



Sen. Terry Link

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1 AMENDMENT TO SENATE BILL 138

2 AMENDMENT NO. _____. Amend Senate Bill 138 by replacing
3 everything after the enacting clause with the following:

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

6 (20 ILCS 3105/10.09-1 new)

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

9 (a) Except in municipalities with a population over
10 500,000, a local government that does not have an adopted model
11 minimum building code shall adopt such a building code based on
12 all of the following:

13 (1) The 2006 or later editions of the following codes
14 developed by the International Code Council:

15 (A) International Building Code,

16 (B) International Mechanical Code,

1 (C) International Existing Building Code, and

2 (D) International Property Maintenance Code.

3 (2) The 2008 edition of the National Electrical Code
4 NFPA 70.

5 (3) Additions, insertions, deletions, and changes that
6 enhance the level of safety provided by the model codes, as
7 determined by the local government.

8 (b) A person performing building code enforcement in
9 accordance with this Act must be qualified by the State of
10 Illinois, certified by a nationally recognized building
11 official certification organization, or have filed
12 verification of inspection experience with the Capital
13 Development Board, except that any qualification required by
14 the State of Illinois shall take priority. Any individual so
15 qualified under this subsection to offer inspection services
16 shall verify to the Capital Development Board his or her status
17 at the time of qualification or certification, renewable
18 biennially.

19 Local governments may establish agreements with other
20 governmental entities within the State to issue permits and
21 enforce building codes in a consistent manner and as required
22 by this Section. Local governments may hire third-party
23 providers that are qualified in accordance with this Section to
24 provide inspection services. A project owner or the owner's
25 representative or manager of construction may contract with a
26 qualified inspector and file the inspection documents with the

1 appropriate unit of local government or use third-party
2 providers if the unit of local government has such providers or
3 has such providers under contract. Proof of inspection shall be
4 filed before an occupancy permit is issued.

5 (c) Buildings constructed under the requirements of this
6 Section must be inspected in accordance with the codes in
7 effect on the date of the issuance of the original building
8 permit.

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

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

17 (f) Each local government, other than a municipality over
18 500,000 population, shall provide notice of its adopted
19 building code to the Capital Development Board, Division of
20 Building Regulations, within 60 days after the effective date
21 of this amendatory Act of the 96th General Assembly. The notice
22 shall be electronic wherever possible and contain the division
23 of government, the name of contact, and date of and codes
24 modified or adopted.

25 (g) All other statutorily authorized codes and regulations
26 administered by Illinois State agencies are exempt from this

1 Section. These include but are not limited to: the Illinois
2 Plumbing Code, the Illinois Environmental Barriers Act, the
3 International Energy Conservation Code for Commercial
4 Construction, and Administrative Rules adopted by the Office of
5 the State Fire Marshal.

6 (h) Subsections (a), (b), (c), and (g) apply beginning July
7 1, 2011."