

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER q: MOBILE HOMES

PART 880
ILLINOIS MODULAR DWELLINGS AND MOBILE STRUCTURES CODE

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AUTHORITY: Implementing and authorized by the Illinois Manufactured Housing and Mobile Home Safety Act [430 ILCS 115/1-15].

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Section 880.5 Scope

- a) **Applicability.** This Part governs the design, construction, and installation of modular dwellings and mobile structures intended for installation in Illinois or any state that accepts the Department's approval of modular dwellings and mobile structures through a reciprocal agreement. Modular dwellings and mobile structures shall not be located in Illinois unless they have been approved pursuant to the Illinois Manufactured Housing and Mobile Home Safety Act.

- b) The construction of single family mobile structures known as "manufactured homes" is not regulated under this Part, but is regulated by the federal Department of Housing and Urban Development under the National Manufactured Housing Construction and Safety Standards Act of 1974 (federal Act) (42 USC 5401). Units regulated under the federal Act are identified by a red emblem on the exterior of each section at the floor level opposite the towing hitch. Section 5403(d) of the federal Act prohibits any state or political subdivision from enforcing more stringent construction standards.

- c) The construction of commercial modular structures is not regulated under this Part. The Department has not been granted statutory authority to regulate the construction of such structures; however, local jurisdictions may regulate the construction of commercial modular structures.
- d) Design Acts. All activities concerning buildings and structures that are regulated by this Part that meet the definition of "project" in the Illinois Architecture Practice Act of 1989 [225 ILCS 305], the Professional Engineering Practice Act of 1989 [225 ILCS 325], and the Structural Engineering Practice Act of 1989 [225 ILCS 340] shall apply to any project defined within the scope of those Acts.
- e) Fire Safety. In addition to the requirements of this subchapter, all modular dwellings and mobile structures shall comply with the applicable provisions of the Fire Prevention and Safety Code (41 Ill. Adm. Code 100). Smoke detectors in modular dwellings and mobile structures shall comply with the applicable provisions of the Fire Prevention and Safety Code (41 Ill. Adm. Code 100). All modular dwellings must comply with the Smoke Detector Act [425 ILCS 60].
- f) Plumbing. All modular dwelling units and mobile structures shall conform to the Illinois Plumbing Code (77 Ill. Adm. Code 890).
- g) Schools. All mobile structures designed to be used as a classroom shall conform to the Health/Life Safety Code for Public Schools (23 Ill. Adm. Code 180).

(Source: Added at 30 Ill. Reg. 13486, effective July 28, 2006)

Section 880.10 Definitions

"Act" means the Illinois Manufactured Housing and Mobile Home Safety Act [430 ILCS 115].

"Alteration" means the replacement, modification, or removal of any system or installations that may affect the structural, plumbing, electrical or mechanical system or the functioning of those elements of units subject to the Act, but does not mean the replacement of free-standing appliances requiring plug-in to an electrical receptacle.

"Approved Inspection Agency" means any person, firm, corporation, unit of government or employee thereof that is authorized by the Department to perform inspections or evaluation services.

"Building System" means the method of constructing a type of modular dwelling or mobile structure described by plans, specifications, and other documentation that together establish a set of criteria meeting the building codes, standards, and other requirements of this Part for that type of building or building components,

which may include structural, electrical, mechanical, plumbing and fire protection systems and other systems affecting health and safety.

"Department" means the Illinois Department of Public Health.

"Licensed Architect" means *a person who is licensed under the laws of this State to practice architecture.* [225 ILCS 305/5]

"Manufactured Home" means a structure that is transportable in one or more sections that, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet; that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; and that includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. These units previously were known as "mobile homes". The construction of these units is regulated by the federal Department of Housing and Urban Development.

"Manufactured Housing" or "Manufactured Housing Unit" means a building assembly, or system of building sub-assemblies, designed for habitation as a dwelling for one or more persons, including the necessary electrical, plumbing, heating, ventilating, and other service systems that is of closed or open construction and is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation, on the building site with a permanent foundation. (Section 2(i) of the Act) This term shall include modular dwellings.

"Mobile Home" means a movable or portable unit that is 8 body feet or more in width and 32 body feet or more in length, constructed to be towed on its own chassis (comprised of frame and wheels) from the place of construction to the location or subsequent locations, subject to the provisions of Chapter 15, Article I (Size, Weight, and Load) of the Illinois Vehicle Code [625 ILCS 5/Ch. 15, Art. I], and designed to be used without a permanent foundation and connected to utilities for year round occupancy with or without a permanent foundation. The term shall include units containing parts that may be folded, collapsed, or telescoped when being towed and that may be expanded to provide additional cubic capacity, and units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing. The term shall include mobile structures designed to be used for residential, commercial, educational or industrial purposes, excluding, however, recreational vehicles. (Section 2(a) of the Act)

"Mobile Structures" means those units defined in the Act as "mobile homes". The term shall include units designed for the purpose of housing more than one family, commercial units, industrial units and educational units. Manufactured

homes that are single family units constructed in accordance with the Federal Manufactured Home Construction and Safety Standard (42 USC 5401) are not considered "mobile structures". These units are identified by a red emblem at the tailgate end of each unit.

"Model" means a specific floor plan of a unit that is to be constructed.

"Model Code Organization" means the International Code Council (ICC) or one of the three organizations that compose the International Code Council. These include the Building Officials and Code Administrators International, Inc. (BOCA), the Southern Building Code Congress International (SBCC) and the International Conference of Building Officials (ICBO).

"Model Group" means a series of models having the same structural components. Configurations such as two story, L-shaped and bi-level shall constitute separate model groups. Each different width of the above-listed configurations constitutes a different model group.

"Modular Dwellings" means those units defined in the Act as "manufactured housing" or "manufactured housing units". This term shall include both sectional and panelized structures and shall include individual rooms that meet this criteria. Apartments, condominiums, and hotel and motel units shall be included as modular dwellings.

"Multiple Family Dwelling Unit" means a building or portion of a building containing more than two dwelling units.

"Professional Engineer" means a person licensed under the laws of the State of Illinois to practice professional engineering. [225 ILCS 325/4]

"Testing Agency" means an organization determined by the Department to be qualified by reason of facilities, personnel, experience, demonstrated reliability and independence of judgment to observe experimental testing in accordance with prescribed standards contained within the adopted codes in Section 880.15 of this Part and prepares a report with the result of the test.

"Variation to an Approved Model " means a change to the design of an approved model of one or more of the following types:

The extension or reduction in length of the home not to exceed 4 feet.

The relocation or addition of non-load bearing walls, resulting in modification of a maximum of two rooms of the model.

The relocation of doors or windows within a room.

Other changes that do not affect the plumbing, electrical, mechanical or structural integrity of the units, such as the reversal of the floor plan layout, the relocation of an electrical receptacle, or the installation of sliding closet doors instead of hinged doors.

(Source: Amended at 30 Ill. Reg. 13486, effective July 28, 2006)

Section 880.15 Incorporated and Referenced Materials

a) Incorporations by Reference

All modular dwellings and mobile structures constructed for location in Illinois shall conform to the standards of the nationally recognized organizations listed in this subsection (a) and the standards listed in this subsection (a) are hereby incorporated by reference in this Part. These standards do not include amendments or editions after the date specified. Copies of the incorporated codes are available for public inspection at the Illinois Department of Public Health, Division of Environmental Health, 525 West Jefferson Street, Springfield, Illinois 62761, 217-782-5830.

1) Building

- A) All one and two family modular dwellings and duplex mobile structures shall conform to the International Residential Code, 2003 Edition, published by:

International Code Council, Inc. (ICC)
5203 Leesburg Pike, Suite 600
Falls Church, Virginia 22041-3401
703-931-4533

Chapters 25 through 32 are excluded from this incorporation.

- B) All multiple family modular dwellings and mobile structures other than duplex dwelling units shall conform to the International Building Code, 2003 Edition, published by:

International Code Council, Inc. (ICC)
5203 Leesburg Pike, Suite 600
Falls Church, Virginia 22041-3401
703-931-4533

2) Electrical

- A) All one and two family dwellings and duplex mobile structures shall conform to the International Residential Code, 2003 Edition.

- B) All multiple family modular dwellings and mobile structures other than duplex dwelling units shall conform to the National Electrical Code, 2002 edition (NFPA 70-2002), published by:

National Fire Protection Association (NFPA)
1 Batterymarch Park
Quincy, Massachusetts 02269-7471
800-344-3555

- 3) Energy. All modular dwellings and mobile structures shall conform to the International Energy Conservation Code, 2003 Edition, published by:

International Code Council, Inc. (ICC)
5203 Leesburg Pike, Suite 600
Falls Church, Virginia 22041-3401
703-931-4533

- 4) Mechanical

- A) All one and two family modular dwelling units and duplex mobile structures shall conform to the International Residential Dwelling Code, 2003 Edition, and the International Fuel Gas Code, 2003 Edition.

- B) All multiple family modular dwellings and mobile structures shall conform to the International Mechanical Code and International Fuel Gas Code, 2003 Edition, published by:

International Code Council, Inc. (ICC)
5203 Leesburg Pike, Suite 600
Falls Church, Virginia 22041-03401
703-931-4533

- 5) Personnel. Inspection agencies shall conform to the personnel requirements of ASTM E 541-01 (2001), Standard Specification for Agencies in System Analysis and Compliance Assurance for Manufactured Building, published by:

American Society for Testing and Materials
100 Barr Harbor Drive
West Conshohocken, Pennsylvania 19428

- 6) General

- A) General Exceptions to the Incorporated Codes

- i) The requirements of the incorporated codes pertaining to the administration and enforcement of the codes shall not apply because this Part and the Act address those areas. All definitions remain unchanged, except that terms such as "building official" and "authority having jurisdiction" shall mean the Department.
 - ii) The Department is responsible for regulating the portion of the modular dwelling unit and mobile structure constructed at the factory. The on-site assembly shall not cause the unit to be in violation of any of the incorporated or referenced codes. Such aspects as the location of the units, their foundations and the installation of on-site utilities shall be subject to regulation by the local jurisdiction.
 - iii) The provisions of the incorporated codes are not intended to limit the appropriate use of materials, appliances, equipment or methods of design or construction not specifically prescribed by the incorporated codes. Research reports from a model code organization or nationally recognized testing agency approving the use of alternate materials or methods of construction shall be considered sufficient evidence of compliance with the requirements of the incorporated or referenced codes subject to the limitations and conditions of the testing agency's written approval. All requests for approval of alternatives shall be submitted in writing to the Department. The Department shall respond to those requests in writing within 30 days after receipt.
 - iv) No revisions to the applicable code and requirements shall apply retroactively. The Department shall notify all manufacturers and approved inspection agencies of all code changes as reflected by amendments to this Part. Previously approved units manufactured on or after December 28, 2005 shall obtain new plan approval prior to their construction.
- B) Exceptions to Specified Design Criteria. The following provisions shall apply to the design and construction of all modular dwellings and mobile structures:
- i) Roofs shall be designed for a minimum live load of 30 pounds per square foot.
 - ii) Horizontal wind pressure shall be considered as acting on

the gross area of the vertical projection and shall be considered for design purposes as not less than 25 pounds per square foot to a height of 30 feet and 30 pounds per square foot for heights over 30 feet above grade.

- iii) Carpet or padding shall not be placed under any load-bearing walls.
 - iv) Ceiling material that is placed directly above top plates of bearing walls shall be of compressive strength capable of transmitting the required design loads without any type of failure to transmit the required ceiling and roof loads, or provisions shall be made to transfer the loads through material of sufficient strength.
 - v) Modular dwellings and mobile structures shall be fastened together at the floor system and roof systems to minimize any movement between multiple units.
 - vi) The following design parameters shall be used for the energy criteria in the use of the International Energy Conservation Code for all modular dwellings and mobile structures:
 - The winter design dry-bulb temperature shall be 4° Fahrenheit.
 - The summer design dry-bulb temperature shall be 93° Fahrenheit.
 - The summer wet-bulb temperature shall be 77° Fahrenheit.
 - The degree days heating shall be 6800.
 - vii) Modular dwelling stair maximum riser height and minimum tread depth. The maximum riser height shall be 8¼ inches. The minimum tread depth shall be 9 inches.
- b) Materials Referenced in this Part
- 1) The following State statutes are referenced in this Part. These statutes can be viewed on the Illinois General Assembly website at ilga.gov or are available from the listed sources.
 - A) Illinois Accessibility Code (71 Ill. Adm. Code 400) promulgated

by:

Capital Development Board
401 South Spring Street
Springfield, Illinois 62706
217-782-2864

- B) Building Standards. The Illinois Architecture Practice Act of 1989 [225 ILCS 305], the Professional Engineering Practice Act [225 ILCS 325], and the Structural Engineering Practice Act [225 ILCS 340] can be obtained from:

Department of Financial and Professional Regulation-Division of
Professional Regulation
320 West Washington
Springfield, Illinois 62786

- 2) The following regulations are referenced in this Part. These regulations can be viewed on the Illinois General Assembly website at ilga.gov or are available from the listed sources.

- A) Fire Safety

- i) The Fire Prevention and Safety Code (41 Ill. Adm. Code 100) promulgated by:

Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, Illinois 62703-4529
217-785-4714

- ii) The Smoke Detector Act [425 ILCS 60].

- B) Plumbing. The Illinois Plumbing Code (77 Ill. Adm. Code 890) promulgated by:

Illinois Department of Public Health
525 West Jefferson
Springfield, Illinois 62761
217-782-5830

- C) Schools. The Health/Life Safety Code for Public Schools (23 Ill. Adm. Code 180) promulgated by:

Illinois State Board of Education
100 North First Street

Springfield, Illinois 62777
217-785-8779

- D) Travel. Travel expenses shall be reimbursed in accordance with the rules of the Governor's Travel Control Board (80 Ill. Adm. Code 2800) available from:

Central Management Services
William G. Stratton Building
Springfield, Illinois 62706

(Source: Added at 30 Ill. Reg. 13486, effective July 28, 2006)

Section 880.20 Plan Approval

- a) General Requirements. All manufacturers must obtain written approval from the Department for each model to be manufactured for location in Illinois prior to manufacturing the model unless the provisions for reciprocity are met. Written approval is not required for a variation to an approved model. Two copies of the following must be provided for Department approval, along with the plan review fee specified in Section 880.40:
- 1) General information including:
 - A) the manufacturer's name, address and telephone number;
 - B) the location of each manufacturing facility where the models will be manufactured;
 - C) name or number that identifies each model for which approval is requested;
 - D) name of contact person regarding the submittal;
 - E) name and address of the approved inspection agency employed by the manufacturer.
 - 2) Plans, specifications and test results as required by subsection (b).
 - 3) Quality control manual containing the requirements of subsection (c).
 - 4) Plan review fee as specified in Section 880.40 of this Part.
- b) Construction Details. Plans and specifications shall be drawn to scale and indicate the following minimum details:

1) Building Requirements

A) General

- i) Floor Plan of each unit with all dimensions specified.
- ii) Complete fastening schedule.
- iii) Stair details.
- iv) Moisture content of lumber.
- v) Size of all doors and windows including installed height of egress window.
- vi) Light and ventilation schedule.
- vii) Size and location of crawl space and attic accesses.
- viii) Safety glazing specifications.
- ix) Flashing for doors and windows.
- x) Recommended foundation detail and crawl space ventilation.
- xi) Design loads for floor, walls, and roof systems.
- xii) Method of fire stopping openings.
- xiii) Pertinent engineering calculations and/or test data reports on structural members, splices and connections.
- xiv) Research reports from a model code organization indicating the approval of any material that is proposed to be used but not specifically approved in one of the adopted codes.

B) Floor System

- i) Spacing, size, grade and species of framing material including the allowable stress and modulus of elasticity.
- ii) Lateral and end support.
- iii) Location and size of notches and holes.

- iv) Method of framing around openings such as stairways, plumbing pipes, heating components and wheel wells.
- v) Size and type of subfloor/underlayment and panel identification index and method of installation.
- vi) Type and "R" value of floor or foundation insulation.
- vii) Type of vapor barrier.

C) Wall System

- i) Ceiling height.
- ii) Spacing, grade and species of framing materials.
- iii) Typical framing details of corners, doors, windows, etc.
- iv) Fire separation method and material between dwelling units and between dwelling unit and garage.
- v) Method of corner bracing.
- vi) Type of exterior sheathing and siding.
- vii) Type of finished interior material and flame spread.
- viii) Type and "R" value of insulation.
- ix) Type of vapor barrier.

D) Roof/Ceiling System

- i) Spacing, grade and species of framing material.
- ii) Size and type of roof sheathing, panel index, and method of installation.
- iii) Pitch of roof.
- iv) Method and amount of attic ventilation.
- v) Type and "R" value of insulation.
- vi) Type of vapor barrier.

- vii) Type of roof covering and underlayment.
- viii) Type and flame spread of ceiling finish material.
- ix) Detail and calculations of ridge beams.
- x) Test results of trusses if evidence of design approval by a registered engineer or architect is not provided.

2) Plumbing

- A) Schematic of water supply, drainage and vent layout including size and type of all pipes, fittings, cleanouts and valves.
- B) Method and interval of supporting all pipes.
- C) Maximum trap to vent distances.
- D) Slope of drainage and vent pipes.
- E) Location of vacuum breakers, relief valves and air chambers.

3) Electrical

- A) A schematic of the electrical system showing the location of all receptacles, lights, switches, junction boxes and panel boxes.
- B) Type and location of ground fault circuit interrupters.
- C) Type and location of smoke detectors.
- D) Size of all feeders and branch circuits.
- E) Method and detail for grounding service equipment.
- F) Typical load calculations for service and feeders.
- G) Size and rating of main disconnect/overcurrent protective devices.
- H) Protection and support of conductors.
- I) Method of mounting fixtures and wiring installation.
- J) Method of interconnection between two or more separately towable components and location of connections.

- 4) Mechanical
 - A) Location and clearances of all mechanical equipment and appliances.
 - B) Manufacturers' listing or labeling of all equipment.
 - C) Size and location of all registers.
 - D) Drawing of the duct system including the supply, return and combustion air with indication of the size, gauge and type of material and the method of support.
 - E) Location of flues, vents, clearances from air intakes and other vents and flues.
 - F) Venting of appliances.
 - G) Heat loss and heat gain calculations.
 - H) Drawings of the fuel supply system indicating the type and size of pipe, method and interval of support and required valves.
- 5) Verification of plans
 - A) The plans for all multiple family modular and mobile structures other than duplex units shall bear the seal of an Illinois registered architect or equivalent if required by the Illinois Architecture Practice Act of 1989 [225 ILCS 305.
 - B) When designs cannot be verified by the incorporated or referenced codes of Section 880.15 or by calculations, tests of the components in question must be conducted by an independent testing agency.
- 6) Simplification of submittal

A complete set of plans for each separate model is not required if reference is made to the manufacturer's standard construction plans and if plans and specifications are provided for the specific changes from those standards.
- c) Quality Control Procedures
 - 1) The manufacturer shall develop a procedure to assure that all operations at the plant are performed to conform to the requirements of this Part. Such procedures shall be contained in a quality control manual, which shall be available at the plant. As a minimum the following shall be contained in

this manual:

- A) Material receiving inspection procedure.
 - B) Material storage and stock rotation procedure.
 - C) Description of construction stages with the title of the person responsible for each phase.
 - D) Detailed list of all items that shall be inspected.
 - E) Test procedures for testing the plumbing, fuel supply and electrical systems.
 - F) Delivery procedures.
 - G) Recordkeeping procedures, including the procedures for ordering, assigning and filing the Department seal and compliance certificate and the approved inspection agency's report.
- 2) The manufacturer shall update the manual to reflect any changes in the operation. These revisions shall be submitted to the Department.
- d) Evidence of Plan Approval
- 1) If, after a review of the required plans, specifications and supporting information required in this Section, it is determined that the material is in compliance with this Part, an approval shall be issued to the manufacturer by the Department in writing. A copy of this approval will be sent to the approved inspection agency employed by the manufacturer. This approval shall specify the particular models that are approved and the location of the factory where construction of the units is approved. The manufacturer shall keep one set of approved plans at the manufacturing facility.
 - 2) The Department shall compile a list of all manufacturers approved to locate models in Illinois. The list shall be available to any person by contacting the Illinois Department of Public Health, Division of Environmental Health, 525 West Jefferson, Springfield, Illinois 62761, 217-782-5830.

(Source: Amended at 30 Ill. Reg. 13486, effective July 28, 2006)

Section 880.30 Seals and Code Compliance Certificates

- a) Requirements. Each modular dwelling unit and mobile structure manufactured or offered for sale or rent for location in Illinois shall bear an Illinois seal as required

by the Act unless the unit bears a seal from a state which has a reciprocity agreement with this State. The approved inspection agency must also place a label of approval on the finished unit and provide a copy of the inspection report of the structure to the manufacturer. The seal and label shall be placed on the unit before it is shipped from the plant. A code compliance certificate is required for all units manufactured or offered for sale or rent for location in Illinois.

- b) Acquisition. Seals and code compliance certificates shall be issued to an approved manufacturer, upon request, after written approval as specified in Section 880.20(d) is obtained from the Department and the required fees specified in Section 880.40 are submitted.
- c) Location of Seal and Inspection Agency's Label. The Illinois seal and the label of the approved inspection agency that inspected the structure shall be placed on the electrical panel box of the modular dwelling unit or mobile structure. Only one Illinois seal and one inspection agency label are required per each complete modular dwelling or mobile structure, regardless of the number of sections that constitute the unit. A seal and label shall be required for each apartment unit, each half of a duplex unit and each motel room.
 - 1) If an electrical panel box is not provided by the manufacturer, the seal and label shall be placed on the inside of the cabinet door under the kitchen sink.
 - 2) Upon receipt of a written request from a manufacturer, the Department shall grant permission to locate the seal and label in another specific location if the seal and label cannot be located in either of the above-specified locations.
- d) Code Compliance Certificate
 - 1) Each code compliance certificate provided by the Department consists of four identical forms. Within 30 days after the shipment of the modular dwelling or mobile structure from the plant, the manufacturer shall complete the white copy of the certificate and forward it to the Department. The manufacturer shall keep the yellow copy and shall distribute the blue copy to the approved inspection agency and the pink copy to the owner of the manufactured unit.
 - 2) This certificate shall contain the following information:
 - A) Name of the manufacturer.
 - B) Location of manufacturing facility.
 - C) Manufacturer's serial number.

- D) Model name or number.
 - E) Department approval number. If the model is a variation to an approved model, two copies of the floor plan of the approved model shall be submitted to the Department with the minor changes indicated in red.
 - F) State seal number assigned to the unit.
 - G) Final location of structure including street address if known.
 - H) Name and location of dealer.
 - I) Date manufactured.
 - J) Signature of manufacturer's authorized representative.
 - K) Name of the inspection agency that inspected the structure.
 - L) Dates of inspection by the approved inspection agency.
- e) Lost or Damaged Seals or Code Compliance Certificates. If a seal or code compliance certificate becomes lost or damaged, the manufacturer shall immediately notify the Department in writing. If possible, the assigned number shall be indicated. All damaged seals or code compliance certificates or those unused from a manufacturer who ceases business in Illinois shall be returned to the Department, but no refund will be granted.

(Source: Amended at 30 Ill. Reg. 13486, effective July 28, 2006)

Section 880.40 Fees

- a) All fees shall be in the form of a check, certified check or money order payable to the Illinois Department of Public Health.
- b) A schedule of fees is established as follows:
 - 1) Plan Review
 - A) A fee of \$150 per model group is required for the Department's review of the required plans and specifications.
 - B) In addition to the model group fee, each model shall require a fee of \$25.

- C) There shall be no fee required for variations to an approved model as defined in Section 880.10 of this Part.
- 2) Seal and Code Compliance Certificate. The fee for each seal shall be \$25 and the fee for each code compliance certificate shall be \$25.
- 3) Plant Inspections. Out-of-state manufacturers shall reimburse the Department for travel expenses to and from the inspector's headquarters for an inspection by Department staff. The rules of the Governor's Travel Control Board (80 Ill. Adm. Code 2800) shall serve as the schedule for the reimbursable expenses. In the case where more than one manufacturing facility is inspected during an out-of-state trip, the total travel expenses incurred will be divided equally by the number of facilities inspected. The plant inspection fee shall be required to be paid within 10 days after the date of receipt of the bill.
- 4) Inspection Agencies
 - A) The initial application fee for approval of an inspection agency shall be \$500.
 - B) The annual renewal fee for each calendar year shall be \$300, which shall be due January 1 of each year.
- 5) Annual Review of Inspection Agencies. The Department shall conduct an annual evaluation of each inspection agency at a factory or the agency's office. The inspection agency shall reimburse the Department for the allowable expenses to and from the Department's headquarters associated with the annual evaluation. Travel regulations of the Governor's Travel Control Board (80 Ill. Adm. Code 2800) shall serve as the schedule for the reimbursable expenses. In the case where more than one inspection agency is reviewed, the total travel expenses incurred will be divided equally by the number of agencies reviewed. The travel expenses shall be paid within 10 days after receipt of the bill.

(Source: Amended at 30 Ill. Reg. 13486, effective July 28, 2006)

Section 880.50 Inspections

- a) Approved Inspection Agency. After January 1, 2005, all modular dwellings and mobile structures located in Illinois shall be inspected at the factory by an approved inspection agency. Each manufacturer shall submit to the Department, in writing, the name of the inspection agency that will be conducting its inspections. Any changes to this information shall be provided to the Department in writing. The Department shall maintain a list of approved inspection agencies, which shall be available to interested individuals upon request.

- b) **Responsibility.** The inspection agency shall be responsible for review of manufacturer plans, documents and procedures for completeness and compliance with the requirements of this Part. The inspection agency shall then conduct inspections to ensure compliance with the plans and procedures. The inspection must occur when all portions of the construction can be inspected.
- c) **Monitoring.** Representatives of the Department shall conduct periodic inspections to monitor the inspection agencies and the manufacturers for compliance with the Act and this Part.
- d) **Violations.** All violations cited at the factory shall be corrected prior to placing the Illinois seal and inspection agency's label on the structure. Violations discovered at the final location shall be corrected within 30 days after written notification, except that serious violations that threaten the safety of the occupants of the structure shall be corrected within 5 days after notification. The Department may require the manufacturer to remove, at the manufacturer's expense, building materials that prevent the Department from inspecting the entire unit. Such removal will be requested only if the unit was constructed without the necessary approval or if plans for the unit were approved but items that can be inspected are not in accordance with approved plans.
- e) **Factory Closing.** If a manufacturer closes its operation, it shall notify the Department and the inspection agency in writing. Unused Illinois seals and code compliance certificates shall be returned to the Department when a factory closes.

(Source: Amended at 30 Ill. Reg. 13486, effective July 28, 2006)

Section 880.60 Applicable Safety Codes (Repealed)

(Source: Repealed at 30 Ill. Reg. 13486, effective July 28, 2006)

Section 880.65 Approval of Inspection Agencies

- a) **Initial Approval Procedures**
 - 1) **Application Requirements.** An inspection agency seeking approval shall submit a written application to the Department that shall include the following items:
 - A) The original articles of incorporation of the agency and all subsequent amendments to those articles, as filed in the state of incorporation.
 - B) The bylaws of the organization, if any.

- C) The names, addresses, and business interests of all members of the board of directors and of management personnel.
- D) Certification by the agency that:
 - i) Its board of directors and technical personnel can exercise independence of judgment;
 - ii) Its activities 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.
- E) Names, years of experience, state in which professionally registered, and other qualifications of the directors of inspection programs.
- F) Names and years of experience of employees practicing in the following disciplines: architecture, structural engineering, mechanical engineering, electrical engineering, fire protection, and other branches of professional engineering; the states in which each is registered; and the services each performs.
- G) An organizational chart showing management and supervisory persons, including the number of licensed graduate engineers and architects and the names of all consulting licensed engineers or architects, designating which are full-time and which are part-time. The personnel requirements of the American Society for Testing and Materials (ASTM E-54), Criteria for Agencies in System Analysis and Compliance Assurance for Manufactured Buildings, shall be met.
- H) 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 shall be included of the type of work each group and each technician is expected to perform.
- I) Statement from the agency to assure that all inspectors, evaluators, and other technicians are properly trained to do each job assigned to them.
- J) An outline of the general procedures for supervision of inspectors and evaluators, including checking and evaluation of their work.

- K) Names of 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 that each will have to the agency.
 - L) A list of the types of products, components, equipment, structures, and other items that the organization has evaluated, tested, or inspected, and the number of years of experience the organization has had with each.
 - M) A list of the types of codes, standards, specifications, and requirements with which the organization has had experience in providing inspection or testing services, and the number of years of experience with each.
 - N) Description of the recordkeeping system the agency proposes to use, with particular regard to availability of records to the Department and the capacity to send reports to the Department.
 - O) Description of the frequency with which the agency performs inspections or evaluations.
 - P) List of the states in which the agency is now approved to inspect or evaluate modular dwellings, mobile structures or building components for compliance with approved building systems.
- 2) Incomplete or incorrect applications will not be accepted for processing and will be returned to the applicant within 30 days after receipt by the Department, with a written explanation of the reasons why the application was not acceptable to the Department. Applications can be resubmitted with necessary corrections.
- 3) Complete applications will be accepted for processing and the applicant will be notified in writing of that acceptance within 30 days after the date the application is received by the Department.
- A) The Department shall conduct an evaluation either at the agency's office or at a manufacturing facility within 30 days after the application is determined to be in compliance with this Part, but prior to the issuance of the initial approval.
 - B) The Department shall approve inspection agencies that meet the requirements of this subsection (a) and that the Department finds qualified to perform the functions proposed to be delegated to them.

- C) In the event the evaluation of the agency's office or factory finds those facilities to be inadequate to meet the requirements of this Part, the Department shall return the complete application to the applicant with a written explanation of the reasons for disapproval.
 - 4) Approved inspection agencies shall be notified by the Department in writing. The approval letter will state the specific functions that the applicant has been approved to perform. The initial approval shall expire December 31 of the year following the date of the approval letter.
- b) Annual Approval of Inspection Agencies
- 1) The Department shall conduct an annual evaluation of each approved inspection agency for the purpose of evaluating the performance of each agency in monitoring the manufacturer's compliance assurance program.
 - 2) These evaluations may be conducted at any reasonable time, with or without prior notice, at either the inspection agency's office or at a manufacturer's place of business.
 - 3) Each evaluation shall investigate:
 - A) The adequacy of all engineering evaluations of plans, specifications and test results;
 - B) Testing and analysis of compliance assurance programs;
 - C) Procedures used by the 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 that measure the effectiveness of the manufacturer's program.
 - 4) A report of evaluation results will be compiled and maintained by the Department. A copy of the report will be sent to the inspection agency, along with notification of any deficiencies determined during the evaluation and the means and time frame for correction of the deficiencies.
 - 5) If deemed necessary by the Department, an agency's approval may be suspended or revoked as provided in subsection (c).
- c) Suspension and Revocation
- 1) Grounds

- A) The Department may suspend or revoke its approval of any inspection agency if the approval was issued on the basis of incorrect information or issued in violation of the Act or this Part.
 - B) If the Department determines that the inspection agency has failed to perform its functions properly, the Department shall notify the agency and arrange for an informal presentation of views. If an informal presentation of views fails to achieve resolution, the Department shall notify the agency in writing of its intent to suspend or revoke the approval.
- 2) Procedures in Event of Suspension or Revocation
- A) General. If the Department suspends or revokes the approval of an inspection agency, the manufacturers being evaluated by the agencies shall be given notice in writing after the disposition of any appeal of the suspension or revocation.
 - B) Temporary Arrangement to Continue Manufacturing. After the suspension or revocation of any inspection agency, the Department, 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 modular dwellings and mobile structures in accordance with the Act and this Part until the suspension or revocation is removed or arrangements are completed to utilize another approved inspection agency.

(Source: Added at 30 Ill. Reg. 13486, effective July 28, 2006)

Section 880.70 Enforcement

- a) Violations and Remedial Actions
 - 1) Whenever the Department's authorized inspection agency determines that a structure constructed under this Part fails to conform to the requirements of this Part or that the approved compliance assurance program is not followed, the inspection agency shall notify the manufacturer of the existence of the violation. The manufacturer shall be provided the opportunity to correct the violation in a manner acceptable to the inspection agency. If the violation comes first to the attention of the Department, the Department shall notify the inspection agency so that it can carry out its responsibilities under this Section.
 - 2) If the manufacturer fails to successfully resolve the problem or correct the violation within 30 calendar days, the inspection agency shall notify the

Department of the failure. The Department shall order the manufacturer to correct the violation.

- 3) If a manufacturer fails to correct a violation within the period specified by the Department, that failure shall subject the manufacturer to the penalties provided in Section 10 of the Act.
- b) Failure to comply with any provisions of this Part or the Act shall constitute sufficient grounds for suspension, revocation or refusal to grant approval to a manufacturer or an authorized inspection agency. The Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) will govern these actions.

(Source: Amended at 30 Ill. Reg. 13486, effective July 28, 2006)

Section 880.APPENDIX A Amendments to the Adopted Codes (Repealed)

(Source: Repealed at 30 Ill. Reg. 13486, effective July 28, 2006)