



**MONTANA
ADMINISTRATIVE
REGISTER**



DEPARTMENT OF JUSTICE

NOTICE OF ADOPTION

MAR NOTICE NO. 2026-128.2

Summary

Updates to the International Fire Code

Previous Notice(s) and Hearing Information

On July 24, 2026, the Department of Justice published MAR Notice No. 2026-128.1 pertaining to the proposed amendment of the department's rules in Issue Number 14 of the 2026 Montana Administrative Register. No hearing was held or requested.

Final Rulemaking Action – Effective September 26, 2026

AMEND WITH CHANGES

The agency has amended the following rule with the following changes from the original proposal, stricken matter interlined, new matter underlined:

23.12.601 ADOPTION OF THE INTERNATIONAL FIRE CODE (2024 EDITION)

- (1) The FPIS adopts and incorporates by reference the International Fire Code 2024 Edition (2024 IFC) with the additions and amendments enumerated in this subchapter. Copies of the IFC and related materials may be obtained from the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, www.iccsafe.org.
- (2) If there is any conflict between the IFC and the Montana Code Annotated, the provisions of the Montana Code Annotated control.
- (3) This rule establishes a minimum fire protection code to be used in conjunction with the building code. ~~Nothing in this rule prohibits any local government unit from~~

~~adopting those portions of the IFC that are not adopted by the FPIS or standards which are more restrictive than the IFC.~~

- (4) This code shall apply to ~~new construction and~~ existing conditions. Existing buildings shall be maintained in accordance with the building code in effect at the time of construction. However, where existing conditions or buildings pose an imminent hazard or risk to public health and safety and are not, therefore, within the purview of the building code, the FPIS may take corrective action pursuant to the provisions of 50-61-101, et seq., MCA, and 50-62-101, et seq., MCA.
- (5) The building code adopted by the Building Codes Program of the Department of Labor and Industry controls design and construction in Montana. If there is any conflict between the construction standards in the IFC and construction standards set forth in the building code, the provisions of the building code control.
- (6) The following IFC sections are modified as shown:
 - (a) 102.1 CONSTRUCTION AND DESIGN PROVISIONS is amended by deleting paragraphs 1 and 2 and replacing with "1. Structures, facilities and conditions arising after the adoption of this code and upon issuance of a Certificate of Occupancy from the Department of Labor or when made applicable by statute or rule of the certified city, county or town."
 - (b) 102.5 APPLICATION OF RESIDENTIAL CODE is not adopted.
 - (c) 102.7.1 CONFLICTS: Add "Where conflicts occur between provisions of this code and the Montana Building Code, the provisions of the Montana Building Code shall apply."
 - (d) 102.7.2 PROVISIONS IN THE REFERENCED CODES AND STANDARDS, add to last sentence "Except provisions of the Montana Building Code."
 - (e) 104.2.3.1 APPROVAL AUTHORITY An alternative material, design, or method of construction shall be approved where the building code official finds that the proposed alternative is satisfactory.
 - (f) 104.3 APPLICATION AND PERMITS is not adopted.
 - (g) 104.7 FEES is not adopted.
 - (h) 104.9 APPROVED MATERIALS AND EQUIPMENT. Materials, equipment and devices approved by the building code official shall be constructed and installed in accordance with such approval.
 - (i) 105 Permits is not adopted.
 - (j) The Permit sections of the following chapters are not adopted: 3, 5, 6, 9, 11, 12, 20 through 35, 37, 39, and 50 through 67.
 - (k) 106 CONSTRUCTION DOCUMENTS is not adopted.

- (l) 107.1 GENERAL is not adopted.
- (m) 107.4 TERMINATION OF APPROVAL is not adopted.
- (n) 108 FEES is not adopted.
- (o) 109.2.1 Inspection requests is not adopted.
- (p) 109.2.2 Approval required is not adopted.
- (q) 109.3 Concealed work is not adopted.
- (r) 112 MEANS OF APPEALS is not adopted.
- (s) 201.3 TERMS DEFINED IN OTHER CODES Change "International Plumbing Code" to "Uniform Plumbing Code."
- (t) 202 GENERAL DEFINITIONS is amended by adding or modifying the following definitions:
 - (i) BUILDING OFFICIAL. Add "The Chief of the Building and Commercial Measurements Bureau of the Department of Labor and Industry, or when made applicable by statute or rule, the building official of the certified city, county, or town."
 - (ii) FARM. A tract of land devoted to agricultural purposes.
 - (iii) FIRE DEPARTMENT. Governmental fire agencies. Any fire department organized under Montana law under the jurisdiction of a city, county, state, fire district, or fire service area.
 - (iv) NATIONALLY RECOGNIZED STANDARDS. Includes, but is not limited to, any of the standards referenced in: NFPA; IFC 2024 edition, Underwriters Laboratories Inc. (UL); American Petroleum Institute (API); American Society for Testing and Materials (ASTM); and American National Standards Institute (ANSI).
 - (v) OCCUPANCY CLASSIFICATION. Group E, day care facilities.
 - (A) Fifteen or fewer children.
 - (B) Fifteen or fewer children in a dwelling unit.
 - (vi) RANCH. A tract of land devoted to agricultural purposes.
 - (vii) RURAL AREA. Those areas located three miles or more beyond (outside) the corporate limits of a Class 1 or Class 2 city, as defined in 7-2-4111, MCA, when the Class 3 city's population is more than 1,500 residents. In the case of any unincorporated place, city, or community, or town, the unincorporated place, city, community, or town, the unincorporated place, city, community, or town will be considered rural if it has a

population of less than 1,500 and a density of less than 800 persons per square mile, according to the most recent U.S. census.

- (u) 308.1.5 Open-flame devices in wildfire risk areas is adopted, but deleting "except by a permit in accordance with Section 105.5 secured from the fire code official."
- (v) 311.6 Unoccupied tenant spaces in mall buildings. 2. and 3. are not adopted.
- (w) 405.3 Frequency. Delete "Required emergency evacuation drills shall be held at the intervals specified in Table 405.3 or more frequently where necessary to familiarize all occupants with the drill procedure." and replace with: "Required emergency evacuation drills shall be held at the intervals specified in 20-1-402, MCA. There must be at least eight emergency evacuation/disaster drills held a year in a school. At least four of the drills must be fire exit drills. Drills must be held at different hours of the day or evening to avoid distinction between drills and actual disasters." In Table 405.3, delete the word "monthly" from the Frequency column, applicable to Group E, and replace with "20-1-402, MCA."
- (x) 407.5 Hazardous Materials Inventory Statement is not adopted.
- (y) 407.6 Hazardous Materials Management Plan is not adopted.
- (z) 407.7 Facility closure plans is not adopted.
- (aa) 604.1 GENERAL is amended by adding "Where elevators and conveying systems are installed, they shall comply with the adopted Elevator and Montana Building Code."
- (bb) 801.1 SCOPE is amended in the last sentence as follows: new buildings shall comply with the Montana Building Code.
- (cc) 901.2 CONSTRUCTION DOCUMENTS is not adopted.
- (dd) 901.5.1 OCCUPANCY is amended as follows: it shall be unlawful to occupy any portion of a building or structure until the required fire protection and life safety systems have been tested and approved by the building department.
- (ee) 903.2.1.2 The following modifications apply to IBC Group A2 rural event venue occupancies:
 - (i) For the purpose of this rule, "rural event venue" shall be defined as a building or structure used for weddings and similar events, with a fire area 5000 or less square feet, without feasible access to a municipal water supply, a fire separation distance of 60' minimum from other buildings or structures for 100% of the perimeter.

- (ii) Buildings at the discretion of the building official shall be permitted to be constructed without a fire sprinkler system, provided the following conditions are met:
 - (A) buildings are not more than one story above grade plane;
 - (B) the occupant load factor of 5 net' shall be used to calculate egress requirements in accordance with IBC chapter 10;
 - (C) at least 50 percent of the number and minimum width or required capacity of the exits shall discharge directly to the exterior of the building;
 - (D) the maximum common path of egress travel distance shall not exceed 75 feet;
 - (E) a fire alarm system is installed in accordance with NFPA 72;
 - (F) where a commercial kitchen is installed, it shall have a Type I hood installed with fire suppression over the cooking appliances as per the currently adopted International Mechanical Code (IMC). The kitchen shall also have an egress door directly to the exterior of the building;
 - (G) fire extinguishers are located at each exit;
 - (H) illuminated exit signs and emergency lighting are installed;
 - (I) no open flames, kerosene or diesel heaters installed.
 - (J) The building official may waive, in the building official's discretion, one of the required conditions in (i) if the exterior of the building is constructed of noncombustible materials with the exception of (F).
- (ff) 903.2.1.7 Multiple fire areas. is not adopted.
- (gg) 903.2.4.2 Group F-1 distilled spirits. Amend by adding the following paragraph: "Exception: An automatic sprinkler system is not required where a Group F-1 fire area used for the manufacture of distilled spirits is not more than one story above-grade plane, and not exceeding 2,500 square feet."
- (hh) 903.2.8 Group R. Delete and replace with the following:
 - (i) "An approved automatic sprinkler system installed in accordance with Section 903.3 shall be provided in all Group R buildings meeting any of the following criteria:
 - (A) nine or more transient guests or five or more transient guest rooms in R1 or R2 occupancies;

- (B) nine or more occupants in other than dwelling units;
 - (C) five or more dwelling units; or
 - (D) more than two stories.
- (ii) In lieu of the above-required automatic sprinkler system in buildings not more than three stories above the lowest level of exit discharge, each transient guest room may be provided with at least one door leading directly to an exterior exit access that leads directly to approved exits.
- (iii) "Transient guest" for the purpose of this subsection shall mean an occupant who is primarily transient in nature, staying at one location for 30 days or less."
- (ii) 903.2.9.3 Group S-1 distilled spirits or wine. Amend by adding the following paragraph: "Exception: An automatic sprinkler system is not required where a Group S-1 fire area used for the bulk storage of distilled spirits or wine is not more than one story above grade plane, and not exceeding 2,500 square feet."
- (jj) 903.3.5 Water Supply. Amend by adding the following: "This subsection shall apply to buildings which are required by the International Building Code to be provided with an automatic fire extinguishing system and do not have access to an existing multiple user water supply system, such as a municipal water supply system or a private community water supply system, capable of providing the water supply requirements of National Fire Protection Association Standard for the Installation of Sprinkler Systems, 2019 edition (NFPA 13). Under such circumstances, water storage requirements may be modified by the building official. The modified design shall include sufficient storage onsite to operate the hydraulically remote area for the response time of the local fire department. Response time is the time from alarm to the time the fire department can apply water to the fire. Response time shall be established by the use of the formula $T = 6.5 \text{ minutes (mobilization time)} + 1.7 \text{ minutes/mile } D \text{ (travel time)}$, where T is response time, in minutes, and D is distance, in miles, from the fire station to the building. The modified water supply shall be sufficient to operate the system for the response time calculated above but not be less than 20 minutes. Water supply requirements shall be established by using the area/density method as defined in NFPA 13. A reduction in water storage of up to 50 percent, but not less than that required for a 20-minute supply is allowed. All automatic fire sprinkler system designs and components shall be in compliance with NFPA 13. When a modified water storage is allowed, the automatic fire sprinkler system must be equipped with a flow alarm, digital alarm communicator transmitter, and a fire department connection. The automatic fire sprinkler system shall be

monitored by an approved central station in accordance with NFPA 72, National Fire Alarm Code, 2019 edition."

- (kk) 903.6 Where required in existing buildings and structures is not adopted.
- (ll) 905.3.1 Height. is amended as follows: Class III standpipe systems shall be installed throughout buildings where any of the following conditions exist:
 - (i) Four or more stories are above or below grade plane.
 - (ii) Building is 60 feet or more in height above grade plane.
 - (iii) The floor level of the lowest story is 30 feet or less below the highest level of fire department vehicle access.
- (mm) 906.1 Where required. Exception 1 is not adopted.
- (nn) 907.9 Where required in existing buildings and structures. is not adopted.
- (oo) 916.2.1 Construction documents. Delete "with the application for permit."
- (pp) 1001.1 General is deleted and replaced with the following: Buildings or portions thereof shall be provided with a means of egress system as required by the Montana Building Code and maintained to that standard.
- (qq) Table 1006.2.1 SPACES WITH ONE EXIT OR EXIT ACCESS DOORWAY. Referenced in subsection 1001.2.1. Egress based on occupant load and common path of egress travel distance, shall be amended for R-1, R-2, R-3, and R-4 occupancies by deleting NP and inserting 100 for occupant loads less than 30 and 75 for occupant loads greater than 30.
- (rr) 1009.8 Two-way communication. Add "Emergency elevator communication equipment systems for the deaf, hard of hearing, and speech impaired, is amended as follows: Emergency elevator communication systems for the deaf, hard of hearing, and speech impaired. An emergency two-way communication system shall be provided in accordance with the provisions of ASME A17.1/CSA B44 and NFPA 72."
- (ss) 1010.2 Door operations. Adopted, adding the sentence "Exit doors shall not be locked, chained, bolted, barred, latched, or otherwise rendered unusable. All locking devices shall be of an approved type."
- (tt) 1020.2 Construction. Amend by adding the following: "Upgrading of corridors in existing E occupancies serving an occupant load of 30 or more, may have walls and ceilings of not less than one-hour fire-resistive construction as required by this code. Existing walls surfaced with wood lathe and plaster in good condition or 1/2-inch gypsum wallboard or openings with fixed wired glass set in steel frames are permitted for corridor walls and ceilings and occupancy separations when approved. Doors opening into such corridors shall be protected by 20-minute fire assemblies or solid wood doors

not less than 1 3/4 inches (45 mm) thick. Where the existing frame will not accommodate the 1 3/4-inch-thick door, a 1 3/8-inch-thick solid bonded wood-core door or equivalent insulated steel door shall be permitted. Doors shall be self-closing or automatic closing by smoke detection. Transoms and openings other than doors from corridors to rooms shall comply with this code or shall be covered with a minimum of 3/4-inch plywood or 1/2-inch gypsum wallboard or equivalent material on the room side. Exception: Existing corridor walls, ceilings, and opening protection not in compliance with the above may be continued when such buildings are protected with an approved automatic sprinkler system throughout. Such sprinkler system may be supplied from the domestic water system if it is of adequate volume and pressure."

- (uu) Table 1020.2 CORRIDOR FIRE-RESISTANCE RATING, R Occupancy, replace "Greater than 10" with "Greater than 8."
- (vv) 1031.2 Where required. Amend as follows: "In addition to the means of egress required by this chapter, emergency escape and rescue openings shall be required in all sleeping rooms in Group R occupancies located in buildings that do not have an automatic sprinkler system and in the following occupancies:"
- (ww) Chapter 11 is adopted unless it conflicts with the adopted Montana Building code. Retroactivity of any installed fire alarm/sprinkler system is not approved.
- (xx) Table 1103.1 OCCUPANCY AND USE REQUIREMENTS. Amend to include "R" (required to comply) for Section 1103.9 under "E" Occupancy Classification column.
- (yy) 1103.5 Sprinkler systems is not adopted.
- (zz) 1201.1 Scope is amended to delete "installation" from first sentence.
- (aaa) 1207.1.4.1 Communication utilities is not adopted.
- (bbb) 1207.1.5 and 1207.10.4 Construction documents is not adopted.
- (ccc) 1207.10.5 Approved locations is not adopted.
- (ddd) 1207.10.7.5 Local staging. Delete words "when the permit is issued."
- (eee) 2006.2 Airport fuel systems. Change NFPA 407 to NFPA 407-12.
- (fff) 2006.3 Construction of aircraft-fueling vehicles and accessories. Change NFPA 407 to NFPA 407-12.
- (ggg) 2306.2.3 Above-ground tanks located outdoors, above grade, is adopted. See 50-3-103, MCA, for modifications. In paragraph 4., change Section 5706.2 to ARM 23.12.605.

- (hhh) 2306.7.9 through 2306.7.9.2.4 Vapor-recovery and vapor-processing systems are not adopted.
- (iii) 2404.5 Design and construction is amended as follows: "Design and construction of spray booths and spray spaces shall be reviewed and permitted by the Building Department in accordance with the IBC, IMC, and Sections 2404.5.1 through 2404.5.5.1."
- (jjj) 2703.3 Construction requirements is not adopted.
- (kkk) 3001.1 SCOPE is amended as follows: This chapter shall apply to the operation of industrial ovens and furnaces. Industrial ovens and furnaces shall comply with the applicable provisions of NFPA 86 and this chapter. The terms "oven" and "furnaces" are used interchangeably in this chapter.
- (III) 3101.1 Scope is amended as follows: Tents shall apply with this chapter. The provisions of section 3103 are applicable only to temporary tents. The provisions of sections 3104 and 3108 are applicable to temporary and permanent tents. The provisions of 3106 are applicable to inflatable amusement devices. The provisions of Section 3107 are applicable to outdoor assembly events. Other temporary structures shall comply with the International Building Code.
- (mmm) 3103.2 Approval required. is not adopted.
- (nnn) 3103.7 Inspections. Delete the word "permit." After Exception: delete the word "Permit."
- (ooo) 3104.2 Flame propagation performance testing and certification. In the first and last sentence of the paragraph, change the word "permit" to "approval."
- (ppp) 3105 TEMPORARY SPECIAL EVENT STRUCTURES is not adopted.
- (qqq) 3201.3 Construction documents.is not adopted.
- (rrr) 3201.4 Fire safety and evacuation plan. Delete the words "at the time of permit application."
- (sss) 3504.3 Area reviews. In the first sentence, delete the words "while the permit is in effect" and delete the second sentence "Information shown on the permit shall be verified prior to signing the permit in accordance with Section 105.5."
- (ttt) 3601.2 Plans and approvals. The first sentence is amended as follows: "Plans for marina fire protection facilities shall be approved by the Building Official and a permit issued prior to installation."
- (uuu) 3603.5 Electrical equipment. Electrical equipment shall be installed and used in accordance with its listing, and NFPA 70.

- (vvv) 3801.1 Scope is amended as follows: “existing higher education laboratories complying with the requirements of this chapter shall be permitted to exceed the maximum allowable quantities of hazardous materials in control areas set forth in Chapter 50 without requiring reclassification as a Group H occupancy.” Newly constructed or altered higher education laboratories shall comply with all applicable provisions of this code and Section 428 of the International Building Code.
- (www) 3804 LABORATORY SUITE CONSTRUCTION is not adopted.
- (xxx) 3805.3 Restricted materials automatic fire detection is not adopted.
- (yyy) 4106.4.3 Fuel gas systems is not adopted.
- (zzz) 5001.6.1 Temporarily out-of-service facilities. Delete the words "maintain a permit and."
- (aaaa) 5001.6.2 Permanently out-of-service facilities. Replace paragraph with "Facilities not monitored and inspected on a regular basis shall be deemed to be permanently out of service and shall be closed in an *approved manner*."
- (bbbb) 5003.3.1.1 Records. Delete the words "by the permittee."
- (cccc) 5003.5 Hazard identification signs. Delete the words "in quantities requiring a permit and."
- (dddd) 5307.4.1 Documentation. Change the words "with the application for permit" to "to the fire code official for approval."
- (eeee) 5503.1.1.1 Data submitted for approval. Delete the words "with the application."
- (ffff) 5601.1.3 Fireworks - is not adopted and is replaced by Title 50, chapter 37, MCA.
- (gggg) 5601.2 Permit required. Replace section 105.5 with 50-37-107, MCA.
- (hhhh) 5601.2.2 through 5601.2.4.2 are not adopted and are replaced with Title 50, chapter 37, MCA.
- (iiii) 5606.5 through 5606.5.2.3 Display and storage in Group M occupancies are not adopted and are replaced with 50-61-120 and 50-61-121, MCA.
- (jjjj) 5608.1 General. Add "and Title 50, chapter 37, MCA" at end of sentence.
- (kkkk) 5608.2 Permit application is not adopted. Replace with “see 50-37-107, MCA, and ARM 23.12.504.”
- (llll) 5706.1 General. In paragraph 1., delete "farms and."

- (mmmm) 5706.2 Storage and dispensing of flammable and combustible liquids on farms and construction sites. Delete "farms and" from the heading and "on farms and rural areas and" from the paragraph. Add at the end of the paragraph "See ARM 23.12.605 for requirements of farms and rural areas."
- (nnnn) 5706.2.5.1 Tanks with top openings only. Paragraph 2. is not adopted.
- (oooo) 5706.2.5.2 Tanks for gravity discharge. Paragraph 2 is not adopted.
- (pppp) 5706.5.4.5 Commercial, industrial, governmental or manufacturing. Paragraph 1. is not adopted. Delete the first sentence in paragraph 3.
- (qqqq) 5707.1.1 Approval required is not adopted.
- (rrrr) 6109.11.2 Construction is amended in the first sentence as follows: "Newly constructed or altered buildings and rooms shall comply with requirements for Group H occupancies in the IBC, Chapter 10 of NFPA 58 and both of the following:
- (i) Adequate vents shall be provided to the outside at both top and bottom, located not less than 5 feet (1524 mm) from building openings.
 - (ii) The entire area shall be classified for the purpose of ignition source control in accordance with Section 6.25 of NFPA 58.
- (ssss) On page 579, Referenced Standards, change NFPA 407- 22 to NFPA 407-12.
- (tttt) Appendix B, Fire Flows, is adopted.
- (uuuu) Appendix C, Hydrants, is adopted.
- (vvvv) Appendix E, Hazard Categories, is adopted.
- (wwwv) Appendix F, Hazard Ranking, is adopted.
- (xxxx) Appendix G, Cryogenic Fluids - Weight and Volume Equivalents, is adopted.
- (yyyy) Appendix I, Fire Protection Systems Non-Compliant Conditions, is adopted.

Authorizing statute(s): 50-3-102, MCA

Implementing statute(s): 50-3-103, MCA

Statement of Reasons

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

Comment 1: A commenter proposed revisions to the proposed amendments to ARM 23.12.601(3) and (4) to preserve the controlling role of the state building code and the authority of certified local building-code jurisdictions pursuant to state law. The Department of Justice (DOJ) may only adopt fire-prevention rules if they do not conflict with the state building code as adopted by the Department of Labor and Industry (DLI) under 50-3-102(2), MCA. When DOJ rules address building or equipment standards covered by the state building code or a certified local building code, those rules become effective only upon DLI's approval and filing with the Secretary of State. 50-3-103(2), MCA. DOJ is also required to approve local fire codes and enforcement plans that comply with 50-3-102 and 50-3-103, MCA, meaning a local fire code cannot conflict with the state or local building code. 50-61-102(1), MCA. The commenter argues that the proposed revisions will prevent conflicting or independent building standards, clarify jurisdiction for state and local enforcement officials, and preserve DOJ's fire prevention authority.

The commenter recommends deleting the second sentence of ARM 23.12.601(3) to prevent a local fire authority from adopting standards that are more restrictive than the state building code, a certified local building code, or the statutory approval requirements for a local fire code.

The commenter also recommends revising the first sentence of ARM 23.12.601(4) because the fire code does not apply to new construction. The amended rule as proposed does not acknowledge that the state building code or a certified local jurisdiction's building code take precedence over the fire code, which is contrary to state law.

Response 1: The department acknowledges the comment, and the department agrees to adopt the commenter's proposed revisions to ARM 23.12.601(3) and (4) for the reasons stated in the comment.

Contact

Dirk Johnson, State Fire Marshal
406-606-0778
dirk.johnson@mt.gov
Fax: 406-791-2729

Rule Reviewer

Chad Vanisko

Approval

Christian Corrigan, Solicitor General