



December 9, 2025

**VIA E-MAIL:**

Ms. Janet Thome  
janet@tinyhouseallianceusa.org

**RE: Preemption Inquiry**

Ms. Thome,

ICC Council Policy 49 gives the ICC Board of Directors the authority to strike any provision of a code or standard when the Board, acting on the advice of counsel, determines that it is more likely than not that federal law preempts the provision. After considering the issues you raised in connection with the draft ICC 1215 standard, the ICC Board of Directors has concluded, based on the advice of counsel, that it is unlikely that federal or international law would preempt the Transportation section of the draft 1215 standard.

You stated that modular homes with an integrated chassis must comply with federal laws, including with respect to VIN numbers, registration requirements, and federal laws for labeling and certification of trailers which are considered a motor vehicle with the integrated chassis. However, the VIN and label requirements you cite only apply to “motor vehicles.” See 49 CFR §§ 565 (defining VIN as a series of Arabic numbers and Roman letters that is assigned to a motor vehicle for identification purposes) and 567 (describing the content and location of the certification label to be affixed to motor vehicles). For the following reasons, a modular home with an integrated chassis is not considered a “motor vehicle,” as defined by federal law.

First, modular homes with an integrated chassis do not fall within the legal definition of “motor vehicle,” which must be manufactured primarily for use on public streets and highways. 49 U.S.C. § 30102(a)(7). The National Highway Transportation Safety Administration (NHTSA), the federal agency tasked with administering the relevant motor vehicle laws, has advised that mobile homes and park model trailers that are towed to a campsite after construction are not “motor vehicles” because any road use is incidental to their residential purpose. See Interpretation from NHTSA Chief Counsel, <https://www.nhtsa.gov/interpretations/aia5409>. The same logic applies to modular homes with an integrated chassis, which are manufactured primarily for use as homes.

Additionally, for decades the NHTSA has taken the position that modular homes are not “motor vehicles” as defined by federal law. See *Interpretation from NHTSA Chief Counsel*, <https://www.nhtsa.gov/interpretations/nht72-549>.

Finally, courts have uniformly held that manufactured homes and other homes that may be transported on public streets or highways are not “motor vehicles” as defined by federal law. In holding that a

manufactured home was not a “motor vehicle,” a federal court recently explained that its decision was consistent with all preceding court opinions on similar issues. *Donald v. 21st Mortgage Corp.*, Case No. 24-10535-RMM Doc. 31 (Bankr. M.D. Ga. May 12, 2025) (citing *In re Renee Marie St. Fleur*, No. 20-50764, Doc. 33 (Bankr. M.D.N.C. Mar. 3, 2021) (discussing mobile home) and *In re Green*, 360 B.R. 34 (Bankr. N.D.N.Y. 2007) (discussing travel trailers)).

Because a tiny home or small residential unit that is built on an integrated carrier chassis that remains part of the dwelling after it is transported is not a “motor vehicle,” the federal laws regarding labeling or certification requirements you cited do not apply to such structures. As a result, the Board does not believe the current draft standard is likely to be preempted by the federal laws you cited.

Additionally, you argued that the draft standard is preempted by federal law because modular homes transported by a temporary carrier system must comply with the VIN and certification requirements. The draft standard explicitly states that the provisions of the Transportation section apply only to units with an integrated chassis, not when there is an independent trailer. The Transportation section is silent as to transportation requirements for modular homes transported by temporary carrier systems and therefore does not impose any requirements that could be preempted by federal law.

Please be advised that all procedural matters related to the development of the 1215 standard are appealable as set forth in Council Policy 12A.

The Board believes you bring a valuable perspective with respect to tiny home issues and appreciates your involvement in the standard development process.

Sincerely,



Michael Boso  
President  
International Code Council, Inc.

Cc: Jordana Rubel, International Code Council, Inc.  
Will Coffman, International Code Council, Inc.