

John Belcik
International Code Council
200 Massachusetts Ave NW
Washington, DC 20001
Jan. 25, 2026
Regarding: New Preemption Complaint Unlawful Data Plate ICC 1215

Mr. Belcik,

This letter constitutes a new formal complaint submitted to the International Code Council regarding federal preemption under ICC Council Policy 49, arising from the Transportation provisions and data plate requirements in ICC/THIA 1215. This complaint is submitted after, and in light of, your failure to respond to my rebuttal dated December 18, 2025, which addressed preemption defects. That nonresponse foreclosed a good-faith effort to resolve the issue and requires that the matter now be stated formally and on the record.

This complaint focuses narrowly on the ICC/THIA 1215 “data plate” and explains what it causes under federal preemption law once adopted or enforced, not merely what it purports to disclose.

ICC/THIA 1215 SRU Data Plate (Adds “Gross Weight of Structure”)

Appendix B — SMALL RESIDENTIAL UNIT DATA PLATE

“Small Residential Data Plates shall display information pertinent to the structures constructed for use by AHJ’s. Data required shall include but not be limited to:”

- BUILDER NAME (MANUFACTURER)
- BUILDER CONTACT INFORMATION (MAN. SITE)
- WIND LOAD
- ROOF LIVE/DEAD LOAD
- SNOW LOAD
- FLOOR LIVE LOAD
- SEISMIC/RICHTER CATEGORY
- HEATING/COOLING THERMAL DESIGN ZONE
- **GROSS WEIGHT OF STRUCTURE**
- BUILD DATE
- SERIAL NUMBER
- LIST OF CODES/OCCUPANCY CLASSIFICATION
- ELECTRICAL PANEL BOX RATING

Location. “Small Residential Unit Data Plate shall be placed on the interior of the structure, near the distribution panel on a closet wall or in a cabinet under the kitchen sink in the unit.”

What the data plate actually does

ICC/THIA 1215 requires that the “gross weight of structure” be placed on a Small Residential Unit (SRU) data plate located inside the structure, not on the chassis.

Once a structure is permanently mounted to a trailer and moved on public roads:

- The structure is no longer a standalone building load
- The chassis and structure together form the transported conveyance
- The weight that matters is the combined carried weight
- That weight is regulated exclusively by federal transportation law

Calling it “gross weight of structure” does not change its legal function. It is being used as vehicle weight.

Federal law does not permit DOT-regulated vehicle weight to be Smuggled in through a building data plate.

By inserting “gross weight of structure” into the SRU data plate and then requiring DOT compliance for the “loads and weights shown on the data plate,” ICC/THIA 1215 uses a building-code instrument to smuggle in the **combined transported weight of the chassis and structure** while omitting the **federally required certification labels affixed to the chassis** that are the sole lawful mechanism for declaring and enforcing vehicle weight.

Under federal law, highway-regulated weight must be established through **manufacturer self-certification**, expressed on a **VIN-linked certification label** and the **tire and loading information placard** affixed to the chassis. Those federally required placards declare **GVWR, GAWR, axle ratings, tire specifications, and inflation pressures**, and they anchor enforcement through **axle-based limits, axle spacing, and bridge-formula controls**. ICC/THIA 1215 omits these certification instruments entirely and substitutes an interior structure data plate and undefined “documentation” for a compliance system Congress has already prescribed.

Federal law defines and regulates **gross weight exclusively in a transportation context**. For example:

- **23 CFR § 658.17** regulates gross vehicle weight and axle-based limits for highway operation, including enforcement through axle configuration and spacing under the Federal Bridge Formula.
- **26 CFR § 41.4482(b)-1** defines taxable gross weight solely in terms of vehicles, trailers, and loads carried on public highways.

There is **no federal concept of “gross weight” applicable to a building, dwelling, or structure** independent of a vehicle, a load, and highway operation. Nor is there any lawful pathway by which vehicle weight, axle ratings, or tire capacities may be declared on an interior building plate rather than on the **VIN certification label and tire placard affixed to the chassis** and subject to federal enforcement.

Once weight is invoked, transportation law governs—and ICC/THIA 1215 deliberately bypasses the mechanisms by which that law is enforced.

The Supreme Court has held that state requirements are preempted when they:

- Interfere with a uniform federal regulatory system, or
- Substitute an alternative mechanism for one Congress selected

That is obstacle preemption.

Here, ICC/THIA 1215:

- Invokes DOT requirements for loads and weights (Section 702.1)
- Routes those DOT-relevant weights to an interior building data plate
- Substitutes undefined “documentation” for federal certification
- Omits VIN-based self-certification, GVWR, and GAWR entirely

Federal law does not permit DOT compliance to be proven by a building plate or construction documents.

The only recognized mechanism is manufacturer self-certification via a VIN-linked certification label under 49 CFR Part 567.

There is no documentation-only substitute.

What this causes in practice

Once adopted or enforced by a state or local jurisdiction, this scheme causes:

- **Impossibility preemption**
Builders are required to prove DOT load and weight compliance using instruments federal law does not recognize.
- **Obstacle preemption**
A uniform federal system for vehicle weight and highway safety is replaced with a fragmented, jurisdiction-specific workaround.
- **Enforcement breakdown**
Weight is hidden on an interior building plate, not affixed to the vehicle or visible to transportation enforcement.

- Risk displacement
Federal liability is avoided while risk is shifted to builders, inspectors, and owners—contrary to Congress’s design.

The Supreme Court has repeatedly rejected state schemes that “share the same goals” as federal law but alter the means and structure Congress chose.

Why the data plate scheme creates conflict preemption

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Section 702.1 makes the conflict explicit

Section 702.1 states that chassis must comply with DOT requirements for the loads and weights shown on the data plate, verified by “documentation.”

This creates an unlawful condition:

- DOT compliance is required
- DOT certification mechanisms are denied
- A non-federal plate is substituted
- Enforcement responsibility is severed

Federal law does not allow DOT authority without DOT accountability

Summary

ICC/THIA 1215 uses a building data plate to carry transportation-regulated weight. That weight applies to the combined chassis and structure once mounted and transported. Federal law regulates gross weight only through vehicle-based certification and axle-based enforcement.

By invoking DOT requirements while substituting a non-federal data plate and undefined documentation, ICC/THIA 1215 creates a state requirement that obstructs the federal transportation system and is displaced under the Supremacy Clause.

The standard also attempts to omit and skip the required motor-vehicle and personal-property compliance step for chassis-based dwellings by treating them as real property at the point of fabrication and during transport. Federal law does not permit that reclassification. Real property is defined exclusively as land and improvements affixed to land (41 CFR § 102-71.20), while personal property is defined as all property other than real property (41 CFR § 102-36.40). At fabrication and during transport, a chassis-based dwelling is not affixed to land and therefore remains personal property; any standard that bypasses this classification step conflicts with federal law and is preempted.

ICC cannot rely on so-called “Silence” to evade preemption when its own actions are Loud and Clear. A documented 27-email exchange with an David A. Tompos, ICC-NTA employee recommending avoidance of FMVSS compliance, HUD applicability, and motor-vehicle classification—combined with a Transportation chapter regulating chassis, loads, and weights in a field already occupied by Congress—demonstrates a deliberate rerouting of federally mandated transportation compliance and establishes both intent and a direct federal conflict as a matter of record.

Janet Thome President
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