



Sen. Terry Link

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09600SB0138sam002

LRB096 02894 JAM 24404 a

1 AMENDMENT TO SENATE BILL 138

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

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

7 (20 ILCS 3105/10.09-1 new)

8 Sec. 10.09-1. Adoption of building code; enforcement.

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

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

16 (2) The qualified inspector files a certification of

1 inspection with the municipality or county having such
2 jurisdiction over the property indicating that the
3 building meets compliance with the building codes adopted
4 by the Board for non-building code jurisdictions based on
5 the following:

6 (A) The 2006 or later editions of the following
7 codes developed by the International Code Council:

8 (i) International Building Code;

9 (ii) International Existing Building Code; and

10 (iii) International Property Maintenance Code.

11 (B) The 2008 or later edition of the National
12 Electrical Code NFPA 70.

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

17 (c) The qualification requirements of this Section do not
18 apply to building enforcement personnel employed by
19 jurisdictions as defined in subsection (b).

20 (d) For purposes of this Section:

21 "Commercial building" means any building other than a
22 single-family home or a dwelling containing 2 or fewer
23 apartments, condominiums, or townhomes or a farm building as
24 exempted from Section 3 of the Illinois Architecture Practice
25 Act.

26 "Newly constructed commercial building" means any

1 commercial building for which original construction has
2 commenced on or after July 1, 2011.

3 "Non-building code jurisdiction" means any area of the
4 State not subject to a building code imposed by either a county
5 or municipality.

6 "Qualified inspector" means an individual qualified by the
7 State of Illinois, certified by a nationally recognized
8 building official certification organization, or who has filed
9 verification of inspection experience according to rules
10 adopted by the Board for the purposes of conducting inspections
11 in non-building code jurisdictions.

12 (e) New residential construction is exempt from this
13 Section and is defined as any original construction of a
14 single-family home or a dwelling containing 2 or fewer
15 apartments, condominiums, or townhomes in accordance with the
16 Illinois Residential Building Code Act.

17 (f) Local governments may establish agreements with other
18 governmental entities within the State to issue permits and
19 enforce building codes and may hire third-party providers that
20 are qualified in accordance with this Section to provide
21 inspection services.

22 (g) This Section does not regulate any other statutorily
23 authorized code or regulation administered by State agencies.
24 These include without limitation the Illinois Plumbing Code,
25 the Illinois Environmental Barriers Act, the International
26 Energy Conservation Code, and administrative rules adopted by

1 the Office of the State Fire Marshal.

2 (h) This Section applies beginning July 1, 2011.

3 Section 10. The Illinois Building Commission Act is amended
4 by changing Section 55 as follows:

5 (20 ILCS 3918/55)

6 Sec. 55. Identification of local building codes. Beginning
7 on the effective date of this amendatory Act of the 92nd
8 General Assembly, a municipality with a population of less than
9 1,000,000 or a county adopting a new building code or amending
10 an existing building code must, at least 30 days before
11 adopting the code or amendment, provide an identification of
12 the code, by title and edition, or the amendment to the
13 Commission. The Commission must identify the proposed code, by
14 the title and edition, or the amendment to the public on the
15 Internet through the State of Illinois World Wide Web site.

16 A municipality with a population of less than 1,000,000 or
17 county shall provide notice of the title and editions of any
18 adopted building codes to the Capital Development Board,
19 Division of Building Codes and Regulations, prior to July 1,
20 2011. The notice shall be electronic whenever possible and also
21 contain the division of government, the name of contact, and
22 the date of the adoption of the codes.

23 The Commission may adopt any rules necessary to implement
24 this Section.

1 For the purposes of this Section, "building code" means any
2 municipal or county ordinance or resolution regulating the
3 construction and maintenance of all structures within the
4 municipality or county ~~ordinance, resolution, law, housing or~~
5 ~~building code, or zoning ordinance that establishes~~
6 ~~construction related activities applicable to structures in a~~
7 ~~municipality or county, as the case may be.~~

8 (Source: P.A. 92-489, eff. 7-1-02.)".