

April 22, 2026

VIA E-MAIL

Michael Boso, President
International Code Council, Inc.

Cc: Jordana Rubel
Will Coffman
John Belcik
Karl Aittaniemi

Re: ICC 1215 – Federal Motor Vehicle Laws Violated and Continuing Preemption Defects

Mr. Boso,

Thank you for your recent response concerning my preemption inquiry under ICC Council Policy 49. Your letter confirms that ICC has now taken an official position regarding ICC 1215 and the Transportation chapter.

Respectfully, the response does not address the controlling federal transportation statutes implicated by ICC 1215.

The issue is not limited to whether a completed dwelling is “primarily residential.” The issue is that ICC 1215 regulates chassis-based transportation equipment, transportation loads, highway movement, and weight declarations while bypassing the federal laws Congress enacted to govern those exact subjects.

1. National Traffic and Motor Vehicle Safety Act

49 U.S.C. §§ 30103 and 30112

Congress established a uniform national system for motor vehicle and motor vehicle equipment safety.

Express Preemption

“When a motor vehicle safety standard is in effect ... a State or political subdivision may prescribe or continue in effect a standard applicable to the same aspect of performance ... only if the standard is identical.”

49 U.S.C. § 30103(b)(1)

ICC 1215 creates transportation requirements relating to chassis performance, loads, and movement that are not identical to federal standards.

Unlawful Manufacture / Sale Pathway

A person may not manufacture for sale, sell, offer for sale, or introduce into interstate commerce any motor vehicle unless it complies with applicable federal standards and certification requirements.

49 U.S.C. § 30112(a)(1)

ICC 1215 presents manufacturers with a private-code pathway that does not satisfy federal compliance requirements where applicable.

2. Vehicle Identification Number (VIN) Laws

49 CFR Part 565

Federal law requires qualifying vehicles to carry a federally compliant Vehicle Identification Number assigned by the manufacturer.

ICC 1215 substitutes private serial numbering and internal data plate identification rather than the federally recognized VIN system.

Where transportation equipment is subject to federal identification law, ICC cannot replace that system with a building-code serial number.

3. Federal Certification Label Laws

49 CFR Part 567

Federal law requires qualifying manufacturers to affix certification labels identifying compliance with applicable federal motor vehicle safety standards.

ICC 1215 instead uses an interior “Small Residential Unit Data Plate” containing gross weight and serial information while omitting federally recognized certification labeling.

Federal law does not authorize private code organizations to replace certification labels with interior dwelling plates.

4. Trailer / Motor Vehicle Equipment Regulation

Even if ICC disputes whether the dwelling itself is a motor vehicle, the running gear, axles, braking systems, wheels, couplers, tires, frame, and chassis components constitute transportation equipment regulated under federal law.

ICC cannot avoid federal law simply by labeling the transported structure a house while regulating the transportation platform underneath it.

5. False Weight Compliance Pathway

ICC 1215 uses terms such as:

- gross weight
- loads
- transportation capacity

These are motor vehicle transportation concepts ordinarily tied to:

- GVWR
- GAWR
- tire/loading placards
- axle ratings
- bridge formula enforcement

ICC substitutes a building-code data plate for the recognized federal weight-certification framework.

6. Civil Penalty Exposure

49 CFR § 578.6

Violations involving unlawful manufacture, certification failures, or related Title 49 obligations may carry significant per-unit federal penalties.

Manufacturers relying on non-federal compliance pathways may face serious enforcement consequences.

7. ICC's Central Contradiction

ICC claims these units are outside motor vehicle law because they are homes.

If that were true, ICC 1215 would have no reason to regulate:

- transportation chapters
- chassis standards
- road movement
- loads
- weights
- transport documentation

ICC cannot disclaim transportation jurisdiction while simultaneously writing transportation rules.

8. Public Record

Because ICC has now spoken officially, this correspondence serves to document that ICC was placed on notice of the federal conflicts, preemption concerns, and manufacturer risks associated with ICC 1215.

The record now reflects that these issues were specifically raised and expressly declined.

Conclusion

ICC 1215 is not merely a building standard. It attempts to regulate federally governed transportation equipment while bypassing the motor vehicle laws Congress enacted for uniform national compliance.

It also ignores the legal reality that manufactured homes and other chassis-based dwellings begin life as transportable personal property, chattel, and highway-moved products before they are ever affixed to land or converted to real property.

As previously cited:

“44 states register them at the DMV — the department of motor vehicles. There is also a required road test.”

And under federal regulation:

“A manufactured home serial number which will identify the manufacturer and the state in which the manufactured home is manufactured must be stamped into the foremost cross member.”

24 CFR § 3280.6

That is the legal stage ICC 1215 attempts to skip. It treats chassis-based dwellings as though they begin as stationary buildings, when in fact they begin as movable products in commerce subject to identification, titling, transportation, and placement requirements before affixation to land.

By bypassing that sequence, ICC 1215 creates a false shortcut around existing federal and state regulatory systems.

That conflict remains unresolved, and the public record should accurately reflect it.

Respectfully,

Janet Thome

President

Tiny House Alliance USA