
FIRE PREVENTION AND BUILDING SAFETY COMMISSION
Department of Homeland Security**Written Interpretation of the State Building Commissioner****Interpretation #:** CEB-2022-41-2020 IRC-R106**Building or Fire Safety Law Interpreted****[675 IAC 14-4.4](#) 2020 Indiana Residential Code, Section R106 CONSTRUCTION DOCUMENTS****R106.1 ALTERNATE MATERIALS, METHODS, AND EQUIPMENT.**

The provisions of this code are not intended to limit the appropriate use of material, appliances, equipment, or methods of design or construction not specifically prescribed by this code. The building official shall determine equivalence of the proposed alternate materials, appliances, equipment, or method of design or construction of that prescribed in this code in suitability, quality, strength, effectiveness, fire resistance, durability, dimensional stability, safety, and sanitation on the basis of evidence or tests as described in R106.2 and R106.3, as suitable to be approved. For Class 1 structures, alternate materials, methods, equipment, and design shall be as required by the General Administrative Rules ([675 IAC 12-6-11](#)). Compliance with specific provisions of the *Indiana Building Code* ([675 IAC 13](#)) or the *Indiana Plumbing Code* ([675 IAC 16](#)) in lieu of the requirements of this code shall be permitted as an alternate.

R106.2 EVIDENCE.

The building official may require that evidence or proof be submitted to substantiate any claims that may be made regarding the proposed alternate.

R106.3 TEST AND STANDARDS.

The determination of equivalence shall be based on design or test methods or approved standards. In addition, the building official may accept as supporting data to assist in this determination duly authenticated reports from the Building Officials and Code Administrators International, Inc., Southern Building Code Congress International, Inc., International Conference of Building Officials, the International Code Council, Inc., or their successors, or acceptance documents from the U.S. Department of Housing and Urban Development, the certification of a registered architect registered under [IC 25-4](#) or a professional engineer registered under [IC 25-31](#), or the General Administrative Rules ([675 IAC 12](#)). Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for a period required for retention of public records.

Issue

Whether, under Section R106 of the *2020 Indiana Residential Code* (IRC), an Indiana-registered architect or engineer may be required to design and seal drawings for a Class 2 structure utilizing alternative materials or constructed by alternative methods.

Interpretation of the State Building Commissioner

Yes, under Section R106 of the *2020 IRC*, an Indiana-registered architect or engineer may be required to design and seal drawings for a Class 2 structure utilizing alternative materials or constructed by alternative methods, *if the building official determines such documentation is necessary to demonstrate compliance with the minimum standards of the code.*

Rationale

The *2020 IRC* clearly allows for the use of alternative materials, methods and equipment under the provisions of Section R106.1. It is also clear from that section that for such alternative use to occur, it must receive the approval of the building official as a means of ensuring the code's minimum performance and safety standards are met by the proposed alternative use.

Since approval is at the discretion of the building official, it is important to understand what is meant by that term. It is included in the definitions provided in the *2020 IRC*, and it is as follows: "Building official, as used in this code, shall be the local official or officials as designated in local ordinance, except it shall be the state building commissioner for Industrialized Building Systems under [675 IAC](#)." Since the structure in question is not an Industrialized Building System, the authority for acceptance of alternative uses in this case lies solely with the

local building official.

Section R106.2 states that the building official has the authority to require evidence or proof of any performance claims made on behalf of the proposed alternative use.

Section R106.3 states that the determination of equivalence must be based on design or test methods, or approved standards. To assist in making such determinations, the section provides a variety of evidentiary methods, one of which is certification by an architect or engineer registered under [IC 25-4](#) or [IC 25-31](#), respectively. Those statutes reference registration of the design professional in Indiana, through the state's board of registration for architects and landscape architects, or the state's board of registration for professional engineers. Drawings certified by design professionals under other jurisdictions' laws do not qualify.

Taken in whole, Section R106:

- Provides for the allowance of alternative uses;
- Vests the local building official with the authority to accept or deny the proposed alternative use, as well as the authority to require evidence of equivalent performance; and
- Grants the local building official discretion in determining what tests or other methods are necessary to provide such evidence of equivalent performance.

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