such that design and performance will insure quality, durability, and safety; will be in accordance with cost-effective energy conservation standards; all to promote the lowest total construction and operating costs over the life of such housing.

Section 3. Scope

These Uniform Administrative Procedures govern the manner in which the *Commission* will assure *participating states* of the substantial compliance of *industrialized/modular building* construction with the construction standard of the state in which such construction will be erected; to assess the adequacy of *building systems*; and to verify and assure competency and performance of *evaluation* and *inspection agencies*. *Industrialized/modular buildings* or *building components* certified pursuant to these Uniform Administrative Procedures may be sold for, delivered to, or installed on building sites located in any such *participating state*.

PART II. DEFINITIONS

Wherever used or referred to in these Uniform Administrative Procedures, the terms below shall have the meanings assigned to them unless a different meaning is clearly indicated by the context.

"ACT" means the laws of the *participating state* governing industrialized/modular construction as amended and supplemented by the enabling legislation of the Interstate Compact on Industrialized/Modular Buildings.

"APPROVED" means approved by the Industrialized Buildings Commission, a *participating state*, or a *designated evaluation/inspection agency*.

"BUILDING COMPONENT" means any sub-system, subassembly, or other system of *closed construction* designed for use in or as part of a structure, which may include structural, electrical, mechanical, plumbing, and fire protection systems and other systems affecting health and safety.

"BUILDING SYSTEM" means the method of constructing a type of *industrialized/modular building* or *building component* described by plans, specifications, and other documentation which together establish a set of limits meeting the building codes, standards, and other requirements of these regulations for that type of *industrialized/modular building* or *building component*, which may include structural, electrical, mechanical, plumbing, and fire protection systems and other systems affecting health and safety.

"CERTIFICATION" means the process by which *participating states* and local building *inspection agencies* are assured that elements of *closed construction*, not practical to inspect at the building site, conform to the building codes.

"CERTIFICATION LABEL" means an *approved* insignia or seal evidencing *certification* in accordance with these Uniform Administrative Procedures.

"CLOSED CONSTRUCTION" means any building, *building component*, assembly, or

system manufactured in such a manner that concealed parts or processes of manufacture cannot be inspected at the building site without disassembly, damage, or destruction. The definition shall not include products, such as structural, electrical, and plumbing fixtures and equipment which are tested, listed, labeled, and certified by a nationally recognized testing laboratory.

"CODE" means the codes, standards, specifications, and requirements adopted pursuant to PART III, Section 1 of the Model Rules and Regulations.

"COMMISSION" means the Industrialized Buildings Commission.

"COMPLIANCE ASSURANCE DOCUMENTS" means *approved building system* documents, an *approved* compliance assurance manual, and *approved on-site installation* instructions.

"COMPLIANCE ASSURANCE PROGRAM" means the policies and procedures which assure that *industrialized/modular buildings* and *building components*, including their manufacture, storage, delivery, assembly, handling, and *installation*, conform with these Uniform Administrative Procedures.

"DESIGNATED" means selected by the *Commission* to perform one (1) or more of the inspection and/or evaluation functions described under these Uniform Administrative Procedures.

"EVALUATION AGENCY" means a *designated* person or organization, private or public, determined by the *Commission* to be qualified by reason of facilities, personnel, experience, and demonstrated reliability and *independence of judgment*, to investigate and evaluate *industrialized/modular buildings*, *building components*, *building systems*, or *compliance assurance programs*.

"INDEPENDENCE OF JUDGMENT" means not being affiliated with or influenced or controlled by building manufacturers or by producers,

suppliers, or vendors of products or equipment used in *industrialized/modular buildings* and *building components*, in any manner which is likely to affect capacity to render reports and findings objectively and without bias.

"INDUSTRIALIZED/MODULAR BUILDING" means any building of *closed construction*; i.e., constructed in such a manner that concealed parts or processes of manufacture cannot be inspected at the site, without disassembly, damage, or destruction, and which is made or assembled in manufacturing facilities, off the building site, for *installation*, or assembly and *installation*, on the building site. "Industrialized/modular building" includes, but is not limited to, modular housing which is factory-built single-family and multi-family housing (including closed wall panelized housing) and other modular, nonresidential buildings. "Industrialized/modular building" does not include any structure subject to the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974.

"INSPECTION AGENCY" means a *designated* person or organization, private or public, who is determined by the *Commission* to be qualified by reason of facilities, personnel, experience, and demonstrated reliability and *independence of judgment*, to monitor *compliance assurance programs*.

"INSTALLATION" means the process of affixing, or assembling and affixing, *industrialized/modular buildings* or *building components* on the building site.

"INTERIM RECIPROCAL AGREEMENT" means a formal reciprocity agreement as defined in the enabling legislation of the Interstate Compact on Industrialized/Modular Buildings.

"LOCAL ENFORCEMENT AGENCY" means the agency or agencies of the *participating states* or local government with authority to inspect buildings and enforce the law, ordinances, and regulations which establish standards and requirements applicable to the construction, *installation*, alteration, repair, or relocation of buildings.

"MODULE" means a closed wall structure or substantial part of a closed wall structure incorporating one or more rooms used as habitable, occupiable, or mechanical/equipment space.

"NONCONFORMANCE" means the failure to adhere to the requirements of an *approved building system*, or where the *building system* is not specific, to the *code*.

"PARTICIPATING STATE" means any compacting state or any non-compacting state acting under the purview of an *interim reciprocal agreement*.

PART III. STANDARDS

Section 1. Standards, Specifications, and Requirements Adopted

The codes of the *participating states* are hereby incorporated by reference and shall constitute the construction standards which govern the design, manufacture, handling, storage, delivery, and *installation of industrialized/modular buildings and building components* manufactured pursuant to these Uniform Administrative Procedures.

Each *participating state* shall maintain appropriate information, indicating those areas of the *participating state* which it has established as having special environmental conditions such as snow, wind loads, seismic conditions, temperature, humidity, and soil conditions requiring special or different building standards. Such information shall be provided to the *Commission* and shall be available for public inspection.

Section 2. Amendments

A *participating state* may propose amendments to its adopted codes, standards, specifications, and requirements. Each proposed amendment shall include a proposed date for the amendment to take effect. All public hearings concerning such amendments shall be held pursuant to the laws of that *participating state*. Written notice of all such proposals and any subsequent adoptions shall be provided to the *Commission*.

Consistent with Part IV, Section 2(A)(6) hereof, the *participating state* shall notify all manufacturers with *approved building systems*, local governmental jurisdictions, and other concerned persons of all amendments, and each manufacturer shall have 180 calendar days or such additional time as the *participating state* shall deem reasonable following the sending of such notification to submit to the *evaluation agency* and incorporate such modifications into its *building systems* as may be required to comply with such changes. All *industrialized/modular buildings or building components* manufactured (i) prior to the effective date of such changes, or (ii) during the 180 calendar day period following the sending of notice to the manufacturer, or (iii) in the case of any manufacturer who submits its modifications to the *evaluation agency* as required

but receives no affirmative or negative response from the *evaluation agency* with respect thereto, following such 180 calendar day period, may be certified if the modifications conform to the existing *approved building system*. Where imminent danger to life safety is involved, the *participating state* may require that immediate effect be given to amendments to the codes, standards, specifications, and requirements adopted herein. For purposes of this Section, an *industrialized/modular building or building component* is deemed to be manufactured at such time as the *certification label* is attached to it in accordance with the *approved compliance assurance program*, or if the *industrialized/modular building or building component* is relocated, it is deemed to be in accordance with these Uniform Administrative Procedures per Part IV, Section 4(A)(7).

Section 3. Formal Technical Opinions

(A) Scope. The *Commission* shall issue a Formal Technical Opinion whenever it determines that it is necessary to ensure uniformity in the interpretation and/or enforcement of the *participating state's* standards, specifications, and requirements.

(B) Limitations. The *Commission* will issue a Formal Technical Opinion only if a code section is adopted by more than one *participating state* and only when interpretations and/or enforcement of such code sections are inconsistent. If a code section is unique to a *participating state*, then that state shall be solely responsible for issuing code interpretations.

(C) Proposals. The issuance, amendment, or repeal of a Formal Technical Opinion may be proposed upon the initiative of the *Commission* or by any person or organization showing reasonable cause. Each proposal submitted under this section shall include:

- (1) Applicable code section(s), name and year of code(s).
- (2) Any prior code interpretations issued by the participating state(s) and/or model code organization(s).
- (3) Any information and arguments available to support the action sought.

(D) Decisions. All decisions of the *Commission* shall be in writing and shall be rendered within thirty (30) calendar days of the request or such additional time as necessary to assure full resolution of the issues involved on the basis of adequate information.

(E) Issuance. If the *Commission* determines that there is sufficient cause to reissue, repeal, or amend a previous interpretation to ensure uniform enforcement of the *code* section, the *Commission* shall issue a Formal Technical Opinion. If the *Commission* determines that the request does not justify the issuance of a Formal Technical Opinion, the *Commission* shall deny the request and notify the person(s) involved of its decision stating the reasons therefor.

(F) Effective Date. Formal Technical Opinions shall be binding from the date rendered.

PART IV. ADMINISTRATION

Section 1. Responsibilities

The *Commission* shall administer all provisions of these Uniform Administrative Procedures. The *evaluation* and *inspection agencies* shall have the responsibility for evaluating and approving *building systems*, and inspecting and certifying *industrialized/modular buildings* and *building components* for compliance with these Uniform Administrative Procedures. The *participating state* shall accept *industrialized/modular buildings, building components, building systems, and compliance assurance programs* labeled and certified by *designated evaluation and inspection agencies* in accordance with these Uniform Administrative Procedures.

Section 2. Approvals of *Building Systems* and *Compliance Assurance Programs*

The *evaluation agency* shall approve buildings, *building components*, or *building systems*, which comply with the codes, standards, specifications, and requirements adopted in Part III, Section 1, and with the other requirements of these Uniform Administrative Procedures, and shall approve *compliance assurance programs* which comply with the requirements of these Uniform Administrative Procedures.

(A) *Building Systems*

(1) In order to obtain approval for *industrialized/modular buildings* and *building components*, a manufacturer shall submit a *building system* for evaluation in accordance with the requirements of the Model Rules and Regulations.

(2) A complete evaluation shall be performed and an evaluation report on the complete *building system*, as submitted, shall be issued.

(a) In the event that the *building system* is found to be unsuitable for evaluation, the applicant shall be notified in writing of such unsuitability and the basis thereof within fifteen (15) calendar days of the date the *building system* was received. Subsequent submissions shall be treated as a new application.

(b) In the event that the *building system* is found to be suitable for evaluation, a complete evaluation shall

be performed within thirty (30) calendar days of the date the *building system* was received. Upon completion, the applicant shall be notified in writing of the results of the evaluation.

(3) The *evaluation agency* may accept and may require tests to determine whether a *building system* meets the requirements of these Uniform Administrative Procedures, if that determination cannot be made from evaluation of plans, specifications, and documentation prepared in accordance with the *code*, recognized standards, or currently accepted engineering practice. The *building system* test procedures used shall be reviewed and evaluated by the *evaluation agency*.

(4) Approval of *building systems* shall be evidenced by the stamp and date of approval of the *evaluation agency*, on each sheet of the *building system*, or by other effective means of identification. A clear space must be provided on all sheets of plans near the title box for the stamp(s) of approval. One copy of all *approved* plans, specifications, documentation, and a *building system* approval letter shall be returned to the applicant.

(5) An *approved building system* shall not be varied without prior authorization by the *evaluation agency*. All *approved* changes shall be made a part of the written record of the approval. Such authorization shall be in writing or be confirmed in writing within ten (10) calendar days of any oral authorization.

(6) Except as provided for under Part IV, Section 4(A)(7), no revisions to the codes and requirements shall apply retroactively. The *participating state* shall notify all manufacturers with *approved building systems* and *evaluation agencies* of record of all such changes. Each manufacturer shall have 180 calendar days following the sending of such notification, or such additional time as the *participating state* shall deem reasonable, to submit appropriate design changes to the *evaluation agency* in order to implement the code changes in its already *approved building system(s)*.

(7) Amendments to the *building system*

may be proposed by submitting appropriate plans, specifications, or documentation to the *evaluation agency* for approval. Only the *evaluation agency* that approved the original *building system* shall be authorized to approve any amendments thereto. Prior to full evaluation, the *evaluation agency* shall determine that the application for amendment to the *building system* submitted to it is suitable for processing.

(a) In the event that the application is found to be unsuitable for processing, the applicant shall be notified of such unsuitability and the basis thereof either verbally or in writing within three (3) working days of the date the application is received by the *evaluation agency*.

(b) In the event that the application is found to be suitable for processing, the application shall receive complete evaluation within ten (10) working days of the date the application was received by the *evaluation agency*. Upon completion, the applicant shall be notified verbally within three (3) working days and in writing within five (5) working days of the results of the evaluation.

(8) The *evaluation agency* may suspend or revoke the approval of any *building system* whenever the approval was issued in error, was issued on the basis of incorrect information, or was issued in violation of these Uniform Administrative Procedures or is later found to be in violation of these Uniform Administrative Procedures. Notice of such suspension or revocation of the approval shall be in writing with the reasons for such suspension or revocation set forth therein.

(9) If a *building system* is disapproved, the *evaluation agency* shall notify the applicant with a written explanation attached thereto of the reasons for disapproval.

(B) Compliance Assurance Program

(1) A manufacturer shall obtain approval for a *compliance assurance program* for its *building system*. Industrialized buildings or *building components* shall be manufactured

in accordance with an *approved* program in order to be certified. A *compliance assurance program* shall be submitted to the *evaluation agency* for approval in accordance with the requirements of the Model Rules and Regulations.

(2) Prior to the evaluation of a *compliance assurance program*, the *evaluation agency* shall determine that an application for approval submitted to it is suitable for processing.

(a) In the event that an application is found to be unsuitable for processing, the applicant shall be notified in writing of such unsuitability and the basis thereof within fifteen (15) calendar days of the date the application is received by the *evaluation agency*. Any subsequent submission shall be treated as a new application.

(b) In the event that the application is found to be suitable for processing, the application shall receive complete evaluation within thirty (30) calendar days of the date the application was received by the *evaluation agency*. Upon completion, the applicant shall be notified in writing of the results of the evaluation.

(3) A *compliance assurance program* submitted for approval shall be evaluated for compliance with these Uniform Administrative Procedures.

(4) If a *compliance assurance program* is disapproved, the *evaluation agency* shall notify the applicant with a written explanation attached thereto of the reasons for disapproval.

(5) Approval of a *compliance assurance program* shall be evidenced by the stamp of approval of the *evaluation agency* on each sheet of the program documents, or by other effective means of identification. One copy of the *approved* application and documentation shall be returned to the applicant.

(6) A *compliance assurance program* or any amendment thereto which has been *approved* shall not be varied in any way without prior authorization by the *evaluation*

agency. Only the *evaluation agency* that *approved* the original *compliance assurance program* shall be authorized to approve any amendments thereto. All *approved* amendments shall be made a part of the written record of the approval. Such authorization shall be in writing or be confirmed in writing within ten (10) calendar days of any oral authorization.

(7) The *evaluation agency* may suspend or revoke, or cause to be suspended or revoked, its approval of any *compliance assurance program* whenever the approval was issued in error, or was issued on the basis of incorrect information, or was issued in violation of any of these Uniform Administrative Procedures. If the *evaluation agency* determines that *industrialized/modular buildings* or *building components* manufactured pursuant to an *approved building system* do not comply with these Uniform Administrative Procedures and the manufacturer fails to comply with a corrective order, the *evaluation agency* may suspend or revoke, or cause to be suspended or revoked, the approval of the manufacturer's *compliance assurance program*. Notice to the manufacturer and the *inspection agency* of suspension or revocation of approval shall be in writing with the reasons for suspension or revocation set forth therein.

(8) The *Commission*, at its discretion, may waive specific *compliance assurance program* and other related requirements at the request of the manufacturer. Each industrialized building or building component manufactured under the waiver shall be completely inspected through all phases of construction by a qualified organization accepted by the *Commission*.

Section 3. Design Program by the Manufacturer (Alternate Method)

(A) Purpose. The purpose of a design program shall be to allow qualified manufacturers to modify *evaluation agency approved building systems* within the limits defined in this Section and to incorporate the modifications into production without the prior approval of the

evaluation agency.

(B) Scope. The complexity of the plans a manufacturer is permitted to approve shall be determined by the following:

(1) Manufacturers that wish to establish a design program that will enable them to modify existing or to create new one and two family detached dwelling unit plans shall employ or engage no less than one (1) designer or design reviewer with a one and two family (Level I) plans examiner certification.

(2) Manufacturers that wish to establish a design program that will enable them to modify or create new plans shall employ or engage designer(s) or design reviewer(s) with the following certifications: Building Unlimited (Level II) Plans Examiner, Fire Protection Unlimited (Level II) Plans Examiner, Electrical Unlimited (Level II) Plans Examiner, Plumbing Unlimited (Level II) Plans Examiner, and Mechanical Unlimited (Level II) Plans Examiner; or registration as a Professional Engineer or Architect.

(C) Manufacturer's Responsibilities

(1) As a prerequisite to obtaining certification for its design program, a manufacturer shall submit the following information to its *evaluation agency* for review and approval:

(a) A list of the names and the certification number(s) of the design program personnel.

(b) A procedure for document control that will identify the current design documents, including the name of the designers or design reviewer(s), document identification number, the latest approval date, and the approval date of the previous modification, if applicable.

(2) The certification process for the manufacturer's design program shall not begin until after the *evaluation agency* has determined that the manufacturer has adequate personnel and procedures for document control. During the certification

process, the manufacturer shall submit all plans approved by its design program to the *evaluation agency* for full review.

(3) Manufacturers with design programs shall ensure that the following requirements are met:

(a) Each document shall include the name and signature of the person(s) that performed the review, the date the document was approved, and a detailed description of the change, if applicable.

(b) All structural calculations shall be sealed by a registered engineer or architect.

(c) If applicable, each floor plan shall have a specific schematic of the plumbing, gas piping, and/or mechanical system.

(d) All modifications shall be documented and approved by the manufacturer's design program before being incorporated into production.

(e) The manufacturer shall forward copies of all modified design documents to the *evaluation agency* within five (5) calendar days of approval.

(f) Approved modified design documents shall be readily available to the *inspection agency* and compliance assurance personnel during the production of the unit.

(g) Obsolete documents shall be promptly removed from all points of issue or use.

(h) The manufacturer shall be responsible for correcting in a timely manner any violations in the modified design documents located by the *evaluation agency*.

(i) In addition to correcting violations in the modified design documents, the manufacturer shall correct the resultant violations in buildings and components produced in accordance with those nonconforming design documents, as may be required under Part IV, Section 4(C).

(D) *Evaluation Agency's Responsibilities*

(1) General Responsibilities

The *evaluation agency* shall be responsible for certifying the manufacturer's design program. Following certification, the *evaluation agency* shall ensure that the manufacturer continues to maintain an effective design program.

(2) Certification

(a) Before the manufacturer is allowed to implement its design program, the *evaluation agency* shall determine whether the manufacturer has design program personnel certified in the appropriate systems and a procedure for document control.

(b) The *evaluation agency* shall review all modified design documents approved by the manufacturer's design program during the first six (6) month period. No less than ten (10) modified designs shall be reviewed before a manufacturer's design program can be certified. The *evaluation agency* shall certify a manufacturer's design program only after being assured that the manufacturer can approve conforming designs. If nonconforming designs are found, the *evaluation agency* shall evaluate as many additional designs as necessary until it is satisfied that the manufacturer is capable of approving designs in conformance with the codes and the Model Rules and Regulations.

(3) Routine Evaluations

Following *certification*, the *evaluation agency* shall review twenty (20) percent of the design modifications approved by the manufacturer's design program. The *evaluation agency* shall maintain and shall provide to the manufacturer a detailed list of any violations found. If the *evaluation agency's* review indicates that the designs are being approved with significant or repeated *non-conformances* to the codes, the *evaluation agency*, with notice to the *Commission*, shall increase the percentage of the documents it reviews. The increased percentage of reviews shall not be decreased until the *evaluation agency* has determined that

the manufacturer's design program is functioning adequately. The *evaluation agency* shall be responsible for reevaluating the manufacturer's design program when there are significant changes to the conditions under which the design program was certified.

(E) Revocation of Certification

(1) The *evaluation agency* shall revoke its certification of a manufacturer's design program if it determines that the manufacturer has repeatedly: used unauthorized personnel to approve designs; approved plans with significant or recurring violations; failed to comply with its document control procedures including forwarding of appropriate documents to the *evaluation agency*.

(2) The *evaluation agency* shall notify the manufacturer and the *Commission* in writing of the revocation of the manufacturer's design program. Manufacturers that have had their design program revoked shall not reapply until a minimum period of one (1) year has elapsed from the date of revocation.

Section 4. Certification

Industrialized/modular buildings or *building components*, accepted by the *inspection agency* as having been manufactured according to an *approved building system* and an *approved compliance assurance program*, shall be certified by the *Commission* as complying with the requirements of these Uniform Administrative Procedures. *Certification* shall be evidenced by the attachment of a *certification label(s)* pursuant to this Section.

(A) Labels

Each *industrialized/modular building* or *building component* (or group of components), which is certified pursuant to these Uniform Administrative Procedures, shall have permanently attached thereto, a *certification label*.

(1) Number Required

(a) All *industrialized/modular buildings* shall require one (1) *certification label* per *module* except:

1. Roof section(s) intended for a labeled structural component but shipped separately shall not require a *certification label*.

2. Components such as roof dormers, open wall panels, and open floor panels not attached to a labeled component but which can be inspected on site shall not require a *certification label*.

3. *Modules* which must be shipped in smaller sections because of unique transportation and/or local site conditions shall require one (1) *certification label* regardless of the number of sections.

4. Auxiliary attachments or room additions to a labeled dwelling shall require one (1) *certification label* regardless of the number of pieces shipped.

(b) Closed panel construction shall require one (1) *certification label* for every six-hundred (600) square feet, or part thereof, of finished floor area.

(c) *Building components* (i.e., bathroom and kitchen *modules*) shall each require one (1) *certification label*.

(2) Contents

A *certification label* shall bear the following information:

(a) "This label certifies that this building [or *building component*] has been manufactured in accordance with an *approved building system* and *compliance assurance program* under the auspices and approval of the Industrialized Buildings Commission."

(b) Label serial number.

(c) The words, "See Data Plate."

At the *Commission's* discretion, *certification labels* may be limited in size for components whose shape or size do not permit the full information to be placed thereon.

(3) Location

Each label shall be permanently attached thereto, with the *certification label* located in the kitchen sink base cabinet, master bedroom closet, faceplate of the main

electrical panel, or, if such a location is not practical, near the building entry, or in another easily accessible location. Manufacturers may elect to place all required *certification labels* in one location of a completed building. If, in the opinion of the *inspection agency*, the shape or size of a *building component* is such that the *certification label* cannot be attached to it permanently, the *certification label* may be placed on a tag attached to the bundle or crate.

(4) Issuance

The label shall be issued by the *inspection agency* in accordance with the following:

(a) A manufacturer's *compliance assurance program*, submitted in accordance with the Model Rules and Regulations, shall include requirements for issuance, possession of, attachment of, and accounting for all *certification labels* to assure that *certification labels* are attached only to buildings or *building components* manufactured pursuant to an *approved building system* and inspected pursuant to an *approved compliance assurance program*.

(b) An *inspection agency* may entrust *certification labels* to the custody of one (1) or more employee(s) of the manufacturer, who shall be charged with controlling the use of such *certification labels*. Such employees shall not be given custody of more *certification labels* than are necessary to accommodate the manufacturer's anticipated production. If the conditions of custody are violated, the *inspection agency* shall immediately regain possession of all *certification labels* that have not been applied to the *industrialized/modular buildings* or *building components* and shall take such further action with respect to buildings or components already labeled, and with respect to future labeling, as it may deem necessary to assure compliance with these Uniform Administrative Procedures.

(5) Records

Permanent records shall be kept of the handling of *certification labels* indicating, at a minimum, how many *certification labels* have been applied to buildings or *building components* (or groups of components); which *certification labels* have been applied to which buildings or *building components*; the disposition of any damaged or rejected *certification labels*; the location and custody of all unused *certification labels*; and the first destination of labeled buildings or *building components*. Such records shall be maintained by the manufacturer or by the *inspection agency*. A copy of such records covering attachment of each *certification label* shall be sent to the *Commission* monthly.

(6) Attachment

The *inspection agency* shall attach *certification labels* to buildings or *building components* manufactured in accordance with an *approved building system*, and meeting the requirements of an *approved compliance assurance program*.

(a) Manufacturers may attach *certification labels* to *industrialized/modular buildings* or *building components* manufactured in accordance with an *approved compliance assurance program*, if custody of the *certification labels* has been entrusted to them in accordance with Subsection (A)(4)(b) of this Section.

(7) Relocatable Buildings

When *industrialized/modular buildings* or *building components* are relocated, the *local enforcement agency* shall accept buildings labeled in accordance with these Uniform Administrative Procedures.

(a) Buildings or *building components* which are not modified or altered in any way shall not be required to conform with the current *code* if built prior to its adoption.

(b) Buildings or *building components* which are modified or altered by more than fifty (50) percent of the value of the premanufactured portion shall be

required to be brought into full conformance with the current *code* if built prior to its adoption.

(c) Buildings or *building components* which are modified or altered by less than fifty (50) percent of the value of the premanufactured portion shall have only the modified or altered portion brought into conformance with the current *code* if built prior to its adoption.

(d) All site preparation work, including foundations, shall be evaluated and inspected by the *local enforcement agency* in accordance with Subsections (B) and (C) of Section 6 of this Part.

(e) In instances where the labeled characteristics of the *industrialized/modular building* or *building component* to be relocated are not consistent with the requirements of the new location or use, the *local enforcement agency* shall ensure that the structure complies with the requirements of the building code for the use and type of construction.

(f) In instances where a previously state issued insigniaed building is relocated, the owner of the structure may apply to a *designated evaluation agency* for new *certification label(s)* and companion data plate(s). The new data plate will indicate the previous compliance and to what code(s). This re-labeled building shall have all the rights and privileges of an industrialized building bearing a *Commission certification label*.

(g) If the previously insigniaed building has not been modified or altered, the building will be eligible for issuance of a new *certification label* without updating to current codes, since it was built before the effective date of these Uniform Administrative Procedures.

(h) If a previously insigniaed building is altered or modified, Subsection (A)(7)(a),(b),(c) will also be applicable.

(i) *Industrialized/modular buildings* that do not have a previously affixed state insignia(s), are not automatically eligible for re-labeling. *Industrialized/modular buildings* that can be proven or assessed by a *designated evaluation and inspection agency* to meet these Uniform Administrative Procedures may be *approved* and labeled in accordance with these Uniform Administrative Procedures and the Model Rules and Regulations.

(B) Manufacturer's Data Plate

(1) A data plate shall be provided for each *industrialized/modular building* or *building component* (or group of components). The data plate shall be permanently attached in the vicinity of the *certification label(s)*. The manufacturer may elect to attach a data plate in the vicinity of each *certification label*.

(2) Data plate(s) shall be readily accessible for inspection and shall not be placed on a readily removable feature.

(3) If in the opinion of the *inspection agency* the shape or size of a *building component* is such that this information cannot be attached to it permanently, the information may be placed in a manual crated with the component or on a tag attached to the crate in which the component is shipped, if the information is not such that future occupants of the building should know it. If the occupants need to know the information, it shall be contained in a manual and presented to the occupants upon transfer of possession. If life safety is involved, the item in question shall be plainly labeled.

(C) Violations and Remedial Actions

(1) Individual *Code* Violations

(a) Whenever a consumer alleges to a manufacturer that an individual building or dwelling unit constructed under these Uniform Administrative Procedures

contains a *code* violation for which the manufacturer is responsible, the manufacturer shall correct the violation in a timely manner, unless the manufacturer believes no *code* violation exists.

(b) Whenever the *Commission*, a *participating state*, or an *inspection agency* shall have reason to believe that an individual building or dwelling unit constructed under these Uniform Administrative Procedures fails to conform to the requirements of the *code*, then the *inspection agency* shall notify the manufacturer of an alleged *code* violation and afford the manufacturer an opportunity to take remedial action acceptable to the *inspection agency*. If information concerning a possible *code* violation comes first to the attention of the *Commission* or *participating state*, then the *Commission* or *participating state* shall notify the *inspection agency* so that it can carry out its responsibilities under this Section.

(c) If the manufacturer fails or refuses to take remedial action acceptable to the *inspection agency* within thirty (30) calendar days, or such reasonable additional time as set by the *inspection agency*, then the *inspection agency* shall notify the *Commission* of the failure or refusal, who shall, in turn, ask the manufacturer to take remedial action acceptable to the *Commission*.

(d) If a *code* violation alleged by an *inspection agency* involves a building for which a certificate of occupancy has not been issued, then the *inspection agency* shall affix or cause to be affixed an invalidation to the *certification label* and shall notify the *local enforcement agency* having jurisdiction that the *certification label* has been invalidated and the *inspection agency's* view of whether the *code* violation creates a real and present hazard to the health or

safety of the intended occupants of the building. The local agency shall then act under state law to determine whether a certificate of occupancy should be issued.

(e) When a manufacturer fails or refuses to correct an alleged *code* violation within a reasonable period of time fixed by the *Commission* or the *inspection agency*, as the case may be, then that failure or refusal shall subject the manufacturer to action pursuant to state law in accordance with Subsection D of this Section.

(2) Class Nonconformance

(a) Whenever the *Commission*, *participating state*, or *inspection agency* has reason to believe a class of *industrialized/modular buildings* or *building components* constructed under these Uniform Administrative Procedures may not conform to the requirements of the *code*, then the *Commission* shall ask the manufacturer to correct the alleged class nonconformance in all buildings or *building components* affected by it. If information concerning the possible class nonconformance first comes to the attention of an inspection or *evaluation agency*, then the inspection or *evaluation agency* shall notify the *Commission* so that it can carry out its responsibilities under this Section. A listing of all certified units that are a part of the class alleged not to be in compliance shall be provided by the manufacturer to the *evaluation* and *inspection agency*, the *Commission*, and the *participating states*.

(b) A condition shall be considered to be a class nonconformance if:

1. The *building system* approval under which a building or *building component* was constructed did not provide for compliance with the *code*, or if a series of individual *code* violations establishes that

there has been a failure of the *compliance assurance program* under which the building or *building component* was manufactured; and

2. The *code* violation constitutes a real and present hazard to the health and safety of the occupants or intended occupants of the building or *building component* or the *code* violation constitutes a major structural defect which impairs the ability of any load bearing portion of the building or *building component* to carry the loads intended in accordance with the requirements of the *code*.

(c) Failure or refusal of a manufacturer to take remedial action acceptable to the *Commission* for all instances of an alleged class nonconformance in such reasonable time as may be fixed by the *Commission* shall subject the manufacturer to action pursuant to state law in accordance with Subsection D of this Section. In addition, the *Commission* may rule the failure or refusal to constitute a program *nonconformance* and apply the provisions of Subsection (3) of this Section.

(3) Program Nonconformance

(a) Whenever the *Commission*, *participating state*, or an *inspection agency* shall discover a pattern or practice of serious failure or refusal to adhere to the provisions of an *approved compliance assurance program*, or when the *evaluation agency* shall discover or is made aware of a serious violation of the *code* in an *approved building system* which cannot be corrected while production continues, then the *evaluation agency* shall order the suspension or revocation of the approval of a *building system* or of the *compliance assurance program*, and shall invalidate or cause to be

invalidated all *certification labels* affixed to any building or *building component* covered by the suspended approval.

1. A suspension shall be ordered when the *evaluation agency* finds that the problems which led to the suspension can be corrected and production then resumed.

2. A revocation shall be ordered when the *evaluation agency* finds that the failure or refusal to adhere to the *approved compliance assurance program* has been habitual, whether that habitual failure or refusal has been deliberate or the result of negligence on the part of the manufacturer, its agents, or its employees. A revocation also shall be ordered where it results from the failure or refusal of a manufacturer to correct a class nonconformance in accordance with Subsection (2) of this Section.

(b) Upon suspension of any *building system* or *compliance assurance program*, no further *certification labels* shall be attached to any *industrialized/modular building* or *building component* manufactured pursuant to the *building system* or *compliance assurance program*. Upon reinstatement, *certification labels* may be attached after the date upon which approval is reinstated. Any building or *building component* manufactured during a period of suspension for which an appeal is pending shall not be labeled unless the appeal is resolved in favor of the manufacturer and the *inspection agency* has *approved* or inspected such building or *building component* and all requirements for the affixing of a *certification label* have been met.

(c) The manufacturer shall return all *certification labels* allocated for any

building or *building component* under suspension to the issuing agency within ten (10) calendar days of the effective date of the suspension. The manufacturer shall be entitled to a refund of any applicable *certification label* fees which may have been paid for the returned *certification labels*.

(d) Any order of suspension or revocation may only be stayed pending appeal by the office, person, or court having jurisdiction to hear the appeal, and then only if no person will be irrevocably harmed by such a stay.

(D) Enforcement

The state shall take action as provided for by state law either on its own motion or at the recommendation of the *Commission* upon being informed of alleged violations by inspection agencies or the *Commission*.

(E) Alterations of Certified Units

Industrialized/modular buildings or *building components* certified and labeled pursuant to these Uniform Administrative Procedures shall not be altered in any way prior to the issuance of a certificate of occupancy without resubmission to the *evaluation agency* for approval of the alteration and of the unit which includes the alteration. The *inspection agency* shall inspect alterations made to the *industrialized/modular building* or *building component* wherever it is located and such inspection may include such tests or destructive or non-destructive disassembly as the *inspection agency* deems necessary to assure compliance with these Uniform Administrative Procedures. Local enforcement agencies may inspect such alterations upon request by the *inspection agency* with the approval of the *participating state* having jurisdiction.

Section 5. Inspections by Evaluation or Inspection Agency

(A) The *inspection agency* shall make such inspections of the entire process of manufacturing, certifying, handling, storing, and delivering of

industrialized/modular buildings or *building components* produced pursuant to *approved building systems* as it deems necessary.

(B) As part of the process of evaluating *building systems* and *compliance assurance programs*, the *evaluation agency* shall inspect the manufacturing facilities in which the buildings or *building components* are to be manufactured at the time of plant approval in accordance with Part VIII, Section 2(A) of these Uniform Administrative Procedures.

(C) Prior to the issuance of a certificate of occupancy, the *inspection agency* shall inspect, or cause to be inspected, certified *industrialized/modular buildings* or *building components* which it determines to have been sufficiently damaged after *certification* to warrant such inspection and to take such action with regard to such buildings or *building components* as is authorized under Part IV, Section 4(E), or as is otherwise necessary to eliminate dangerous conditions.

(1) The *inspection agency* shall require *industrialized/modular buildings* or *building components* which are so damaged as no longer to comply with these Uniform Administrative Procedures to be brought into compliance promptly. If such buildings or *building components* are not brought into compliance with these Uniform Administrative Procedures within a reasonable time, or if they are so damaged that they cannot be brought into compliance, the *inspection agency* shall order that the *certification labels* be removed from such buildings or *building components* and returned to the *Commission*. Irreparably damaged buildings or *building components* shall be disposed of in accordance with applicable law.

(D) No inspection entailing disassembly, damage to, or destruction of certified *industrialized/modular buildings* or *building components* shall be conducted except to implement Section 4(E) and 5(C) of Part IV hereof.

Section 6. Local Enforcement Agency Procedures and Inspections

(A) *Local enforcement agencies* shall issue building permits for certified *industrialized/modular buildings* prior to *installation*, and shall not withhold issuance of building permits for buildings containing certified *building components* which in all other respects comply with the codes. An application to a *local enforcement agency* for a building permit shall, when requested, in addition to any other requirements, contain the following.

(1) A statement that the work to be performed under such permit is to include the *installation* of certified *industrialized/modular building* or *building component* in accordance with the provisions of these Uniform Administrative Procedures. The statement is to be signed by the applicant or his agent, with the appropriate address.

(2) Schematic floor plan layouts and typical elevations showing the arrangement and layout of the specific building to be manufactured and installed wherein the manufacturer references the building, *building systems*, or *building component* approvals of the *evaluation agency*. Such schematic floor plan layouts and typical elevations need not include sections, construction details, or structural, plumbing, mechanical, and electrical layouts or details typical to the building, *building systems*, and *building component* approvals of the *evaluation agency*. These schematic plans need not be prepared by or sealed by an architect or engineer.

(3) Detailed plans shall be prepared for any site-built construction related to the *installation* of the *industrialized/modular buildings* or *building components*. The plans shall be sealed by an architect or engineer if the *participating state's* law requires it in connection with the type of building involved. Nothing herein shall be construed to limit the issuance of partial permits, such as footing and foundation permits, where permitted by the *code*.

(4) *Installation* instructions for the *industrialized/modular building* or *building component*, as set forth in the Model Rules and Regulations.

(B) *Local enforcement agencies* shall inspect work performed on site, including foundations and the structural, mechanical, plumbing, and electrical connections, for compliance with the Uniform Administrative Procedures.

(C) *Local enforcement agencies* shall inspect all *industrialized/modular buildings* or *building components* upon, or promptly after, *installation* at the building site to determine whether all site-built work is in accordance with the plans filed with the permit application, the *installation* instructions, and the conditions listed on the manufacturer's data plate. This may include tests for tightness of plumbing connections done on-site and for malfunctions in the electrical system, and a visual inspection for obvious non-conformity with the *approved* plans or the *code*.

(1) Destructive disassembly of certified *industrialized/modular buildings* and *building components* shall not be performed in order to conduct such tests or inspections, nor shall there be imposed standards or test criteria different from those adopted by the *participating state* having jurisdiction.

(2) Non-destructive disassembly may be performed only to the extent of opening access panels and cover plates.

(3) Systems tested during manufacture shall not be subjected to retesting at the building site.

(D) *Local enforcement agencies* shall issue certificates of occupancy for certified *industrialized/modular buildings*, and for buildings containing certified *building components*, which otherwise comply with all codes, after they have been installed and inspected pursuant to these Uniform Administrative Procedures, provided that any *industrialized/modular building* or *building component* found not to comply with the plans filed with the permit

shall be brought into compliance before such certificate of occupancy shall be issued.

(E) When the *local enforcement agency* is making an inspection and finds that the building contains violations to these Uniform Administrative Procedures in work covered by the *inspection agency's* approval, it shall report the details of such violations in writing to the *inspection agency*. Where violations are hazardous to occupants, a certificate of occupancy shall not be issued and the building shall not be occupied before such hazards are corrected. If the violations are not hazardous, a provisional or temporary certificate of occupancy shall be issued.

Section 7. Fees

(A) To defray the costs of the *Commission* and *participating states* in administering the terms of these Uniform Administrative Procedures, the following fees shall be assessed for each *certification label* required under Part IV, Section 4(A)(1) of these Uniform Administrative Procedures.

- (1) For manufacturing facilities located in a *participating state* or in a state in reciprocity with a compacting state, the fee shall be:
 - (a) \$48.00 per *certification label* for *industrialized/modular building modules*.
 - (b) \$48.00 per *certification label* for closed panel construction.
 - (c) \$24.00 per *certification label* for *building components*.
- (2) For manufacturing facilities located in any other state, the fee shall be:
 - (a) \$53.00 per *certification label* for *industrialized/modular building modules*.
 - (b) \$53.00 per *certification label* for closed panel construction.
 - (c) \$29.00 per *certification label* for *building components*.

(B) The *certification label* fee shall be reviewed every two (2) years by the *Commission*. The

certification label fee may subsequently be adjusted as a result of this review.

Section 8. Notification of Changes in Name, Address, Ownership, or Location

(A) Manufacturers shall notify the *Commission*, *evaluation agency*, and *inspection agency* in writing within thirty (30) calendar days after any of the following occurrences and prior to the commencement of production at a new or relocated manufacturing facility.

- (1) The corporate name is changed.
- (2) The main address of the company is changed.
- (3) The location of any manufacturing facility is changed.
- (4) A new manufacturing facility is established.

(B) Evaluation and inspection agencies shall notify the *Commission* in writing within thirty (30) calendar days of any of the following occurrences.

- (1) The company name is changed.
- (2) The main address of the company is changed.
- (3) There is a change in twenty-five (25) percent or more of the ownership interest or control of the company within a twelve (12) month period.
- (4) There are changes in principal officers and key supervisory and responsible personnel of the firm.

Section 9. Proprietary Information

All information submitted directly or indirectly to the *Commission* that a submitter considers confidential, proprietary and/or a trade secret, including but not limited to proprietary information relating to *building systems* and *compliance assurance programs*, shall be so designated by the submitter at the time of its submission by marking each page containing such information with the following legend: "CONTAINS CONFIDENTIAL AND PROPRIETARY INFORMATION AND/OR TRADE SECRETS." Materials so designated

shall be held by the *Commission* as confidential to the extent permitted by applicable state law.

When the *Commission* receives a request for any records designated by a submitter as being confidential, proprietary and/or a trade secret, the *Commission* will promptly notify the submitter. Said notification shall provide the submitter five (5) calendar days from receipt to provide a written submission to the *Commission* which (1) identifies each record or part thereof that the manufacturer or other party deems to be confidential, proprietary and/or a trade secret, and (2) provides an explanation as to why the *Commission* should not release each identified record or part thereof to the requester. The *Commission*, after receiving this information from the submitter, will determine which, if any, records or parts thereof should be released and notify the submitter of the determination and the anticipated release date. The failure of a submitter to timely respond to the *Commission's* notification shall be deemed to be a consent to the release of the requested information. If the requester challenges, through administrative or judicial process, the *Commission's* decision not to release requested records, the *Commission* will notify the submitter of the requester's challenge and, to the extent permitted by state law, afford the submitter an opportunity to protect its interest by intervening in the proceeding.

PART V: RESPONSIBILITIES OF THE MANUFACTURER

Section 1. General Responsibilities

It is the manufacturer's responsibility to obtain approval for its *compliance assurance documents* and to execute every aspect of its *compliance assurance program*. The manufacturer shall continue to be responsible for all corrective actions required, and the contractual relationship between the manufacturer and the *designated inspection agency* shall not diminish such responsibility. The manufacturer shall cooperate with the *designated* agencies by providing such agencies with all necessary reports, information, documents, records, facilities, equipment, samples, and other assistance for assuring compliance.

Section 2. Responsibilities Relative to Evaluation Agencies

(A) Agreements

The manufacturer shall contract with at least one (1) *evaluation agency* that will approve all *compliance assurance programs, building systems*, and other applicable documentation. Where the manufacturer elects to have an implementing contract with more than one (1) *evaluation agency*, the responsibilities of each agency shall be clearly identified.

(B) Changing Agencies

(1) Parties of a contract for evaluation services may terminate the contract by mutual agreement. The parties shall provide written notification to the *Commission* thirty (30) calendar days prior to the start or termination of a contract with an *evaluation agency*.

(2) A manufacturer who wishes to unilaterally change an *evaluation agency* shall show cause to the *Commission*. "Cause" shall be defined: the *evaluation agency's* inability to provide timely, professional, or, in connection with the acquisition of a new facility, the changing of an *evaluation agency* for purposes of consolidating such services.

(C) Requirements for Submission of Compliance Assurance Documents

The manufacturer shall be responsible for submitting the information required under the Model Rules and Regulations for *compliance assurance documents*. The manufacturer shall be responsible for obtaining approvals for any amendments to its *approved compliance assurance documents* as specified in Part IV, Section 2 (A)(5) and (7) and (B)(6) of these Uniform Administrative Procedures.

(D) Availability of Documents

The manufacturer shall keep all *evaluation agency approved* documents current and shall make them available to parties acting under these Uniform Administrative Procedures.

Section 3. Responsibilities Relative to Inspection Agencies

(A) Agreements

Each manufacturer shall contract with at least one (1) *inspection agency* that will monitor the manufacturer's *compliance assurance program*. Where the manufacturer elects to have an implementing contract with more than one (1) *inspection agency*, the responsibilities of each agency shall be clearly identified.

(B) Changing Agencies

(1) Parties of a contract for inspection services may terminate the contract by mutual agreement. The parties shall provide written notification to the *Commission* thirty (30) calendar days prior to the start or termination of a contract with an *inspection agency*.

(2) A manufacturer who wishes to unilaterally change an *inspection agency* shall show cause to the *Commission*. "Cause" shall be defined as: the *inspection agency's* inability to provide timely, professional, or, in connection with the acquisition of a new facility, the changing of *inspection agency* for purposes of consolidating such services.

(C) Corrections

Manufacturers shall be responsible for correcting all *nonconformances* found by the *inspection*

agency in a timely manner and prior to the application of the *certification label* to the *industrialized/modular building* or *building component*. All such *nonconformances* shall be corrected in accordance with the manufacturer's *approved* procedures and the *codes*.

records shall be kept for a minimum of ten (10) years from the date of manufacture. Each manufacturer shall identify by title or position, an individual who shall make available upon request the required records.

(D) Certification Label Control and Certification Requirements

When entrusted with the custody of the *certification labels*, the manufacturer shall be responsible for ensuring that the conditions under which the *certification labels* were entrusted are not violated. The manufacturer shall assure that *certification labels* are attached only to *industrialized/modular buildings* or *building components* manufactured pursuant to an *approved building system* and inspected pursuant to an *approved compliance assurance program*.

Section 4. Data Plate Requirements

The manufacturer shall ensure that a data plate which complies with Part IV, Section 4(B) of these Uniform Administrative Procedures is applied to the completed *industrialized/modular building* or *building component*. The manufacturer shall forward a copy of each completed data plate to its *inspection agency*.

Section 5. Remedial Actions

The manufacturer shall be responsible for correcting all *code* violations and class nonconformances as required under Part IV, Section 4 (C)(1) and (2) of these Uniform Administrative Procedures.

Section 6. Reporting and Record Keeping Requirements

(A) Report Requirements

The manufacturer shall submit reports to the appropriate agencies as required by these Uniform Administrative Procedures.

(B) Maintenance of Records

The manufacturer shall maintain records of required inspections, tests, any corrective action taken, data plates, or any additional documents the *Commission* may reasonably require. Such

PART VI: DESIGNATION OF EVALUATION AND INSPECTION AGENCIES

Section 1. Requirements for Submission

(A) Submission Format

An *evaluation* or *inspection agency* seeking designation shall submit an application to the *Commission* which shall include the items listed in this Section.

- (1) The original Articles of Incorporation of the agency and all subsequent amendments thereto, as filed in the state of incorporation.
- (2) The bylaws of the organization, if any.
- (3) The names, addresses, and business of all members of the Board of Directors and of top management personnel.
- (4) Certification by the agency that:
 - (a) Its Board of Directors, as a body, and its technical personnel, as individuals, can exercise *independence of judgment*; and
 - (b) Its activities pursuant hereto will result in no financial benefit to the agency via stock ownership, or other financial interests in any producer, supplier, or vendor of products involved, other than through standard published fees for services rendered.
 - (c) The *evaluation agency* will not perform design approvals or *compliance assurance program* approvals for any manufacturer whose design or *compliance assurance program* has been created in whole or in part by members of the *evaluation agency* or any affiliated organization.
- (5) Names, years of experience, state in which professionally registered, and other qualifications of the directors of inspection or evaluation programs. Registration in more than one (1) state is not required.
- (6) An organizational chart showing management and supervisory persons, including the number of graduate engineers and architects, and the names of all consulting engineers or architects, designating which are full-time and which are part-time engineers. The ASTM E-541 standard shall be used to establish minimum

personnel qualification requirements as follows.

- (7) Number and location of factory inspectors, supervisors, and other technicians, including evaluators of factory inspectors and the qualifications of each specialized group, including records of work experience, licenses held, and other pertinent qualifications; descriptions of the type of work each group and each technician is expected to perform; and the qualification of each group and each technician to perform the work assigned.
- (8) Statement from the agency to assure that all inspectors, evaluators, and other technicians are properly trained to do each job assigned to them.
- (9) An outline of the general procedures for supervision of inspectors and evaluators, including checking and evaluation of their work.
- (10) All engineers, technicians, and other personnel who will perform services for the organization, but who are not employees of the organization, and the supervisory and other relationships which each will have to the agency.
- (11) Type of products, components, equipment, structures, and other items which the organization has evaluated, tested, or inspected, and the number of years of experience the organization has had with each, and the type of codes, standards, specifications, and requirements with respect to which the organization has had experience in providing evaluation, inspection, or testing services, and the number of years of experience with each.
- (12) Description of the record-keeping system the agency proposes to use with particular regard to availability of records to the *Commission* and the capacity to render reports to the *Commission*.
- (13) Description of the frequency with which the agency performs inspections or evaluations.

(14) List of the states in which the agency is now approved to inspect or evaluate *industrialized/modular buildings* or *building components*.

(15) Certification that the agency is able to evaluate *building systems* for compliance with the codes, standards, specifications, and requirements adopted herein, or *industrialized/modular buildings* or *building components* for compliance with *approved building systems*.

(16) A list of the fee schedule.

(17) List of facilities with which the agency has an implementing contract. Where more than one (1) agency operates in the same facility, the responsibilities of the agencies shall be clearly identified.

(B) Exclusive Agencies

(1) A *participating state* that elects not to delegate part or all of its responsibilities to an inspection or *evaluation agency* shall submit to the *Commission* the information required under Section 1 of this Part. In lieu of Subsection (1), (2), (3), (4), and (14) of this Section, the *participating state* shall submit the following additional information:

(a) The name, addresses, and titles of person(s) responsible under the state act for implementing its *industrialized/modular building* rules and regulations.

(b) The powers and duties of any board, *Commission*, or council empowered to direct or assist the person authorized to enforce the provisions of their code and their rules and regulations relating to *industrialized/modular buildings*.

(c) The names, addresses, and business of all members of such boards, Commissions, or councils.

(d) The *participating state* regulation, if any, that prohibits any individual who cannot exercise independence of judgement or whose activities may result in personal financial benefit from participating on the board, commission, or council.

(2) Exclusive inspection agencies must be adequately staffed to conduct inspections in all of the manufacturers located within their state as required by these Uniform Administrative Procedures. Exclusive *evaluation agencies* shall be adequately staffed to perform design review services for all of the manufacturers located within their state as required by these Uniform Administrative Procedures.

(3) Manufacturers located in a state acting as an exclusive inspection and/or *evaluation agency* shall be granted a transition period in which to switch from a private to the exclusive agency.

Section 2. Procedures for Designating

(A) The *Commission* may designate *evaluation or inspection agencies* which meet the requirements of Section 1 of this Part and which the *Commission* finds otherwise qualified to perform the functions proposed to be delegated to them.

Exception: Evaluation and/or inspection agencies whose designations have been revoked may resubmit an application only after a minimum period of one (1) year has elapsed from the date of revocation.

(B) Prior to a full evaluation of an application for designation, the *Commission* shall determine whether such application is suitable for processing. In the event the application is found to be unsuitable for processing, the applicant shall be notified in writing of such unsuitability and the basis thereof within thirty (30) calendar days of the date the application is received by the *Commission*. In such event, the findings of unsuitability shall be without prejudice. In the event the application is found to be suitable, the applicant shall be notified in writing within thirty (30) calendar days and the evaluation shall be conducted within sixty (60) calendar days of the date the application is received by the *Commission*.

(C) In the event an *evaluation* or *inspection agency* is not *designated*, the *Commission* shall return one (1) complete application to the applicant with a written explanation attached thereto of the reasons for such action.

(D) Designation of *evaluation* or *inspection agencies* shall be evidenced by a contract between the applicant and the *Commission* indicating such designation and stating specifically the functions which the applicant has been *designated* to perform and any terms, conditions, and limitations of the designation.

(E) The *Commission* shall provisionally recognize any *evaluation* and/or *inspection agency* on the effective date of these Uniform Administrative Procedures, authorized, under contract with, *designated*, or *approved* by any *participating state* for the remaining term of that authorization, contract, designation or approval, but in no case for longer than one (1) year from the effective date of these Uniform Administrative Procedures.

(F) Designation to act as an *evaluation* and/or *inspection agency* shall be valid for a period of one (1) year at which time the agency shall apply for redesignation. Inspection and *evaluation agencies* applying for redesignation shall resubmit or make current all information required under Part VI of these Uniform Administrative Procedures.

Section 3. Continued Designation of Evaluation and Inspection Agencies

(A) The *Commission* shall monitor each *designated evaluation agency* at any reasonable time, with or without prior announcement, in order to monitor the reliability of each *evaluation agency*. Each such examination shall investigate the adequacy of all evaluation procedures, including engineering evaluation of plans, specifications and test results, testing, and analysis of *compliance assurance programs*. The results of such examination shall be kept on file at the offices of the *Commission*. Copies of such reports shall be sent to the *evaluation agency*. *Evaluation*

agencies shall be specifically notified of any deficiencies and of the manner in and time by which such deficiencies must be eliminated. If deemed necessary by the *Commission*, designation of an *evaluation agency* may be suspended or revoked as provided in Part VI, Section 5. Such examinations shall be conducted before designating an *evaluation agency*.

(B) The *Commission* shall monitor each *designated inspection agency*, at any reasonable time, with or without prior announcement, at either the *inspection agency's* office or at a manufacturer's place of business, in order to measure the performance of each *inspection agency* and of its monitoring of the manufacturer's *compliance assurance program*. Each such examination shall investigate the adequacy of all procedures used by the *inspection agency* in the monitoring activity, including personnel selection, training, supervision, reporting accuracy, use of *approved* documents, evaluation of reports, decision criteria, and all other activities which measure the effectiveness of the manufacturer's program. The results of such examinations shall be kept on file at the offices of the *Commission*. Copies of such reports shall be sent to the *inspection agency*. The *inspection agency* shall be specifically notified of any deficiencies and the means and time by which such deficiencies must be eliminated. If deemed necessary by the *Commission*, an *inspection agency's* designation may be suspended or revoked as provided in Part VI, Section 5. Such examinations shall also be conducted before designating an *inspection agency*.

Section 4. Qualifications of Technical Personnel

(A) Purpose

The purpose of this Section is to establish standards and procedures for the certification of inspectors and plans examiners including but not limited to *inspection* and *evaluation agency* personnel.

(B) Certification Requirements

(1) No person may perform inspections or examine plans unless such person possesses a current industrialized buildings inspector certificate or an appropriate plans examiner certificate, as applicable. Inspectors designated as trainees may perform inspections within the limitations set forth under this Section.

(2) Any candidate for certification or designation of any type issued pursuant to this Section shall submit an application to the *Commission* accompanied by a non-refundable application fee of \$30. The application fee shall be waived for inspector trainees who apply for certification as Industrialized Buildings Inspectors prior to the expiration of their designation. The application shall include such information and documentation as required pursuant to this Section.

(3) The *Commission* shall determine whether an applicant is qualified to be certified by examining the application and reviewing supporting documents, including any evidence of experience, training and education submitted. The *Commission* shall accept only those test results dated not more than three (3) years prior to the date of application. The *Commission* shall perform a full review within fifteen (15) calendar days from the date of application.

(a) If the application is satisfactory, the *Commission* shall notify the applicant certifying that the person has met the established requirements and is authorized to perform the duties entitled by the certificate.

(b) If the application is unsatisfactory, the *Commission* shall notify the applicant in writing stating the reasons thereof. The applicant shall have 180 calendar days from the date of notification to resubmit a complete application. If a complete application is not submitted within such period, a new application and a non-refundable fee shall be required.

(4) Initial certificates shall be valid for not less than three (3) years and shall expire on the last day of June or December, whichever comes first. Renewed certificates shall be valid for three (3) years. Industrialized Buildings Inspector Trainee designations shall be valid for two (2) years from the date of notification.

(5) The *Commission*, at its discretion, may waive specific requirements of this section if it determines that an applicant is otherwise qualified to perform plan review or inspection functions. The *Commission* may certify an applicant if:

(a) the applicant possesses a current certification or license from a governmental agency to perform building inspection or plan review; and the applicant submits evidence of completing CEUs sufficient to maintain such certification or license in accordance with Section 4(G) of this part, or;

(b) the first-time applicant whose tests are over three years old at the time of the application submits evidence of completing CEUs in accordance with Section 4(G) of this part. Continuing education activities must be relevant to the test discipline and must be based on a recent edition of the code(s).

(C) Industrialized Buildings Inspector and Trainees

(1) The *Commission* shall certify an applicant as an Industrialized Buildings Inspector if the applicant has met the education and experience requirements of ASTM E-541, Section 14 and has successfully completed one of the following series of tests:

NCPCCI One & Two Family Dwelling tests including building, electrical, mechanical and plumbing, or;

SBCCI One and Two Family Dwelling Inspector examination, or;

ICBO Combination Dwelling Inspector examination.

Exceptions:

1. *An applicant may substitute the SBCCI Residential Electrical Inspector examination for the NCPCCI Electrical test.*

2. *An applicant who has successfully completed ICBO inspector examinations in the building, electrical, plumbing and mechanical disciplines.*

(2) A certified Industrialized Buildings Inspector shall be authorized to inspect all industrialized building types.

(3) The *Commission* shall designate an applicant as an Industrialized Buildings Inspector Trainee if the applicant has met the education and experience requirements of ASTM E-541, Section 14, is employed by a designated agency but has not successfully completed the required test(s).

(a) Each inspector trainee shall complete the designated agency's training program and shall be so certified prior to performing any independent inspections. An inspector trainee shall only be authorized to inspect industrialized building types for which training has been provided.

(b) Any inspector trainee performing independent inspections shall be supervised on site not less than once every three (3) months by qualified designated agency personnel.

(D) One and Two Family Dwelling (Level I) Plans Examiner

(1) The *Commission* shall certify an applicant as a One and Two Family Dwelling (Level I) Plans Examiner if the applicant has met the education and experience requirements of ASTM E-541, Section 14, and has successfully completed one of the series of tests listed below.

NCPCCI One & Two Family Dwelling Building, Electrical, Mechanical and Plumbing tests, or;

SBCCI One and Two Family Dwelling Inspector examination, or;

ICBO Combination Dwelling Inspector examination.

Exceptions:

1. *An applicant may substitute the SBCCI Residential Electrical Inspector examination for the NCPCCI Electrical test.*

2. *An applicant who has successfully completed ICBO inspector examinations in the building, electrical, plumbing and mechanical disciplines.*

(2) A certified One and Two Family Dwelling (Level I) Plans Examiner shall be authorized to review and/or evaluate any one and two family dwelling plans. One and Two Family Dwelling (Level I) Plans Examiners who meet the qualifications specified under Section 4(F) of this Part shall also be authorized to review structural calculations.

(E) Unlimited (Level II) Plans Examiner

(1) The *Commission* shall certify an applicant as an Unlimited (Level II) Plans Examiner if the applicant has met the education and experience requirements of ASTM E-541, Section 14, and has successfully completed the test(s) in the discipline(s) for which certification is sought. As a prerequisite, candidates for certification as Unlimited (Level II) Plans Examiner in any discipline shall successfully complete the tests required for certification as a One and Two Family Dwelling (Level I) Plans Examiner.

(a) Building Discipline:

NCPCCI Building Plan Review and Building General tests or;
SBCCI Building Plan Examiner and Building Inspector examinations or;
ICBO Plans Examiner and Building Inspector examinations.

(b) Electrical Discipline:

NCPCCI Electrical Plan Review and Electrical General tests or;

SBCCI Electrical Plan Examiner and Commercial Electrical Inspector examinations or;

ICBO Electrical Inspector examination.

(c) Fire Protection discipline:

NCPCCI Fire Protection Plan Review and Fire Protection General tests or;

SBCCI Fire Inspector I and Fire Inspector II examinations or;

IFCI Uniform Fire Code Inspector examination.

(d) Mechanical Discipline:

NCPCCI Mechanical Plan Review and Mechanical General tests or;

SBCCI Mechanical Plan Examiner and Mechanical Inspector examinations or;

ICBO Mechanical Inspector examination.

(e) Plumbing Discipline:

NCPCCI Plumbing Plan Review and Plumbing General tests or;

SBCCI Plumbing Plan Examiner and Plumbing Inspector examinations; or

ICBO Plumbing Inspector examination.

(2) A certified Unlimited (Level II) Plans Examiner shall be authorized to review or evaluate all plans permitted to One and Two Family Dwelling (Level I) Plans Examiners and all remaining use groups and categories not reserved to the state. Unlimited (Level II) Plans Examiners who meet the qualifications specified under Section 4(F) of this Part shall also be authorized to review structural calculations.

(F) Structural Calculation Reviewers

(1) All structural calculations shall be reviewed by professional engineers, registered architects, or graduates of an accredited institution of higher education with a bachelor's degree in architecture or engineering or in architectural or engineering technology.

(2) Individuals who meet the service equivalency requirements for graduate engineers or architects as defined under ASTM E-541, Section 2.13, and who are under the direct supervision of a professional

engineer or registered architect shall also be authorized to review structural calculations.

(G) Renewal of Certifications

(1) A certificate may be renewed prior to its expiration date by submitting an application for renewal and a non-refundable fee equivalent to the application fee. To renew a certificate, the applicant shall document that a minimum of 2.0 CEUs were earned from qualified continuing education activities during the certification period. One of the continuing education activities shall be a seminar sponsored, approved or presented by the *Commission*. A minimum of 4.0 CEUs shall be required to renew two or more certificates. For purposes of certification renewals, an Unlimited (Level II) Plans Examiner certificate shall be considered a single certificate regardless of the number of disciplines.

(2) To qualify, the education may be sponsored, approved, or presented by colleges, universities, government agencies, model code groups, or nationally affiliated technical or professional organizations. The education must relate to the existing or proposed work of the applicant.

(3) The Commission shall audit a percentage of all renewals to ensure compliance with continuing education requirements. Applicants whose renewals are being audited shall furnish to the Commission records that justify the CEUs claimed within 30 days from the date of notification.

(4) If the Commission rejects a continuing education activity, applicants shall have 180 days from the date of notification to support their claim or to earn additional CEUs to meet the continuing education requirements.

(5) An expired certificate may be renewed in accordance with (G)(1) above if an application for renewal is made within one year of the expiration date. In addition to any regular fees, the applicant shall submit a non-refundable late fee equivalent to the

application fee. A certificate renewed after the expiration date shall be valid for the remainder of the three (3) year certification period.

(6) A certificate that has expired for more than one year shall require a new application and the applicant shall be required to meet all current certification requirements.

(H) Provisional Certifications

(1) The *Commission* shall provisionally recognize any plan review or inspector certifications on the effective date of these Uniform Administrative Procedures, certified or licensed by a *participating state* for the remaining term of the certification or license, but in no case for longer than one (1) year from the effective date of these Uniform Administrative Procedures. Following the expiration period of the provisional certification, those candidates who wish to maintain their certification shall meet the requirements for renewal of certifications under this Section.

(2) All current *evaluation* and *inspection agency* personnel shall have a period of two (2) years to successfully complete the required examinations. This period shall begin on the effective date of these Uniform Administrative Procedures.

(I) Revocation of Certifications

(1) The *Commission* may revoke or suspend a certification if the holder has obtained the certification by fraud or misrepresentation, has been grossly negligent or has engaged in misconduct in the performance of any of his or her duties, or has violated the provisions of these Uniform Administrative Procedures.

(2) A person whose certification has been revoked may reapply after a minimum of three (3) years have elapsed from the date of revocation. A person whose certification has been suspended may not perform any duties entitled by the certificate during the term of the suspension.

Section 5. Suspension and Revocation of Designated Agencies

(A) Grounds

(1) Should the *Commission* make a preliminary determination that the *evaluation* or *inspection agency* has failed to perform its functions properly, the Commission shall so notify the *evaluation* or *inspection agency* and arrange for an informal presentation of views prior to notice of final administrative action. Should such informal resolution fail, the Commission shall make a final determination.

(2) In addition to any contractual remedies it may have, the Commission may request that the *participating state* having jurisdiction issue cease and desist orders or injunctions, or levy penalties (civil fines) against *evaluation* and/or *inspection agencies* for failing to fulfill their responsibilities under these Uniform Administrative Procedures.

(3) The Commission may request that the *participating state* having jurisdiction suspend or revoke its approval of any *evaluation* or *inspection agency* if the approval was issued on the basis of incorrect information or issued in violation of the *Act* or these Uniform Administrative Procedures. The *participating state* may also be requested to revoke its approval of an agency in cases of willful misconduct or gross negligence. Appeals from suspensions or revocations shall be reviewed within thirty (30) calendar days from receipt by the *participating state*.

(4) The Commission may request that the *participating state* having jurisdiction suspend or otherwise limit an agency's authority to perform inspection and/or evaluation services for specific client manufacturers if the Commission determines that, at those facilities, the agency cannot or does not fulfill its responsibilities under these Uniform Administrative Procedures.

(B) Procedures in Event of Suspension or Revocation

(1) General

Evaluation and/or inspection agencies whose authority has been revoked may resubmit an application after a minimum period of one (1) year has elapsed from the date of revocation. If the Commission or *participating state* suspends or revokes the authority of an *evaluation* or *inspection agency*, the manufacturers being evaluated or inspected by such agencies shall be given notice in writing after the disposition of any appeal of the suspension or revocation with the reasons set forth therein.

(2) Labels and Documentation

An *evaluation* or *inspection agency* for which authority has been suspended or revoked shall, within thirty (30) calendar days of the suspension or revocation, deliver to the custody of the Commission all *certification labels* or label devices and other required documents in the *evaluation* or *inspection agency's* possession, under its control, or for which it is responsible, pursuant to these Uniform Administrative Procedures.

(3) Temporary Arrangement to Continue Manufacturing

Under the suspension or revocation of any *evaluation* or *inspection agency*, the Commission, upon the request of any manufacturer affected, shall establish a temporary arrangement by which the manufacturer can continue to manufacture, sell, lease, deliver, and install *industrialized/modular buildings* or *building components* in conformance with these Uniform Administrative Procedures until suspension or revocation arrangements are completed to utilize another *designated evaluation* or *inspection agency*.

(4) Temporary Replacement

The Commission may temporarily replace some or all of the services of an *evaluation* and/or *inspection agency* whose authority has been suspended for a particular manufacturer. The Commission, with the approval of all parties involved, may assign

to other inspection and/or *evaluation agencies*, or to qualified organizations, the responsibility to perform inspection or evaluation services at such facilities for the term of the suspension.

Section 6. Designation Fees

(A) Each applicant for designation or redesignation shall pay a fee amount of one-half (½) percent of gross receipts derived from activities under these Uniform Administrative Procedures for the immediate prior year.

(1) Such fees shall be payable in twelve (12) monthly installments during the authorization year. The first month's payment shall accompany the application for designation.

(2) For agencies granted provisional designation under Section 2(E), the fee shall be based on gross receipts for the immediate prior year attributed to activities on behalf of all *participating states* as of the date of renewal.

(3) For new applicants, the first year's designation fee shall be \$4,000. Subsequent redesignation fees shall include the fee specified in this Section.

(B) Each *designated* agency shall be billed directly for any costs incurred by the Commission for the continued designation of such agency as described in Part VI, Section 3.

PART VII: RESPONSIBILITIES OF EVALUATION AGENCIES

Section 1. General Responsibilities

An *evaluation agency* shall be responsible for reviewing and evaluating all *compliance assurance documents* submitted to it by a manufacturer and for ensuring that such documents conform to the codes and these Uniform Administrative Procedures.

Section 2. Review Procedures and Personnel Qualifications

(A) Evaluation agencies shall establish and maintain procedures for evaluating designs.

(B) The *evaluation agency* shall ensure that its design review personnel possess and maintain the appropriate certifications/qualifications as required by these Uniform Administrative Procedures.

Section 3. Compliance Assurance Documents

(A) Approvals

(1) Evaluation agencies shall require manufacturers to submit any calculation, test report, or other information for the designs which it will evaluate. Evaluation agencies shall ensure that the *compliance assurance program* contains the information required by the Model Rules and Regulations and that this information is adequate.

(2) All calculations submitted to the *evaluation agency* shall be reviewed and approved by a licensed engineer or architect.

(B) Amendments

An *approved building system* or *compliance assurance program* shall not be varied without prior authorization by the *evaluation agency*. Only the *evaluation agency* that *approved* the original *compliance assurance documents* shall be authorized to approve any amendments.

Section 4. Reporting and Record Keeping Requirements

(A) Evaluation agencies shall forward copies of designs, *compliance assurance programs* and amendments to the manufacturer and Commission within fifteen (15) calendar days of approval.

(B) Evaluation agencies shall maintain a complete up-to-date set of *approved compliance assurance documents*.

Section 5. Disagreements with Inspection Agencies

Evaluation agencies shall re-evaluate in a timely manner any designs that it has *approved* if an *inspection agency* determines that such designs are not in conformance with the Model Rules and Regulations. In case of disagreements, the *inspection agency* may request an opinion from the Commission.

PART VIII: RESPONSIBILITIES OF INSPECTION AGENCIES

Section 1. General Responsibilities

An *inspection agency* shall be responsible for assuring that the plant is capable of following its *compliance assurance program*; for ensuring that any part of the unit which it inspects conforms to the *building system* and where the *building system* is not specific, to the codes; and for ensuring that other units at the plant likely to contain the same *nonconformance* are inspected and if necessary corrected.

Section 2. Requirements for Plant Approval

(A) Plant Approval

Prior to the commencement of routine inspections, each *inspection agency* operating in a facility shall perform a plant approval. The plant approval shall be conducted jointly with *evaluation agency* personnel familiar with the manufacturer's *building system* and *compliance assurance program*. During the plant approval, the *inspection agency* shall:

- (1) Utilize only *inspection agency* inspectors properly qualified/certified for the systems being evaluated.
- (2) Evaluate the manufacturer's compliance assurance procedures to determine if they are compatible with the *compliance assurance program* and with the production process.
- (3) Inspect each phase of the construction process.
- (4) Determine whether the manufacturer has the capability to produce conforming units under the minimum conditions specified in the *compliance assurance program* (i.e. number of compliance assurance personnel, frequency of inspections).
- (5) Inspect as many units as necessary until satisfied that the manufacturer is capable of producing conforming units.

(B) Plant Approval Report

- (1) When the *inspection agency* determines that a plant is capable of building conforming units, the *inspection agency* shall complete a plant approval report.

- (2) The *inspection agency* shall forward a copy of the plant approval report to the manufacturer and to the Commission within fifteen (15) calendar days of approving the plant.

- (3) The plant approval report shall include:
 - (a) The name of the *evaluation agency* that *approved* the *compliance assurance documents* and their approval dates.
 - (b) The names of the agencies' personnel that performed the initial plant approval.
 - (c) Copies of the inspection reports, the date they were performed, the serial numbers of the units inspected, descriptions of any *nonconformances* found, and of any *compliance assurance program* failures, and the corrective actions taken by the manufacturer.
 - (d) Certification by the *inspection agency* that all phases of the construction process were completely inspected and that the manufacturer is capable of building conforming units.

(C) Plant Approval Report Amendments

The *inspection agency* shall be responsible for amending the plant approval report when there are significant changes to the conditions under which the plant was *approved*.

- (1) The *inspection agency* shall evaluate only those processes affected by the changes. The conditions which may require the *inspection agency* to amend the plant approval report include but are not limited to:
 - (a) Changes in primary construction materials.
 - (b) Changes in compliance assurance personnel or their responsibilities.
 - (c) Changes in compliance assurance procedures.
 - (d) Changes in production processes.
- (2) The *inspection agency* shall inspect as many units as necessary until satisfied that

the manufacturer is capable of producing conforming units.

(3) The *inspection agency* shall forward a copy of the amended plant approval report to the Commission and to the manufacturer.

Section 3. Production Surveillance

(A) Routine Inspections

The *inspection agency* shall conduct representative inspections of the manufacturing process for which it is responsible under its implementing contract with the manufacturer to assure:

(1) *Industrialized/modular buildings and building components* are being manufactured in accordance with the *approved compliance assurance program*.

(2) Any unit which it inspects is in conformance with the manufacturer's *approved building system* or if the designs are not specific, with the codes.

(3) The conditions under which the plant was *approved* have not changed.

(B) Frequency

The *inspection agency* shall inspect each unit for which it is responsible under its implementing contract with the manufacturer in at least one (1) stage of its production.

Exceptions:

1. Manufacturers that provide Homeowner Warranties:

Manufacturers that provide insurance-backed homeowner warranties acceptable to the Commission shall be eligible for being monitored at a reduced frequency of inspections. The frequency of inspections shall be established by the Commission in consultation with the inspection agency.

2. Manufacturers with Certified Compliance Assurance Personnel:

Manufacturers whose compliance assurance personnel meet the certification requirements prescribed by the Commission shall be eligible for being monitored at a reduced frequency of inspections. The frequency of inspections shall be established

by the Commission in consultation with the inspection agency.

(C) Red-Tagging

The *inspection agency* shall red-tag any unit which it determines to contain a *nonconformance*. The *inspection agency* or its representative may release a red-tag only when it is satisfied through inspections or through assurances that the unit has been corrected.

(D) Increased Frequency of Inspections

The *inspection agency* shall notify the Commission in writing if it determines that the manufacturer cannot or does not follow its *compliance assurance program* and an increase in frequency of inspections is being implemented.

Section 4. Label Control Requirements

(A) The *inspection agency* shall regularly monitor the manufacturer's *certification label* control procedures to verify that the methods described in the *compliance assurance program* for safekeeping, handling, and attaching *certification labels* are being followed.

(B) The *inspection agency* shall be responsible for obtaining *certification labels* from the Commission. The *inspection agency* shall be held accountable for all *certification labels* which it receives from the Commission.

Section 5. Requirements for Retention and Disposal of Records

(A) The *inspection agency* shall maintain a central record of all labels obtained and released.

(B) The *inspection agency* shall maintain copies of the data plates.

(C) The *inspection agency* shall maintain copies of all inspection reports it has completed at a plant.

(D) All such records shall be maintained at the *inspection agency's* headquarter offices for a minimum period of ten (10) years.

Section 6. Requirements for Right of Entry

Each *inspection agency* shall obtain from the manufacturer an agreement that any authorized

inspection agency personnel acting under these Uniform Administrative Procedures shall have the right to enter any of the manufacturer's facilities to inspect units or records during regular working hours.

Section 7. Disagreements with Evaluation Agencies

The *inspection agency* shall accept all *evaluation agency approved compliance assurance documents* as meeting the requirements of these Uniform Administrative Procedures. If the *inspection agency* believes an *approved* design may not conform to these Uniform Administrative Procedures, it shall notify the *evaluation agency* who shall re-evaluate the design. In case of disagreements, the *inspection agency* may request an opinion from the Commission.

PART IX: RECIPROCITY

Section 1. Reciprocity Recognition Between Compact Member States

The member states of the Commission agree that the *certification labels* affixed to *industrialized/modular buildings* and *building components*, constructed in the member states, shall evidence compliance with the *Act* and these Uniform Administrative Procedures.

(A) Adoption and Maintenance of the Model Rules and Regulations

- (1) The member states shall adopt and maintain the Model Rules and Regulations *approved* by the Commission.
- (2) The member states shall present to the Commission, for approval, any proposed change to the Model Rules and Regulations.

(B) Statewide Preemption and Enforcement

- (1) State law for *industrialized/modular buildings* and *building components* shall be preemptive of all local authority over the design and construction of *industrialized/modular buildings* and *building components*.
- (2) Local units of government shall retain authority over the *installation* of *industrialized/modular buildings* and *building components*.

(C) State Oversight of Design and Construction

- (1) The member states shall provide regulatory oversight in accordance with these Uniform Administrative Procedures over the design and construction of all *industrialized/modular buildings* and *building components* which are being sited in member states.
- (2) All such units being shipped out-of-state shall be constructed in accordance with the building codes of the receiving member state.

(D) Shared Income From Label Fee

- (1) A portion of the *Commission's certification label* fee shall be shared with the member states in accordance with the

reimbursement schedule established by the *Commission*.

- (2) This reimbursement schedule shall be reviewed every two (2) years by the *Commission*. The reimbursement schedule may be subsequently adjusted as a result of this review.

(E) Designs

A copy of the member state's *approved* designs for an *industrialized/modular building* or *building component* shall be forwarded to the *Commission's* design library by the member state.

(F) Acceptance of Industrialized/Modular Building or Building Component

The member states shall accept, for installation in its boundaries, any *industrialized/modular building* or *building component* bearing a *Commission's certification label*.

(G) Investigation of Consumer Complaints

- (1) The receiving member state shall investigate consumer complaints and both the shipping and receiving member states agree to work in accordance with the *Commission's* adopted model consumer complaint procedures. The receiving member state's consumer complaint procedures shall be followed until model consumer complaint procedures have been adopted by the *Commission*.
- (2) The consumer complaint procedures shall require the state of *installation* to arbitrate complaints, and where justified, require corrective action by the manufacturer. The investigation of complaints shall be based on member states' approved plans and specifications.
- (3) The consumer complaint procedures shall be "in addition to" and shall not limit or supersede any existing state new home warranty act or limit the rights of a new home buyer.

(H) Annual Oversight Review

- (1) The member states agree to submit all of their rules, regulations, and procedures for

the regulation of *industrialized/modular buildings* and *building components* to the *Commission* for an annual review.

- (2) The member states agree to conform to recommendations from the *Commission* for any needed changes in the member states' program to assure uniformity.

(I) Suspension or Revocation of Reciprocity

The member states recognizes the *Commission's* authority to "for cause" suspend or revoke a member state. "Cause" shall be defined as the failure of a member state to adopt standards for *industrialized/modular buildings* and *building components* that are at least equal to the *Commission's* Model Rules and Regulations, or the failure of the member state to enforce such standards in accordance with these Uniform Administrative Procedures.

(J) Arbitration/Mediation

- (1) The member states shall submit any and all disputes which may arise between a member state and the *Commission*, or between two member states, to the *Commission's* mediation or arbitration process.
- (2) The member states agree to abide by the outcome of the above process or withdraw from the program pursuant to Article X of the Act.

Section 2. Interim Reciprocal Agreement

An *interim reciprocal agreement* is a formal agreement between a non-compacting state and the member states of the *Commission*, wherein the non-compacting state agrees that the *certification labels* affixed to *industrialized/modular buildings* and *building components*, constructed in member states, shall evidence compliance with the *Act* and the Model Rules and Regulations, and that the enforcement is in accordance with these Uniform Administrative Procedures. Those buildings shall be accepted by the non-compacting states and its subdivisions, to permit *installation* and use of those buildings.

(A) Procedures for Granting and Revoking Interim Reciprocal Agreement

- (1) If the *Commission* determines that the standards for *industrialized/modular buildings* and *building components* prescribed by statute, rules, or regulations of the non-compacting state or governmental agency are at least equal to the Model Rules and Regulations, and that such non-compacting state standards are enforced by the non-compacting State in accordance with these Uniform Administrative Procedures, *industrialized/modular buildings* and *building components* approved by such a non-compacting state shall be deemed to have been approved by all member states for placement in those states in accordance with the procedures prescribed by the *Commission*. An informational copy of the non-compacting state's approved plans for the buildings to be located in the member state shall be submitted to the *Commission*.
- (2) The *Commission* shall suspend or revoke, or cause to be suspended or revoked, its acceptance or certification for both of the non-compacting state's certified *industrialized/modular buildings* or *building components*, if it determines that the standards for the manufacture and inspection of such *industrialized/modular buildings* or *building components* of such non-compacting state or governmental agency do not meet the objectives of the enabling legislation of the Interstate Compact on Industrialized/Modular Buildings, the Model Rules and Regulations, and these Uniform Administrative Procedures.
- (3) If the *Commission* should suspend or revoke its approval and certification of a non-compacting state, the *interim reciprocal agreement* granted under this Part shall be revoked or suspended, accordingly. Notice to the manufacturer(s), the *evaluation* and *inspection agencies*, and the non-compacting state or governmental agency of such suspension or revocation shall be in writing with the reasons for such suspension or revocation set forth therein. Appeals of the

suspension or revocation shall receive timely review by the *Commission*.

(4) A non-compacting state shall have a two (2) year period in which to adopt the enabling legislation of the Interstate Compact on Industrialized/Modular Buildings. If a non-compacting state has not successfully passed the enabling legislation twelve (12) months after a non-compacting state has been granted an *interim reciprocal agreement*, written notification shall be forwarded to the governor's office of the state being affected, indicating that twelve (12) months remain to successfully pass legislation.

(5) If a non-compacting state does not adopt the enabling legislation of the Interstate Compact on Industrialized/Modular Buildings to become a member state within two (2) years of receiving its *interim reciprocal agreement* approval, under this part, the *interim reciprocal agreement* shall be automatically revoked. However, the *Commission* may, for cause, extend this *interim reciprocal agreement* for one (1) additional year. The *Commission* shall provide to the non-compacting state a set of standards for determining such cause.

(6) The revocation of the *interim reciprocal agreement* shall be sustained until such time the state being revoked successfully adopts the enabling legislation of the Interstate Compact on Industrialized/Modular Buildings. Notice of such revocation shall be in writing and also forwarded to the governor's office of the state being revoked.

produced in their state for an "equivalency" review by the *Commission*.

(2) To receive interim reciprocity from the *Commission*, the non-compacting state shall modify any rules, regulations, or procedures not deemed "equivalent" by the *Commission* to be in concert with the Model Rules and Regulations and these Uniform Administrative Procedures.

(3) Oversight of design and construction of *industrialized/modular buildings* and *building components* shall be in accordance with the non-compacting state's "equivalent" rules, regulations, and procedures.

(B) Standards for *Interim Reciprocal Agreement*

In addition to Sections 1(A) through (J) of this Part, the non-compacting states agree to the following standards:

(1) The non-compacting states shall submit their existing rules, regulations, and procedures governing the design and construction of *industrialized/modular buildings* and *building components* which are

PART X. OVERSIGHT

Section 1. Complaints

Any person, firm or corporation aggrieved by any action or any failure to act which that person, firm, or corporation believes to be not in accordance with these Uniform Administrative Procedures may file a complaint with the *Commission* in accordance with this part. Such complaints may be with regard to the conduct of any *participating state* or instrumentality thereof, any person acting on behalf of the *Commission* or any *designated evaluation or inspection agency*.

Section 2. Filing

Any complaint filed pursuant to this part shall be filed in writing and within thirty (30) calendar days of the action or inaction being complained of or, in the case of a complaint involving a pattern or practice, within thirty (30) calendar days of the most recent occurrence. The *Commission* shall conduct such investigation of the complaint as it deems appropriate. Such complaint shall be held confidential unless and until the *Commission* makes a preliminary determination that there is probable cause to find that the subject of the complaint has failed to perform its function in accordance with these Uniform Administrative Procedures.

Section 3. Procedure

Should the *Commission* make a preliminary determination that there is probable cause to find that the subject of the complaint has failed to perform its functions in accordance with these Uniform Administrative Procedures, then the *Commission* shall so notify the subject and arrange for an informal meeting between the *Commission* and the subject of the complaint prior to making any final administrative determination. Prior to the meeting, the subject of the complaint shall be given a copy of the complaint and any information supporting the complaint. Should attempts at resolution fail, then the *Commission* shall make a final determination.

Section 4. Remedies

Where the *Commission* makes a full or partial final determination supporting the validity of a

complaint, then the *Commission* shall, in addition to any other remedies provided by law or contract, order that the offending conduct cease; and take such further administrative action or actions at law as may be necessary to ensure that the matter complained of is remedied.

Section 5. Notification

The *Commission* shall notify the complainant of its preliminary or final determination within ten (10) working days of the determination.

PART XI. APPEALS

Section 1. Application for Appeal

(A) Who May File

Any person, firm, or corporation aggrieved by any decision of, or action by any *evaluation agency* or *inspection agency*, may file an application for appeal to the *Commission*.

(B) Time of Filing

A notice of appeal shall be filed within thirty (30) calendar days after the date of the decision or action from which the appeal is being taken.

(C) Filing

The notice of appeal may be filed either in person or by certified mail at the principal office of the *Commission*.

(D) Form of Application

The application shall be in writing and shall contain sufficient information, as set forth in Subsection (E) hereof, to apprise the *Commission* of the decision or action being appealed and the facts and circumstances surrounding the decision or action being appealed.

(E) Contents of Application

The application shall include, where applicable, the following documentation:

- (1) A copy of the decision, direction, or order which is the subject of the appeal.
- (2) A copy of the *building system*, *compliance assurance program*, or other document involved.
- (3) A description of the *industrialized/modular building* or *building component* affected.
- (4) A statement of the relief sought by the appellant.
- (5) The application shall contain a statement of any prior decision or other action of the *Commission* on such appeal.

Section 2. Hearings and Hearing Notices

A hearing on an appeal shall be held no sooner than ten (10) calendar days nor later than thirty (30) calendar days after receipt of application for appeal by the *Commission*. The *Commission*

shall notify the appellant in writing and provide public notice of such hearing. Such notice shall state the legal authority for, the nature of the hearing, and the time, date, and place thereof.

Section 3. Conduct of Hearings

All hearings shall be conducted by the *Commission* or a hearing officer appointed by the *Commission* and comply with this Section.

(A) Appearances

Any interested person may appear and be heard.

(B) Adjournment

The *Commission* or hearing officer may, on its own motion, or on the motion of any person, adjourn a hearing to such time and place as it may determine.

(C) Witnesses

A person may present such witnesses as deemed appropriate and cross examine any witnesses presented by other persons.

(D) Evidence

The *Commission* or hearing officer shall not be bound by common law or statutory rules of evidence in the conduct of the hearing. The *Commission* or hearing officer shall consider in evidence any testimony, documents, or other materials submitted by the appellant or the appellee, including the results of formal or informal appeals before national codes and standards organizations or national codes and standards appeals organizations.

(E) Procedures

All parties shall be afforded an opportunity to state their positions, either by the testimony of witnesses or by a formal or informal statement by themselves, their attorneys, or any other persons. At the conclusion of the parties' statements, the *Commission* or hearing officer may question the appellant or appellee or any witness and any other party who so desires to be heard.

(F) Record of Hearing

All hearings shall be recorded by an official reporter. The official transcript shall be open for inspection at the offices of the *Commission*. Copies of the transcripts shall be available on payment of charges therefor.

Section 4. Decisions

(A) The party not prevailing shall pay the costs of the contested case hearing, including fees charged by the *Commission* and the expense of transfer fees and all attorneys fees.

(B) All decisions of the *Commission* or hearing officer shall be in writing, shall be rendered within thirty (30) calendar days of the close of the hearings, and shall state the reasons therefor. One (1) copy of the decision shall immediately be transmitted to the appellant and one (1) copy to the appellee. Decisions shall be filed in the office of the *Commission*.