

# AIBD 4 - IBC 202 (11260)

IBC: SECTION 202 (New), SECTION 202

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## 2024 International Building Code

Add new definition as follows:

**BUILDING DESIGNER.** A person engaged by the owner or the owner's authorized agent to prepare construction documents. Where authorized by law, the owner may serve as the building designer. Where required by law, the building designer shall be a registered design professional.

**BUILDING DESIGNER IN RESPONSIBLE CHARGE.** The building designer engaged by the owner or the owner's authorized agent to review and coordinate certain aspects of the project, as determined by the building official, for compatibility with the design of the building or structure, including submittal documents prepared by others, deferred submittal documents, and phased submittal documents. Where authorized by law, the owner may serve as the building designer in responsible charge. Where the laws of the jurisdiction require all construction documents to be prepared by a registered design professional, the building designer in responsible charge shall be a registered design professional.

**DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE, REGISTERED.** See "Registered design professional in responsible charge."

**[A] REGISTERED DESIGN PROFESSIONAL.** ~~An individual~~ A building designer who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed. The use of the term within this code is not intended to alter the privileges, restrictions or exemptions contained in the relevant professional practice laws of the jurisdiction.

~~**[A] REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE.** A registered design professional engaged by the owner or the owner's authorized agent to review and coordinate certain aspects of the project, as determined by the building official, for compatibility with the design of the building or structure, including submittal documents prepared by others, deferred submittal documents and phased submittal documents.~~

Add new definition as follows:

**SPECIAL CONDITION.** An element of the construction site and/or design that is outside the parameters upon which the code is based or exceeds the prescriptive guidance found in the code and is unique to the project rather than generally applicable within the project area. General project characteristics, such as size of the structure and the cost of construction, are not special conditions.

**SUPPLEMENTAL CONSTRUCTION DOCUMENT.** A construction document not normally provided as part of the standard permit application package for the type of work proposed that addresses how the proposed design solves a special condition presented by the project.

**Reason:** The new definitions proposed for Building Designer and Building Designer in Responsible Charge are intended to address multiple problems. First, the code and its many referenced standards presently do not have a uniform term to reference the person who prepares construction documents. The proposed term of 'Building Designer' is used in ANSI/TPI 1, so it already has some recognition in the industry. Second, most states allow unregistered persons to prepare construction documents for residential and small commercial construction. Many of these states extend the ability to property owners. Using the term 'Design Professional' as the generic version of Registered Design Professional adds an implied level of qualification that may not be appropriate in all cases; Building Designer is a more neutral term that is applicable in all cases. Extending the term to modify the existing defined term of Registered Design Professional in Responsible Charge allows the code to accommodate variations between jurisdictions and preserves consistency between the code and referenced standards.

The revised definition of Registered Design Professional is offered to maintain consistency with the proposed new definitions while allowing the term to remain unaffected throughout its many uses within the code. By providing a broader defined term of Building

Designer in Responsible Charge, the definition for Registered Design Professional in Responsible Charge is redundant. A related modification to edit IBC section 107.3.4 to utilize the proposed replacement term has been separately submitted by the proponent. Collectively, the proposed modifications will allow the code to be consistent with referenced standards and better recognize the varying jurisdictional requirements imposed on persons who prepare construction documents.

The new definitions proposed for *supplemental construction document* and *special condition* are needed to clarify the current intent related to the provisions of the sentence in Section 107.1 that says, "Where *special conditions* exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*." The intent of the subject sentence was confirmed in an advisory opinion provided to the proponent by ICC staff (see attachment). The proposed definitions seek to clarify the intent by removing ambiguity, which is leading some local jurisdictions to declare construction cost, livable space, or even just the project's presence within the jurisdiction as being a special condition, and then requiring that all construction documents be prepared by a registered design professional. Special conditions should only exist where design parameters or site conditions are outside those accommodated by the prescriptive guidance found in the code. Additional construction documents should not include the documents that are common for the proposed type of construction; they should address how the proposed design will meet the intent of the code relative to those special conditions. Replacing "additional" with "supplemental" will reinforce that intent.

- **ICC Opinion email of 11-27-2023.pdf**

<https://www.cdpassess.com/proposal/11260/34054/documentation/173646/attachments/download/8711/>

**Cost Impact:** The change proposal is editorial in nature or a clarification and has no cost impact on the cost of construction

**Justification for no cost impact:**

The change clarifies the original intent of the terms for which new and revised definitions are offered. Two new definitions provide more generic terms that provide consistency with state regulation of design professions (and their exemptions), as well as being more in line with referenced standards, such as ANSI/TPI 1. Two related definitions are no longer needed and are proposed for removal. Two other new definitions proposed in the modification reinforce the existing intent of the code relative to special conditions. The revised definitions seek to establish consistency with relevant state professional regulation laws and the proposed substitution of building designer for design professional as a reflection of the other proposed code modifications. The value of the added and revised definitions is not dependent on the adoption of the related proposed modifications from the same proponent.

**Attached Files**

- **ICC Opinion email of 11-27-2023.pdf**

<https://www.cdpassess.com/proposal/11260/34054/files/download/8719/>