



Sen. Terry Link

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LRB096 02894 JAM 24385 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 Mechanical Code;

10 (iii) International Existing Building Code;

11 and

12 (iv) International Property Maintenance Code.

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

15 (b) This Section does not apply to any area in a  
16 municipality or county having jurisdiction that has registered  
17 its adopted building code with the Board as required by Section  
18 55 of the Illinois Building Commission Act.

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

22 (d) For purposes of this Section:

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

1 Act.

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

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

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

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

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

24 (g) This Section does not regulate any other statutorily  
25 authorized code or regulation administered by State agencies.  
26 These include without limitation the Illinois Plumbing Code,

1 the Illinois Environmental Barriers Act, the International  
2 Energy Conservation Code, and administrative rules adopted by  
3 the Office of the State Fire Marshal.

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

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

7 (20 ILCS 3918/55)

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

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

1           The Commission may adopt any rules necessary to implement  
2 this Section.

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

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