

Dear Senators PATRICK, Agenbroad, Ward-Engelking, and
Representatives DIXON, DeMordaunt, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Division of Building Safety:

IDAPA 07.02.02 - Rules Governing Plumbing Permits (Fee Rule) - Proposed Rule (Docket No.
07-0202-1901).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 08/19/2019. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 09/16/2019.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Business Committee

FROM: Principal Legislative Drafting Attorney - Ryan Bush

DATE: July 31, 2019

SUBJECT: Division of Building Safety

IDAPA 07.02.02 - Rules Governing Plumbing Permits (Fee Rule) - Proposed Rule (Docket No. 07-0202-1901)

Summary and Stated Reasons for the Rule

The Division of Building Safety submits notice of proposed rulemaking for IDAPA 07.02.02 - Rules Governing Plumbing Permits (Fee Rule). The Division is incorporating portions of three repealed chapters into this chapter in accordance with the Governor's Red Tape Reduction Act. These incorporated provisions relate to required inspections, requirements in addition to the Plumbing Code and civil penalties. In addition, the Division is incorporating a permit fee schedule that was previously in chapter 07.02.03. The Division also states that it is eliminating obsolete provision and simplifying and clarifying certain provisions.

Negotiated Rulemaking / Fiscal Impact

The Division states that negotiated rulemaking was not conducted because the rule changes are simple in nature and being done pursuant to an executive order. There is no fiscal impact associated with this rulemaking.

Statutory Authority

The proposed rule changes and fee rule appear to be within the statutory authority granted to the Division in Section 54-2606, Idaho Code.

cc: Division of Building Safety
Patrick Grace

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

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IDAPA 07 – DIVISION OF BUILDING SAFETY

07.02.02 – RULES GOVERNING PLUMBING PERMITS

DOCKET NO. 07-0202-1901 (FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-2606, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 17, 2019.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

In compliance with the Red Tape Reduction Act (Executive Order 2019-02), this proposed rulemaking consolidates certain provisions from IDAPA 07.02.03, 07.02.04, and 07.02.07, which are being repealed in this Bulletin, and includes them in IDAPA 07.02.02; and eliminates obsolete provisions and simplifies provisions of the consolidated rules.

Additionally, IDAPA 07.02.03.011.08 and 07.02.03.011.09 refer to “mobile homes” and “mobile home parks.” “Mobile home” is a term of art that refers to a mobile residential structure constructed prior to June 15, 1976. “Manufactured home” is a term of art that refers to a transportable residential structure constructed on or after June 15, 1976, in accordance with United States Department of Housing and Urban Development regulations. In addition, a “modular building” is a prefabricated structure or building component that is constructed in accordance with locally adopted codes. The Division of Building Safety (Division) issues permits and performs on-site plumbing inspections for mobile homes, manufactured homes, and modular buildings. The Division currently imposes one fee for permitting and inspection of plumbing for mobile homes, manufactured homes, and modular buildings, despite differences in the structures.

This proposed rulemaking imposes the correct fee that corresponds to each structure by adding a fee for a modular building. This proposed rulemaking also adds the term “manufactured home” to the fee for a mobile home in IDAPA 07.02.03.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

This proposed rulemaking would impose the correct fee that corresponds to a modular building or mobile or manufactured home by adding a fee for a modular building. The fee for a modular building is currently imposed as a fee for a mobile or manufactured home. All of the fees only cover the costs of processing the permit and performing the inspection.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

This proposed rulemaking will have no fiscal impact, positive or negative, to any state programs or funds, including the state plumbing program, General Fund, and the Idaho Plumbing Board Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted on the amendments that repeal, consolidate, eliminate, or simplify provisions of the rules pursuant to the Red Tape Reduction Act (Executive Order 2019-02) because those amendments are simple in nature.

Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted on the amendments to the fee portion of the rules under Docket No. 07-0203-1901. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 1, 2019 Idaho Administrative Bulletin, [Vol. 19-5, pages 47 through 48](#).

Due to the repeal of IDAPA 07.02.03 under this docket, Docket No. 07-0203-1901 has been combined with this Docket No. 07-0202-1901.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact John Nielsen, Plumbing Program Manager, Division of Building Safety at (208) 332-7112 or at john.nielsen@dbs.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 24, 2019.

Dated this 7th day of June, 2019.

Ron Whitney, Deputy Administrator
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-7150
Fax: (877) 810-2840
ron.whitney@dbs.idaho.gov

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0202-1901
(Only Those Sections With Amendments Are Shown.)**

000. LEGAL AUTHORITY.

In accordance with Section 54-2605(1) and 54-2606(3), Idaho Code, the Idaho Plumbing Board is authorized to make, promulgate, and publish such rules as may be necessary for carrying out the provisions of ~~this act~~ Title 54, Chapter 26, Idaho Code, in order to effectuate the purposes thereof and for the orderly and efficient administration thereof; ~~and except as may be limited or prohibited by law and the provisions of this act, such rules so made and promulgated have the force of statute.~~ (2-26-93)()

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 07.02.02, “Rules Governing Plumbing Permits, Fees, Inspections, and Civil Penalties.” ~~Division of Building Safety.~~ (2-26-93)()

02. Scope. These rules prescribe ~~the~~ criteria for plumbing permits ~~issued under the provisions of Title 54, Chapter 26, Idaho Code.~~ fee schedules for plumbing permits, inspections of plumbing installations, and civil penalties. (2-26-93)()

002. WRITTEN INTERPRETATIONS.

This agency has no written interpretations of this chapter. (2-26-93)

003. ADMINISTRATIVE APPEALS.

~~This chapter does not provide for administrative relief of the provisions contained herein~~ Within ten (10) days of receiving notice of a civil penalty, the notified party shall comply with the penalty or file a written request for an administrative appeal before the Board and pay a bond in the amount of the penalty. Title 67, Chapter 52, Idaho Code,

and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," govern administrative appeals and judicial review thereof. (2-26-93)()

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference into this rule. ()

005. OFFICE – MAILING ADDRESS – STREET ADDRESS – OFFICE HOURS – WEB ADDRESS.

The Division's mailing address and central office street address is 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. The Division's central office is open from 8 a.m. to 5 p.m., except on Saturday, Sunday, and legal holidays. The Division's web address is <http://dbs.idaho.gov>. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are promulgated in accordance with the Administrative Procedures Act, Title 67, Chapter 52, Idaho Code. These rules and all records of the Board are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. ()

007. -- 009. (RESERVED)

010. DEFINITIONS.

01. Administrator. The Division of Building Safety Administrator. ()

02. Board. The Idaho State Plumbing Board, created under the provisions of Section 54-2605, Idaho Code. ()

~~**03. Division.** The Division of Building Safety of the state of Idaho. (1-22-82)()~~

04. Fixture. Any water using or waste producing unit attached to the plumbing system, and includes sewers, water treatment equipment, solar systems, sprinkler systems, hot tubs and spas. (1-22-82)

~~**05. Board.** The Idaho State Plumbing Board, created under the provisions of Section 54-2605, Idaho Code. (1-14-85)~~

011. PERMITS.

01. Serial Number. Each permit must bear a serial number. (6-4-76)

02. Plumbing Contractors. Permits will be furnished by the Division to licensed plumbing contractors upon request. ~~The Permit~~ serial numbers ~~of such permits~~ must be registered in the name of the plumbing contractor ~~to whom they are issued~~ and are transferable only as provided herein these rules. (3-24-17)()

03. Home Owners, Commercial, Industrial, and Others. Home owners making plumbing installations on their own premises, ~~coming~~ under the provisions of Section 54-2602, Idaho Code, must secure a plumbing permit by making application to the Division as provided by Section 54-2620, Idaho Code. ()

04. Commercial and Industrial. Application forms for commercial and industrial plumbing installations must be ~~printed by the Division and~~ made available online and at the ~~office of the~~ Division's in Meridian central and regional offices. The application form must be properly completed, ~~signed by the contractor~~ and mailed returned to the Division ~~at 1090 E. Watertower Street, Suite 150, Meridian, Idaho, 83642~~, together with a verified copy of bid acceptance and the proper permit fee as hereinafter provided. ~~Persons, companies, firms, associations, or corporations making plumbing installations, other than on their own property, must be licensed as a contractor by the state of Idaho as provided by Section 54-2610, Idaho Code.~~ (11-14-85)()

05. Expiration of Permit. Every permit issued by the administrative authority under the provisions of Idaho Code expires by limitation and becomes null and void if the work authorized by such permit is not commenced within one hundred twenty (120) days from the date of permit issuance ~~of such permit~~, or if work authorized by such permit is suspended or abandoned at any time after work is commenced for a period of one hundred twenty (120)

days. Before such work can be recommenced, a new permit must *first* be obtained, and the fee is one-half (1/2) the amount required for a new permit for such work; provided, no changes have been made, or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one (1) year. All plumbing fixtures must be listed on the application for permit. (11-14-84)()

056. Transferring a Permit. A plumbing permit may be transferred to another eligible party if such party provides to the Division written authorization signed and notarized by the original permit holder consenting to the transfer itself, as well as assignment of all responsibilities and conditions incorporated into the original permit issuance. A permit may be transferred to the owner of the property on which the plumbing work is to be performed and for which the permit was issued, or such owner’s designated legal agent in cases where the property owner has terminated their legal relationship with the plumbing contractor who originally obtained the permit. An administrative fee in the amount of forty-five dollars (\$45) for the transfer of a permit will be assessed by the Division. (3-24-17)

067. Refunds of Permits. ~~The administrator may authorize a refund for any permit fee paid on the following bases:~~ (3-24-17)()

a. The Administrator may authorize a refund of the entire permit fee paid when no work has been performed related to the installation of plumbing work covered by a permit issued by the Division. A lesser amount up to fifty percent (50%) of the permit fee amount may be refunded if work has commenced and the project is less than fifty percent (50%) complete as determined by the Division; and (3-24-17)

b. The Administrator will not authorize a refund of any permit fee paid except upon written application for such filed by the original permit holder or the property owner’s representative not less than one hundred eighty (180) days after the date the permit was issued. (3-24-17)

012. PERMIT FEE SCHEDULE.

01. New Residential. Includes all buildings with plumbing systems being constructed on each property. The following fees shall apply to new residential construction:

<u>One-Family Dwelling</u>	
<u>Square feet</u>	<u>Fee</u>
<u>Up to 1,500</u>	<u>\$130</u>
<u>1,501 to 2,500</u>	<u>\$195</u>
<u>2,501 to 3,500</u>	<u>\$260</u>
<u>3,501 to 4,500</u>	<u>\$325</u>
<u>Over 4,500</u>	<u>\$325 plus \$65 for each additional 1,000 square feet or portion thereof</u>
<u>Two or Multi-Family Dwelling</u>	
<u>Dwelling</u>	<u>Fee</u>
<u>Two-family dwelling</u>	<u>\$260</u>
<u>Multi-family dwelling</u>	<u>\$130 per building plus \$65 per unit</u>

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02. Miscellaneous. The following fees shall apply for the types of permits listed:

Type	Fee
<u>Existing residential</u>	<u>\$65 per inspection plus \$10 for each additional fixture</u>
<u>Requested inspection</u>	<u>\$65 per hour or portion thereof plus costs of out-of-state travel</u>
<u>Technical service</u>	<u>\$65 per hour or portion thereof</u>
<u>Plan check</u>	
<u>Mobile home, manufactured home, or recreational vehicle park</u>	<u>Calculated under Subsection 011.03 of these rules</u>
<u>Sewer or water service line - nonresidential (new construction, installations, and replacements)</u>	
<u>Reclaimed water system</u>	
<u>Lawn sprinkler system - nonresidential</u>	
<u>Lawn sprinkler system - residential</u>	<u>\$65 per inspection</u>
<u>Water conditioner</u>	
<u>Sewer or water service line - residential (new construction, installations, and replacements)</u>	
<u>Sewer and water service lines - residential (new construction, installations, and replacements)</u>	
<u>Mobile or manufactured home</u>	
<u>Modular building</u>	
<u>Multipurpose residential fire sprinkler</u>	<u>\$65 or \$4 per fire sprinkler head, whichever is greater</u>
<u>Gray water system</u>	<u>\$130 per inspection</u>

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03. Other Installations Including Industrial and Commercial. The fees listed in this Subsection shall apply to plumbing installations in this schedule that refer to this Subsection and installations not specifically mentioned elsewhere in this schedule. The plumbing system cost shall be the cost to the owner of labor charges and other costs incurred to complete the installation of plumbing equipment and materials installed as part of the plumbing system. All fees calculated under this Subsection must be based on the total plumbing system cost, which must be listed on the permit.

Plumbing system cost	Fee
<u>Up to \$10,000</u>	<u>\$60 plus 2% of plumbing system cost</u>
<u>\$10,000 to \$100,000</u>	<u>\$260 plus 1% of plumbing system cost exceeding \$10,000</u>
<u>Over \$100,000</u>	<u>\$1,160 plus 5% of plumbing system cost exceeding \$100,000</u>

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04. Additional Fees. A fee of sixty-five dollars (\$65) per hour or portion thereof shall apply to trips to inspect when the permit holder has given notice to the Division of Building Safety that the work is ready for inspection and it is not:

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- b. If the permit holder has not accurately identified the work location: ()
 - c. If the inspector cannot gain access to make the inspection: ()
 - d. Corrections required by the inspector as a result of the permit holder improperly responding to a corrective notice. ()
 - e. When corrections have not been made in the prescribed time, unless an extension has been requested and granted. ()
05. No Permit. Failure to purchase a permit before commencing work may result in the assessment of a double fee. ()

013. REQUIRED INSPECTIONS.

- 01. Ground Work Inspection Tags. For ground work to be covered, with acceptance by the inspector. A tag will be attached in a prominent location, preferably to a vertical riser. ()
- 02. Rough-In Inspection Tags. For rough-in, prior to covering or concealing, with acceptance by the inspector. A tag will be placed in a prominent location. ()
- 03. Final Inspection Tags. For final, attached when the plumbing as specified on the permit is complete and conforms to the requirements of the code. ()
- 04. Inspection Tags for Unacceptable Plumbing. Correction Notice - when attached to the plumbing system means that the plumbing is not acceptable and that corrections will be required. A reinspection and reinspection fee for such installations shall be required in accordance with this chapter. ()

014. REQUIREMENTS IN ADDITION TO THE PLUMBING CODE.

- 01. Jurisdiction/Septic Systems. Septic tank and drain fields: Under the definition of a plumbing system as set forth in Section 54-2604(h), Idaho Code, the plumbing contractor's interest and responsibility ceases with the "connection" to the septic tank. ()
- 02. Waste Disposal. The Department of Environmental Quality is the inspection authority on waste disposal. ()

015. CIVIL PENALTIES.

Except for the acts described in Subsections 015.01 and 015.07 of this rule, the acts described in this section shall subject the violator to a civil penalty of not more than two hundred dollars (\$200) for the first offense and not more than one thousand dollars (\$1,000) for each offense that occurs thereafter within one (1) year of an earlier violation. ()

- 01. Plumbing Contractor. Except as provided by Section 54-2602, Idaho Code, any person who acts, or purports to act as a plumbing contractor, as defined by Section 54-2611(a), Idaho Code, without a valid Idaho certificate of competency authorizing him to do so shall be subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and not more than one thousand dollars (\$1,000) for each offense that occurs thereafter within one (1) year of an earlier violation. ()
- 02. Certification or Registration. Except as provided by Section 54-2602, Idaho Code, performing plumbing as defined in Section 54-2603, Idaho Code, without an appropriate certificate of competency or registration. ()
- 03. Failure to Disclose. Failure to disclose upon request any required information on an application for a plumbing registration or certificate of competency, including complete licensure history or previous licensure as a journeyman or master plumber in another jurisdiction. ()

04. Performance Outside Scope of Specialty Certificate. Performance of any plumbing installation, alteration, or maintenance by a plumbing specialty contractor or specialty journeyman outside the scope of the specialty certificate of competency. ()

05. Fees, Permits, and Inspections. Failure to obtain a required permit, pay applicable fees, properly post a plumbing permit, or request an inspection of all pipes, fittings, valves, vents, fixtures, appliances, appurtenances, and water treatment installations or repairs. ()

06. Corrections. Failure to make corrections in the time allotted in the notice on any plumbing installation as set forth in Section 54-2625, Idaho Code. ()

07. Gross Violation. In the case of continued, repeated or gross violation of Title 54, Chapter 26, Idaho Code, or this chapter, disciplinary action shall be initiated against certificate holders under this chapter or the matter shall be referred for prosecution. ()

0126. -- 999. (RESERVED)

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Division of Building Safety

Agency Contact: John Nielsen, Plumbing Program Manager **Phone:** 208-332-7112

Date: March 19, 2019

IDAPA, Chapter and Title Number and Chapter Name: IDAPA 07.02.02 – RULES GOVERNING PLUMBING PERMITS

Fee Rule Status: **Proposed** **Temporary**

Rulemaking Docket Number: 07-0202-1901

STATEMENT OF ECONOMIC IMPACT:

The fee for permitting and inspection of plumbing for a modular building is currently imposed as a fee for permitting and inspection of plumbing for a mobile home or manufactured home. This proposed rulemaking would impose the correct fee that corresponds to each structure by adding a fee for a modular building. All of the fees only cover the costs of processing the permit and performing the inspection.

The proposed rulemaking would have no economic impact, positive or negative, to any state programs or funds, including the state plumbing program, General Fund, and the Idaho Plumbing Board Fund.