

Dear Senators ANDREASON, Coiner & Werk, and  
Representatives BLACK, Henderson & Smith(30):

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

**IDAPA 07.02.03 - Rules Governing Permit Fee Schedule (Docket No. 07-0203-0802  
Fee Rule)**

**IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing (Docket No. 07-  
0205-0801)**

**IDAPA 07.03.03 - Rules for Modular Buildings (Docket No. 07-0303-0801)**

**IDAPA 07.05.01 - Rules of the Public Contractors License Board (Docket No. 07-  
0501-0802)**

**IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and  
Airconditioning Systems (Docket No. 07-0701-0802)**

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  
10-13-08. 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 11-10-08.

\_\_\_\_\_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 334-2475, or send a written request to the  
address or FAX number indicated on the memorandum enclosed.

## MEMORANDUM

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

**FROM:** Research & Legislation Staff - Eric Milstead

**DATE:** September 24, 2008

**SUBJECT:** Division of Building Safety

The Division of Building Safety has submitted rules as discussed below.

1. IDAPA 07.02.03 - Rules Governing Permit Fee Schedule (Docket No. 07-0203-0802 Fee Rule).

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.02.03 - Rules Governing Permit Fee Schedule. The Division states that the proposed fee rule is necessary to establish fees related to the installation and inspection of gray water systems (\$130) in residencies and for reclaimed water systems (fees will be calculated at the same rate as industrial and commercial installations as provided for in rule).

The Division's proposed rule appears to be authorized pursuant to Sections 54-2605(1) and 54-2606, Idaho Code.

2. IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing (Docket No. 07-0205-0801).

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing. The Division states that the proposed rule will prevent advertising by unlicensed contractors to hold themselves out to the public as being available to perform plumbing contracting. The rule also requires a licensee to include their license number in their advertisements. Finally, the rule defines what constitutes advertising.

The Division's proposed rule appears to be authorized pursuant to Sections 54-2606, Idaho Code.

3. IDAPA 07.03.03 - Rules for Modular Buildings (Docket No. 07-0303-0801).

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.03.03 - Rules for Modular Buildings. The proposed rule lists actions that may subject modular building manufacturers and others who install such structures to civil penalties for specific actions.

The Division's proposed rule appears to be authorized pursuant to Sections 39-4302 and 39-4306, Idaho Code.

4. IDAPA 07.05.01 - Rules of the Public Contractors License Board (Docket No. 07-0501-0802).

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.05.01 - Rules of the Public Contractors License Board. The proposed rule adopts changes stemming from the passage of 2008 House Bill 476 which provided for a new license class—a class “unlimited” license. The proposed rule accounts for this new class in various rule sections and establishes requisite financial requirements and documentation required for applications for such licenses.

The Division's proposed rule appears to be authorized pursuant to Sections 54-1907 and 67-2601A, Idaho Code.

5. IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Airconditioning Systems (Docket No. 07-0701-0802).

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Airconditioning Systems. The proposed rule allows the use of a single colored sticker for multiple inspections, from multiple trades and will remove current color limitations.

The Division's proposed rule is authorized pursuant to Sections 54-5005 and 54-5019, Idaho Code.

cc: Division of Building Safety  
Stephen L. Keys

**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.02.03 - RULES GOVERNING PERMIT FEE SCHEDULE**  
**DOCKET NO. 07-0203-0802 (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 Sections 54-2605(1) and 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 October 15, 2008.

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:

The proposed rulemaking is necessary to provide for a permit fee for the installation and inspection of gray water systems and reclaimed water systems. The proposed rulemaking provides that a permit is required for the installation of gray water systems and reclaimed water systems, along with the fee associated for each of the installations thereof, and the required inspection.

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

The permit fee for gray water systems will be \$130 and the permit fee for reclaimed water systems will be calculated at the same rate as industrial and commercial.

**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: None.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the simple nature of the proposed rule change.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

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 October 22, 2008.

DATED this 19th day of August, 2008.

Steve Keys  
Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 855-2164

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0203-0801**

**011. FEE SCHEDULE.**

**01. New Residential - Single Family Dwelling.** Includes all buildings with plumbing systems being constructed on each property.

<b>New Residential - Single-Family Dwelling</b>	
Up to 1,500 Square feet of living space	- \$130
1,501 to 2,500 Square feet of living space	- \$195
2,501 to 3,500 Square feet of living space	- \$260
3,501 to 4,500 Square feet of living space	- \$325
Over 4,500 Square feet of living space	- \$325 plus \$65 for each additional 1,000 square feet or portion thereof

(7-1-08)T

**02. New Residential - Multi-Family Dwellings.**

<b>New Residential - Multi-Family Dwellings</b>	
Duplex Apartment	- \$260
Three (3) or more Multi-family Units	- \$130 per Building plus \$65 per Unit

(3-26-08)

**03. Existing Residential.** Sixty-five dollars (\$65) plus ten dollars (\$10) for each additional plumbing fixture being installed up to a maximum of the corresponding square footage of the residential building. (3-26-08)

**04. Other Installations Including Industrial and Commercial.** The inspection fees listed in this Section shall apply to any and all plumbing installations not specifically mentioned elsewhere in this schedule. The plumbing cost shall be the cost to the owner of all labor charges and all other costs that are incurred in order to complete the installation of any and all plumbing equipment and materials installed as part of the plumbing system. (3-26-08)

**a.** Plumbing system cost not exceeding ten thousand dollars (\$10,000): sixty dollars (\$60) plus two percent (2%) of the total plumbing system cost. (3-26-08)

**b.** Plumbing system cost over ten thousand dollars (\$10,000), but not exceeding one hundred thousand dollars (\$100,000): two hundred sixty dollars (\$260) plus one percent (1%) of the plumbing system cost exceeding ten thousand dollars (\$10,000). (3-26-08)

**c.** Plumbing system cost over one hundred thousand dollars (\$100,000): one thousand one hundred sixty dollars (\$1,160) plus one half of one percent (.5%) of the plumbing system cost exceeding one hundred thousand dollars (\$100,000). (3-26-08)

**d.** All fees calculated under this schedule must be calculated on the total plumbing cost of the job and this figure must be shown on the permit. (3-26-08)

**05. Requested Inspections.** A fee of sixty-five dollars (\$65) per hour or portion of an hour shall apply,

with the requesting party responsible for all costs incurred in out-of-state travel. (3-26-08)

**06. Additional Fees and Re-Inspection Fees.** A fee of sixty-five dollars (\$65) per hour or portion of an hour shall apply to: (3-26-08)

**a.** Trips to inspect when: (3-26-08)

**i.** The submitter of the permit has given notice to the Division of Building Safety that the work is ready for inspection and it is not; or (3-26-08)

**ii.** If the submitter has not accurately identified the work location; or (3-26-08)

**iii.** If the inspector cannot gain access to make the inspection. (3-26-08)

**b.** Trips to inspect corrections required by the inspector as a result of the submitter improperly responding to a corrective notice. (3-26-08)

**c.** Each trip necessary to remove a red tag from the jobsite. (3-26-08)

**d.** When corrections have not been made in the prescribed time, unless an extension has been requested and granted. (3-26-08)

**e.** No permit - failure to post or send permit and required fee in the prescribed time will, at the discretion of the Division, result in the assessment of a double fee. (3-26-08)

**07. Plan Checking Fee.** Sixty-five dollars (\$65) per hour or portion thereof. (3-26-08)

**08. Mobile Homes.** Each connection or re-connection to existing sewer and water stubs shall be sixty-five dollars (\$65). (3-26-08)

**09. Mobile Home Parks and/or RV Parks.** Sewer and water service lines in mobile home parks and RV parks shall be classed as commercial. NOTE: This does not include or permit the connection of the mobile home. See Subsection 011.04, of these rules. (7-11-89)

**10. Residential.** Lawn sprinklers shall be sixty-five dollars (\$65). (3-26-08)

**11. Water Conditioners.** Water conditioners shall be sixty-five dollars (\$65). (3-26-08)

**12. Sewer and Water Permit Fees.** Residential sewer and water service line fees shall apply to all new construction, installations, and replacements. (3-30-06)

**a.** Sewer and water permit fees for excavators or property owners shall be assessed at the same rate as residential or nonresidential based on the classification of the construction project. (3-30-06)

**b.** Residential sewer and water service lines installation permit fees will be assessed at the rate of thirty-eight dollars (\$38) each or sixty-five dollars (\$65) for a combination of both if only one (1) inspection is required and the work is done by the same individual. (3-26-08)

**13. Non-residential.** Lawn sprinkler permit fees shall be calculated at the same rate as industrial and commercial plumbing installations. (3-26-08)

**14. Nonresidential Sewer and Water Service Lines Permit Fees.** If installed by someone other than the plumbing contractor of the building, fees shall be calculated at the same rate as industrial and commercial plumbing installations. (3-26-08)

**15. Technical Service Fee.** Sixty-five dollars (\$65) per hour for each hour or portion thereof. (3-26-08)

**16. Multipurpose Residential Fire Sprinkler and Domestic Water Supply System Fee.** The inspection fee for the installation of the fire sprinkler portion of a multipurpose residential fire sprinkler and domestic water supply system in a one (1)-family or two (2)-family residence shall be a minimum of sixty-five dollars (\$65) or four dollars (\$4) per fire sprinkler head, whichever is greater. (3-26-08)

**17. Gray Water Systems.** Gray water systems in residential occupancies shall be permitted at one hundred thirty dollars (\$130). ( )

**18. Reclaimed Water Systems.** Reclaimed water systems shall be calculated at the same rate as industrial and commercial installations in the same manner provided for in Subsection 011.04 of these rules. ( )

**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.02.05 - RULES GOVERNING PLUMBING SAFETY LICENSING**  
**DOCKET NO. 07-0205-0801**  
**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 October 15, 2008.

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:

The proposed rulemaking is necessary to prevent the practice of unlicensed contractors advertising their services and holding themselves out to the public that they are available to perform plumbing contracting services. It also requires those licensed persons or entities that are permitted to advertise to include their license number in the advertisement. The proposed rulemaking prevents any person or entity from advertising to engage in the business or practice of a plumbing contractor without a valid plumbing certificate (license) issued by the Division of Building Safety. It also defines what activity constitutes advertising, and requires those persons or entities with a valid certificate who properly engage in advertising to include their certificate of competency number in the advertisement.

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

**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: None.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the simple nature of the proposed rule change.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator – Operations, (208) 332-8986.

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 October 22, 2008.

DATED this 11th day of August 2008.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 855-2164

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0205-0801**



**013. PLUMBING CONTRACTOR.**

**01. Qualifications for Plumbing Contractor.** A plumbing contractor must be certified as competent by the Idaho Plumbing Board and the administrator of the Division before he offers his service to the public. To obtain the certificate, he must first submit an acceptable application. The application must show, among other things, a provable minimum of two and one-half (2 1/2) years experience as a journeyman plumber either in the state of Idaho or another state. Such experience may be proven by the submission with the application of a photostatic copy of the license from another jurisdiction, which has been held for the required period of time. However, if the applicant is from a state which does not require or provide for formal journeyman licensing, then said experience may be proven by the submission of three (3) sworn affidavits from individuals attesting to the fact that the applicant has had at least two and one-half (2 1/2) years experience as a journeyman plumber. Applications which are incomplete in any detail will be returned as unacceptable. A compliance bond must also be on file in the Division before an examination will be given. The examination fee shall be as prescribed by Section 54-2614, Idaho Code, and must accompany the application. (8-25-88)

**02. Restrictive Use of Contractor Certificate.** Any individual holding a contractor certificate and designated by a firm to represent that firm for licensing purposes shall represent one (1) firm only, and shall immediately notify the Division in writing when his working arrangement with that firm has been terminated for purposes of becoming self-employed or affiliation with another firm, or for any other reason. A license holder cannot represent any other person or firm, self-employed or otherwise, than originally stated on his application for license. When a change is made, he is required to so inform the Division. Otherwise, he is guilty of transferring his license in violation of Section 54-2610, Idaho Code, and is subject to license suspension, revocation, or refusal to renew under Section 54-2608, Idaho Code, or to prosecution under the provisions of Section 54-2628, Idaho Code. (8-25-88)

**03. Previous Revocation.** Any applicant for a plumbing contractor's license who has previously had his plumbing contractor's license revoked for cause, as provided by Section 54-2608, Idaho Code, shall be considered as unfit and unqualified to receive a new plumbing contractor's license so long as such cause for revocation is continuing, and of such a nature that correction can be made by the applicant. (11-14-85)

**04. Reviving an Expired License.** Any applicant for a plumbing contractor's license who has allowed his license to expire and seeks to revive it under the provisions of Section 54-2617, Idaho Code, may be denied a license as unfit and unqualified if, while operating under the license prior to expiration, he violated any of the laws, rules or regulations applicable to plumbing contractors, and such violation is continuing, and of such a nature that corrections can be made by the applicant. (11-14-85)

**05. Effective Dates.** The effective dates of the compliance bond referred to in Subsection 013.01 of these rules shall coincide with the effective dates of the contractor's license. Proof of renewal of the compliance bond must be on file with the Division before the contractor can renew or revive his license. (4-6-05)

**06. Plumbing Contractor's Responsibility.** It shall be the responsibility of the plumbing contractor to ensure that all his employees working at the plumbing trade are licensed as provided by Idaho Code and these rules. (8-25-88)

**07. Advertising.** Any person or entity advertising to engage in the business, trade, practice, or work of a plumbing contractor as defined in Section 54-2611, Idaho Code, who does not possess a current and valid plumbing contractor certificate of competency issued by the Division of Building Safety, shall be in violation of the licensing provisions of Title 54, Chapter 26, Idaho Code. Such conduct is punishable as a misdemeanor as prescribed by Section 54-2628, Idaho Code, and subject to civil penalties in accordance with IDAPA 07.02.07, "Rules Governing Civil Penalties." Section 011. ( )

**a.** For the purposes of this Section, advertising shall include, but not be limited to: newspaper, telephone directory, community flier ads or notices; telephone, television, radio, internet, or door-to-door solicitations. ( )

**b.** Any advertising, as defined in Subsection 013.07 of these rules, conducted by those persons or entities with a valid certificate of competency shall include the contractor certificate of competency number. ( )

## **IDAPA 07 - DIVISION OF BUILDING SAFETY**

### **07.03.03 - RULES FOR MODULAR BUILDINGS**

**DOCKET NO. 07-0303-0801**

### **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 39-4302, 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 October 15, 2008.

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:

Section 39-4306, Idaho Code, provides the Administrator authority to impose civil penalties on those who violate provisions of Chapter 43, Title 39, Idaho Code; however, no administrative rule exists that enumerates the types of actions that may subject manufacturers of modular buildings and others who may install such structures to civil penalties for such violations. The proposed rulemaking is necessary to enumerate the types of actions that may subject manufacturers of modular buildings in Idaho, and others who may install such structures in Idaho, to civil penalties for violations of Chapter 43, Title 39, Idaho Code.

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

**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: None.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the simple nature of the proposed rule change.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

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 October 22, 2008.

DATED this 20th day of August 2008.

Steve Keys, Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 855-2164

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0303-0801**

**033. CIVIL PENALTIES.**

The following acts shall subject the violator to penalties based on the following schedule. ( )

**01. Installation.** Any person who transports a modular building to or installs a modular building on a building site in this state without first receiving approval and securing to the structure insignia evidencing such approval from the Division shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and subject to a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. ( )

**02. Modification.** Any person who in any way modifies or alters a modular building prior to its initial occupancy which has previously been approved by the Division without first having received approval to do so from the Division shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and subject to a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. ( )

**03. Removal of Orders.** Any person who removes a stop work or prohibited occupancy order or notice from a building or structure bearing such order or notice shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and subject to a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. ( )

**04. Lawful Orders.** Any person who shall fail, neglect, or refuse to obey any lawful order issued by the Administrator or his representative, or who shall refuse to perform any duty lawfully enjoined upon him by the Administrator or his representative, shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and subject to a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. ( )

**0334. -- 999. (RESERVED).**

**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.05.01 - RULES OF THE PUBLIC CONTRACTORS LICENSE BOARD**  
**DOCKET NO. 07-0501-0802**  
**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 Sections 54-1907 and 67-2601A, 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 October 15, 2008.

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:

Amendments to Section 54-1904, Idaho Code, provided for a new Class Unlimited License resulting in the need to account for the Class Unlimited License in various sections of the rules. The proposed rule changes would establish the necessary financial requirements and documentation required for applications for Class Unlimited licenses, as well as an exemption to bid cost requirements for Class Unlimited licenses.

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

**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: None.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the simple nature of the proposed rule change.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

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 October 22, 2008.

DATED this 20th day of August, 2008.

Steve Keys, Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 855-2164

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0501-0801**

**110. APPLICATION FOR LICENSURE -- DOCUMENTATION; APPRAISALS; REFERENCES; BONDING; AND FINANCIAL STATEMENTS.**

**01. Application Documentation.** To obtain a license, the applicant shall submit to the administrator, on such forms as the administrator shall prescribe, accompanied by the required fee for the class of license applied for, a written, notarized application for such license. All of the information submitted by the applicant shall specifically pertain to work that is similar in scope and value to that for which licensure is being requested or which is being requested in a petition to change or add types of construction. The information contained in such application forms shall include: (3-20-04)

**a.** A complete statement of the general nature of applicant's contracting business, including a concise description of the applicant's experience and qualifications as a contractor and a list of clients for whom work has been performed; (3-20-04)

**b.** A description of the value and character of contract work completed and for whom performed during the three (3) year period prior to filing the application; (3-20-04)

**c.** A general description of applicant's machinery and equipment; and (3-30-07)

**d.** An annual financial statement, as herein defined, that was issued no more than twelve (12) months prior to the date of submission of the application, indicating compliance with such financial requirements as the Board may prescribe by rule. The applicant's financial statement may be supplemented with: (3-30-07)

**i.** Bonding. As authorized by Section 54-1910(e), Idaho Code, a letter from applicant's bonding company, not an insurance agent, stating the amount of the applicant's bonding capability per project and in the aggregate, including supporting documentation; (3-30-07)

**ii.** Guaranty. Documentation, satisfactory to the administrator, of the existence of a written guaranty agreement between the applicant and a third-party in which the third-party guarantor agrees to assume financial responsibility for payment of any obligations of the applicant for any particular project as may be determined by a court of competent jurisdiction. The guaranty agreement, along with financial statements meeting the requirements of Paragraph 110.01.e. of this rule, shall be submitted with the license application. (3-30-07)

**e.** For Class A, AA, ~~and~~ AAA and Unlimited license applications, financial statements shall be accompanied by an independent auditor's report or be reviewed. For Class B license applications, financial statements must be accompanied by an independent audit report or be reviewed or compiled by a certified public accountant. For Class C and Class D license applications, financial statements must be accompanied by an independent audit report or be reviewed, compiled, or on the form provided by the administrator, and include such additional information as may be required by the administrator to determine the applicant's fitness for a license. (~~3-20-04~~)( )

**f.** The name, social security number, and business address of an individual applicant or, if the applicant is a partnership, its tax identification number, business address, and the names and addresses of all general partners; and if the applicant is a corporation, association, limited liability company, limited liability partnership, or other organization, its tax identification number, business address, and the names and addresses of the president, vice president, secretary, treasurer, and chief construction managing officers, or responsible managing employee. (3-20-04)

**g.** Applicants requesting a licensing class higher than that for which the applicant is currently licensed shall provide documentation, satisfactory to the administrator, of having performed projects, similar in scope and character to those for which license is requested. The monetary value of those jobs must fall within a range not less than thirty percent (30%) below that for which the applicant is currently licensed. (4-11-06)

**02. Application for Change in Licensing Class.** Requests for a licensing class higher than that for which the applicant is currently licensed shall be accompanied by the information in Subsection 110.01 of these rules, and the applicable fee. Licenses granted under Subsection 110.02 of these rules shall be valid for a period of twelve (12) months from the date of issuance. (4-11-06)

**03. Extension of Time to File Financial Statement.** The administrator may grant an extension of time to file the annual financial statement if the licensee provides an interim compiled balance sheet and income statement for the applicant's fiscal year-to-date, duly certified as true by the applicant, and if a partnership, limited liability company, or limited liability partnership by a member thereof, and if a corporation, by its executive or financial officer. Such renewal application shall be filed prior to the first day of such renewal licensing period. In the event an extension is granted, the renewal license shall be valid for a period of twelve (12) months from the date of the issuance of the renewal license. (3-20-04)

**04. Appraisals.** The administrator may require submission of an independent appraisal of any real or chattel property reported by an applicant or licensee. Such appraisals shall be conducted by a disinterested person or firm established and qualified to perform such services. (3-20-04)

**05. References.** The administrator may require an applicant for an original or renewal license to furnish such personal, business, character, financial, or other written references as deemed necessary and advisable in determining the applicant's qualifications. (3-20-04)

**111. FINANCIAL REQUIREMENTS.**

The financial requirements for obtaining and maintaining a license under this Act shall be as follows: (4-11-06)

**01. Heavy, Highway, Building, and Specialty Construction Class Unlimited License.** An applicant requesting a Class Unlimited license in Heavy, Highway, Specialty or Building Construction shall have a minimum net worth of one million dollars (\$1,000,000) with six hundred thousand dollars (\$600,000) in working capital. ( )

**042. Heavy, Highway, Building, and Specialty Construction Class AAA License.** An applicant requesting a Class AAA license in Heavy, Highway, Specialty or Building Construction shall have a minimum net worth of six hundred thousand dollars (\$600,000) with two hundred thousand dollars (\$200,000) in working capital. (3-19-99)

**023. Heavy, Highway, Building, and Specialty Construction Class AA License.** An applicant requesting a Class AA license in Heavy, Highway, Specialty or Building Construction shall have a minimum net worth of four hundred fifty thousand dollars (\$450,000) with one hundred fifty thousand dollars (\$150,000) in working capital. (3-19-99)

**034. Heavy, Highway, Building, and Specialty Construction Class A License.** An applicant requesting a Class A license in Heavy, Highway, Specialty or Building Construction shall have a minimum net worth of three hundred thousand dollars (\$300,000) with one hundred thousand dollars (\$100,000) in working capital. (3-19-99)

**045. Heavy, Highway, Building, and Specialty Construction Class B License.** An applicant requesting a Class B license in Heavy, Highway, Specialty or Building Construction shall have a minimum net worth of one hundred fifty thousand dollars (\$150,000) with fifty thousand dollars (\$50,000) in working capital. (3-19-99)

**056. Heavy, Highway, Building, and Specialty Construction Class C License.** An applicant requesting a Class C license in Heavy, Highway, Specialty or Building Construction shall have a minimum net worth of twenty-five thousand dollars (\$25,000) with seven thousand five hundred dollars (\$7,500) in working capital. (3-19-99)

**067. Heavy, Highway, Building, and Specialty Construction Class D License.** An applicant requesting a Class D license in Heavy, Highway, Specialty or Building Construction shall have a minimum net worth of ten thousand dollars (\$10,000) with three thousand dollars (\$3,000) in working capital. (3-19-99)

**(BREAK IN CONTINUITY OF SECTIONS)**

**199. LIMITATIONS.**

- 01. One License.** A licensee will be permitted to hold only one (1) class of license at any given time. (3-20-04)
- 02. Previous License Null and Void.** When a licensee of one class has been issued a license of another class, the previous license shall be null and void. (3-20-04)
- 03. Total Bid Cost.** The total of any single bid on a given public works project, or the aggregate total of any split bids, or the aggregate total of any base bid and any alternate bid items, or the aggregate total of any separate bid by a licensee of any class, except Class ~~AAA Unlimited~~, shall not exceed the estimated cost or bid limit of the class of license held by the licensee. The aggregate total of bids shall include all bids of the subcontractors. Subcontractor bids shall not be considered a separate bid for the purposes of computing the bid on a given public works project. ~~(3-20-04)~~(\_\_\_\_)
- 04. Two or More Licensees.** Two (2) or more licensees of the same class or of different classes shall not be permitted to combine the estimated cost or bid limit of their licenses to submit a bid in excess of the license held by either licensee. (3-20-04)
- 05. Type 4 License Holder.** The holder of a license for Type 4, Specialty Construction, shall be entitled to bid a public works project as a prime contractor or as a subcontractor, if more than fifty percent (50%) of the work to be performed by him on such project is covered by a category or categories listed on the license held by the licensee. (3-20-04)

## **IDAPA 07 - DIVISION OF BUILDING SAFETY**

### **07.07.01 - RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIRCONDITIONING SYSTEMS**

**DOCKET NO. 07-0701-0802**

#### **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 Sections 54-5005 and 54-5019, 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 October 15, 2008.

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:

The proposed rulemaking is necessary to eliminate unnecessary expense associated with multicolored inspection tags and allowing flexibility in the placement of the tags. The proposed rule change will allow for the use of a single sticker for multiple inspections, from multiple trades, and will remove the color limitation, eliminating unnecessary expense.

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

**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: None.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the simple nature of the proposed rule change.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

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 October 22, 2008.

DATED this 11th day of August, 2008.

Steve Keys, Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 855-2164

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-071-0802**



**060. REQUIRED INSPECTIONS.**

All work performed under a HVAC permit shall be inspected by a designated, qualified, properly identified agent of the authority having jurisdiction to ensure compliance with Title 54, Chapter 50, Idaho Code, and IDAPA 07.07.01. (3-16-04)

**01. Request for Division of Building Safety Inspection. (3-16-04)**

**a.** Inspection. Each permit holder shall notify the Division at least one (1) day prior to the desired inspection, Sundays and holidays excluded, that the project is ready for inspection. (3-16-04)

**b.** Reinspection. If a reinspection is required after the final inspection, due to a failure to meet requirements of Title 54, Chapter 50, Idaho Code, and/or these rules, the permit holder will be charged a fee not to exceed the actual cost of each reinspection. (3-16-04)

**02. Inspection Tags.** Inspectors certify to the permit holder that an inspection has been done by securely attaching the ~~appropriate~~ inspection tag ~~to the equipment~~ in a prominent location. (~~3-16-04~~)(    )

**a.** Final Inspection Tags. ~~Blue colored "final~~ An inspection ~~tags are indicating that a final inspection has been performed is~~ attached when the HVAC installation as specified on the permit is complete and conforms to the requirements of the code and rules. (~~3-16-04~~)(    )

**b.** Inspection Tags for Unacceptable HVAC Installations. Red colored "unacceptable" inspection tags are attached to indicate that the HVAC installation is not acceptable and that corrections are required. (3-16-04)

**c.** Work in Progress Tag. ~~Green colored "work in progress"~~ An inspection tags are indicating that a work-in-progress inspection has been performed is attached following inspection of ground work, rough-in work, or any portion of the installation that is to be covered or otherwise concealed before completion of the entire HVAC installation as specified on the permit. (~~3-16-04~~)(    )