

Dear Senators ANDREASON, Coiner & Werk, and
Representatives BLACK, Henderson & Elaine Smith:

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

IDAPA 07.01.02 - Rules Governing Fees for Electrical Inspections

(Docket #07-0102-0801) (Fee Rule);

07.02.03 - Rules Governing Permit Fee Schedule (Docket #07-0203-0801)

(Fee Rule);

07.02.06 - Rules Concerning Uniform Plumbing Code

(Docket #07-0206-0801);

07.03.01 - Rules of Building Safety (Docket #07-0301-0802) (Fee Rule);

07.04.02 - Safety Rules for Elevators, Escalators, & Moving Walks

(Docket #07-0402-0801);

07.04.02 - Safety Rules for Elevators, Escalators, & Moving Walks

(Docket #07-0402-0802) (Fee Rule);

07.07.01 - Rules Governing Installation of Heating, Ventilations & Air
Conditioning Systems, Division of Building Safety

(Docket #07-0701-0801) (Fee Rule).

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 9-11-08. 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 10-9-08.

_____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: August 20, 2008

SUBJECT: Division of Building Safety

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

1. IDAPA 07.01.02 - Rules Governing Fees for Electrical Inspection
(Docket No. 07-0102-0801 Fee Rule)

The Division of Building Safety submits notice of temporary and proposed rulemaking at IDAPA 07.01.02 - Rules Governing Fees for Electrical Inspection. The Division states that the temporary and proposed rule addresses concerns from electrical contractors that the current fee schedule applicable to new residential dwellings for homes over 4,500 square feet is too complicated. The temporary and proposed rule simplifies the calculation of permit fees for homes over 4,500 square feet. The rule also clarifies that the entire fee schedule calculation applies to living space only. The Division states that negotiated rulemaking was not conducted because of the need for temporary rulemaking.

The Division's proposed rule appears to be authorized pursuant to Section 54-1006(5), Idaho Code.

2. IDAPA 07.02.03 - Rules Governing Permit Fee Schedule (Docket No. 07-0203-0801)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.02.03 - Rules Governing Permit Fee Schedule. [NOTE: This temporary and proposed rule is identical to the above docket except that this relates to plumbing contractors instead of electrical contractors.] The Division states that the temporary and proposed rule addresses concerns from plumbing contractors that the current fee schedule applicable to new residential dwellings for

homes over 4,500 square feet is too complicated. The temporary and proposed rule simplifies the calculation of permit fees for homes over 4,500 square feet. The rule also clarifies that the entire fee schedule calculation applies to living space only. The Division states that negotiated rulemaking was not conducted because of the need for temporary rulemaking.

The Division's proposed rule appears to be authorized pursuant to Sections 54-2605(1) and 54-2623, Idaho Code.

3. IDAPA 07.02.06 - Rules Concerning Uniform Plumbing Code
(Docket No. 07-0206-0801)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.02.06 - Rules Concerning Uniform Plumbing Code. The proposed rule provides an amendment to the Uniform Plumbing Code authorizing and regulating the use of nonwater urinals where appropriate.

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

4. IDAPA 07.03.01 - Rules of Building Safety – Fee Rule (Docket No. 07-0301-0802)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.03.01 - Rules of Building Safety. The proposed rule, relating to manufactured homes, increases fees related to in-plant inspections from \$26 to \$45 per floor and increases fees for other inspections from \$36 to \$70 per hour. There is no specific fee limit found in statute, but Section 39-4004(1), Idaho Code, does provide a fee ceiling of sorts in stating that the "fee schedule shall be consistent with the actual cost of maintaining the program." The Division states that negotiated rulemaking was not conducted because of the simple changes in the proposed rule.

The Division's proposed rule appears to be authorized pursuant to Sections 39-4004, Idaho Code.

5. IDAPA 07.04.02 - Safety Rules for Elevators, Escalators, and Moving Walks
(Docket No. 07-0402-0801)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.04.02 - Safety Rules for Elevators, Escalators, and Moving Walks. The proposed rule corrects an incorrect reference to ANSI/ASME.

The Division's proposed rule is authorized pursuant to Sections 39-8605, Idaho Code.

6. IDAPA 07.04.02 - Safety Rules for Elevators, Escalators, and Moving Walks
(Docket No. 07-0402-0802 -- Fee Rule)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.04.02 - Safety Rules for Elevators, Escalators and Moving Walks–Fee Rule. The proposed rule revises reinspection fees for “all types of conveyances.” The Division correctly notes that Section 39-8616, Idaho Code, which establishes certification and reinspection fees for elevators, directs that fee amounts set forth in this section “may be reduced by the division as set forth in duly promulgated administrative rules.”

We note, however, that the proposed rule states that reinspection fees shall be \$100 for the first hour of inspection and \$100 for each hour of inspection thereafter. (See Proposed Rule, Section 011.04). While the rates found in the proposed rule are lower initially than the fees found in statute, it appears that in the event an inspection were to take more time than anticipated, it might be possible for the reinspection fee to exceed the fee cap found in statute. Consequently, it might be appropriate to include language in the proposed rule to the effect that *in no event, shall the reinspection fee exceed the reinspection fee established in section 39-8616, Idaho Code.*

Other than the matter we raised above, the Division’s proposed rule appears to be authorized pursuant to Sections 39-8605 and 39-8616, Idaho Code.

7. IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety – Fee Rule (Docket No. 07-0701-0801)

[NOTE: This temporary and proposed rule is identical to the first two dockets addressed in this memorandum except that this temporary and proposed rule applies to HVAC systems instead of electrical and plumbing systems.] The Division of Building Safety submits notice of temporary and proposed rulemaking at IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety. The Division states that the temporary and proposed rule addresses concerns from HVAC contractors that the current fee schedule applicable to new residential dwellings for homes over 4,500 square feet is too complicated. The temporary and proposed rule simplifies the calculation of permit fees for homes over 4,500 square feet. The rule also clarifies that the entire fee schedule calculation applies to living space only. The Division states that negotiated rulemaking was not conducted because of the need for temporary rulemaking.

The Division’s proposed rule appears to be authorized pursuant to Section 54-1006(5), Idaho Code.

cc: Division of Building Safety
Stephen L. Keys

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.02 - RULES GOVERNING FEES FOR ELECTRICAL INSPECTIONS

DOCKET NO. 07-0102-0801 (FEE RULE)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2008.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-1006(5), 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 September 17, 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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Contractors feel the fee schedule applicable to new residential dwellings for large homes (homes over 4,500 square feet) is too complicated. Additionally, the basis of the permit fee schedule as square footage of living space only is not clearly stated for all sizes of single family dwellings. This rule change would simplify the calculation of permit fees for larger homes (homes over 4,500 square feet) to include a base fee plus additional fees for every 1,000 feet of square footage beyond 4,500 square feet (or a portion thereof). It also clarifies for the entire fee schedule that the square footage basis for the permits includes living space only.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This temporary rule is necessary to confer a benefit to affected electrical contractors, general contractors, and property owners doing their own electrical installations by simplifying the calculation of permit fees for larger homes.

FEE SUMMARY: Pursuant to Section 67-5226(2), Idaho Code, the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: This proposed rule would simplify the calculation of permit fees for electrical inspections of larger residences.

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: None.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need for temporary rulemaking.

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 24, 2008.

DATED this 16th day of July 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. 07-0102-0801

011. FEES FOR ELECTRICAL INSPECTIONS.

Electrical inspection fees are to cover the cost of electrical inspection as provided by Section 54-1005, Idaho Code; any person, partnership, company, firm, association, or corporation making an electrical installation coming under the provisions of Section 54-1001, Idaho Code, shall pay to the Electrical Bureau an inspection fee as provided in the following schedule. (1-14-87)

01. Temporary Construction Services. To be installed for construction purposes only, for a period not to exceed one (1) year: (3-18-99)

a. Two hundred (200) amp or less, one (1) location: sixty-five dollars (\$65). (3-26-08)

b. All others shall be calculated using Subsection 011.06, Other Installations Including Industrial and Commercial, of these rules. (3-18-99)

02. New Residential -- Single Family Dwelling. (Includes all buildings with wiring being constructed on each property.)

New Residential - Single-Family Dwelling	
Up to 1,500 Square feet of construction <u>living space</u>	- \$130
1,501 to 2,500 Square feet of construction <u>living space</u>	- \$195
2,501 to 3,500 Square feet of construction <u>living space</u>	- \$260
3,501 to 4,500 Square feet of construction <u>living space</u>	- \$325
Over 4,500 Square feet of construction <u>living space</u>	- <u>Use Subsection 011.06, Other Installations Including Industrial and Commercial \$325 plus \$65 for each additional 1,000 square feet or portion thereof</u>
* Fee is to include maximum of two (2) inspections up to 1,500 square feet, three (3) inspections 1,501 to 2,500 square feet, four (4) inspections 2,501 to 3,500 square feet, and five (5) inspections 3,501 to 4,500 square feet. Additional inspections charged at requested electrical inspection rate of sixty-five dollars (\$65) per hour.	
New Residential - Multi-Family Dwellings	
Duplex Apartment	- \$260
Three (3) or more multi-family units	- \$130 per Building plus \$65 per Unit

~~(3-26-08)~~(7-1-08)T

a. Existing residential: sixty-five dollars (\$65) plus ten dollars (\$10) for each additional branch circuit up to the maximum of the corresponding square footage of the residential building. (3-26-08)

b. Residential spas, hot tubs, hydro massage tubs, swimming pools: sixty-five dollars (\$65) for each trip to inspect. (Other than residential, use Subsection 011.06, Other Installations Including Industrial and Commercial, of these rules.) (3-26-08)

03. Residential Electric Space Heating and Air Conditioning. When not part of a new residential construction permit, or heat/ventilating/air conditioning permit with no additional wiring: sixty-five dollars (\$65). (3-26-08)

04. Domestic Water Pumps. See Subsection 011.07 - Pumps (Water, Domestic Water, Irrigation, Sewage) -- Each Motor, of these rules. (3-18-99)

05. Mobile/Manufactured Homes. Sixty-five dollars (\$65) basic fee plus ten dollars (\$10) for each additional circuit. (3-26-08)

a. Mobile home and RV parks for distribution wiring including pedestal, service conductors and lot supply to individual units come under Subsection 011.06, Other Installations Including Industrial and Commercial, of these rules. (3-18-99)

06. Other Installations Including Industrial and Commercial. The inspection fees listed in this section shall apply to any and all electrical installations not specifically mentioned elsewhere in this schedule. The electrical 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 electrical wiring and equipment installed as part of the electrical system, factory assembled industrial machinery to be operated by electrical energy shall not be included in calculating these fees. (3-26-08)

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

b. Wiring 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 wiring cost in excess of ten thousand dollars (\$10,000). (3-26-08)

c. Wiring 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 portion of wiring costs exceeding one hundred thousand dollars (\$100,000). (3-26-08)

d. All fees calculated under this schedule must be calculated on the total wiring cost of the job, and this figure must be shown on the permit. The inspection fees listed in this Subsection shall apply to any and all electrical installations not specifically mentioned elsewhere in this schedule. The wiring cost shall be the cost to the owner of all labor charges and all wiring materials and equipment installed as part of the wiring system. When labor is performed by the owner, such labor cost shall be based upon the market value of said labor and used or reused materials shall be based at fifty percent (50%) of the column 3 pricing as published by Trade Service Publication or National Price Service Pricing or the actual cost, whichever is greater. For all owner-supplied, factory assembled electrical infrastructural equipment to be installed, the inspection will be based on one-half of one percent (.5%) of total cost of the equipment OR an hourly rate of one hundred thirty dollars (\$130) for the first hour of each inspection and sixty-five dollars (\$65) for each subsequent hour. Factory assembled machinery to be operated by electrical energy shall not be included when calculating these fees. (3-26-08)

e. Small work not exceeding two hundred dollars (\$200) in cost and not involving a change in service connections: ten dollars (\$10). (3-30-06)

07. Pumps (Water, Domestic Water, Irrigation, Sewage) -- Each Motor.

To 25 HP - \$ 65
26 to 200 HP - \$ 95
Over 200 HP - \$130
Phase inverters and roto phase equipment use Subsection 011.06, in addition to the pump motor fee.

(3-26-08)

08. Electrically-Driven Irrigation Machine. Center Pivot: sixty-five dollars (\$65) plus ten dollars (\$10) per tower or drive motor. Other types: sixty-five dollars (\$65) plus ten dollars (\$10) per motor. (Note: No additional fee required for underground feeder). (3-26-08)

09. Electric Signs and Outline Lighting. Electric signs: sixty-five dollars (\$65) per sign; Outline lighting: sixty-five dollars (\$65) per each occupancy. (3-26-08)

10. Requested Inspections. A base fee of sixty-five dollars (\$65) plus an additional sixty-five dollars (\$65) for each hour, or portion thereof, in excess of one (1) hour including travel time. Out-of-state travel expenses shall be paid by the requesting party. (3-26-08)

11. Additional Fees and Reinspection Fees. A base fee of sixty-five dollars (\$65) plus an additional sixty-five dollars (\$65) for each additional hour, or portion thereof, in excess of one (1) hour including travel time, shall also be paid before approval of the installation if the following services are necessary: (3-26-08)

a. Trips to inspect when the submitter of the permit had given notice to the inspector that the work is ready for inspection when it was not, or if the submitter has not clearly given the location of the installation either by directions or maps, or if the inspector cannot gain access to make the inspection. (1-14-87)

b. Trips to inspect corrections required by the inspector as a result of the submitter improperly responding to a corrective notice. (1-14-87)

c. Each trip necessary to remove a red tag from the jobsite. (1-14-87)

d. When corrections have not been made in the prescribed time, unless an extension has been requested and granted. (1-14-87)

e. No permit -- failure to post or send permit and required fee in the prescribed time will, at the discretion of the Division of Building Safety, result in the assessment of a double fee. (3-18-99)

12. Plan Check Fee. Sixty-five dollars (\$65) minimum for one (1) hour or less. Over one (1) hour: sixty-five dollars (\$65) plus sixty-five dollars (\$65) for each hour, or portion thereof, in excess of one (1) hour. (3-26-08)

13. Fees for Temporary Amusement/Industry Electrical Inspections. Each time a ride, concession, or generator is set up: sixty-five dollars (\$65) base fee plus ten dollars (\$10) for each ride, concession, or generator. (3-26-08)

14. Expiration of Permits. Every permit issued by the Electrical Bureau shall expire by limitation and become null and void if the work authorized by such permit is not commenced within ninety (90) days from the date of issuance of such permit or if the work authorized by such permit is suspended or abandoned at any time after work is commenced for a period of one hundred eighty (180) days. A permit may be renewed for an additional year upon receipt of Bureau approval and sixty-five dollars (\$65) renewal fee. (3-26-08)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.03 - RULES GOVERNING PERMIT FEE SCHEDULE

DOCKET NO. 07-0203-0801 (FEE RULE)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2008.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 54-2605(1) and 54-2623, 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 September 17, 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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Contractors feel the fee schedule applicable to new residential dwellings for large homes (homes over 4,500 square feet) is too complicated. Additionally, the basis of the permit fee schedule as square footage of living space only is not clearly stated for all sizes of single family dwellings. This rule change would simplify the calculation of permit fees for larger homes (homes over 4,500 square feet) to include a base fee plus additional fees for every 1,000 feet of square footage beyond 4,500 square feet (or a portion thereof). It also clarifies for the entire fee schedule that the square footage basis for the permits includes living space only.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This temporary rulemaking is necessary to confer a benefit to affected Plumbing contractors, general contractors, and property owners doing their own plumbing installations by simplifying the calculation of permit fees for larger homes.

FEE SUMMARY: Pursuant to Section 67-5226(2), Idaho Code, the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

This proposed rule would simplify the calculation of permit fees for plumbing inspections of larger residences.

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: None.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need for temporary rulemaking.

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 24, 2008.

DATED this 16th day of July, 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.

New Residential - Single-Family Dwelling	
Up to 1,500 Square feet of <u>construction living space</u>	- \$130
1,501 to 2,500 Square feet of <u>construction living space</u>	- \$195
2,501 to 3,500 Square feet of <u>construction living space</u>	- \$260
3,501 to 4,500 Square feet of <u>construction living space</u>	- \$325
Over 4,500 Square feet of <u>construction living space</u>	- <i>Use Subsection 011.04, Other Installations- Including Industrial and Commercial \$325 plus \$65 for each additional 1,000 square feet or portion thereof</i>

~~(3-26-08)~~(7-1-08)T

02. New Residential - Multi-Family Dwellings.

New Residential - Multi-Family Dwellings	
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:

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)

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.02.06 - RULES CONCERNING UNIFORM PLUMBING CODE
DOCKET NO. 07-0206-0801
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 September 17, 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 Uniform Plumbing Code only expressly addresses standard water-flush urinals. The Idaho Plumbing Board has determined that technology has advanced to the point where "nonwater urinals" using chemicals are an acceptable alternative, thereby conserving substantial quantities of water. This rulemaking provides an amendment to the Uniform Plumbing Code authorizing the use of nonwater urinals where appropriate and authorizes the installation and use of nonwater urinals under certain conditions and requirements. The rulemaking also requires the installation of a standard water distribution line for the urinal location in the event of a future retrofit.

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 Section 67-5220(2), Idaho Code, 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 September 24, 2008.

DATED this 11th day of July, 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. 07-0206-0801

011. ADOPTION AND INCORPORATION BY REFERENCE OF THE 2003 UNIFORM PLUMBING CODE.

The 2003 Uniform Plumbing Code, including Appendices “A, B, D, E, G, H, I, J, and L,” (herein U.P.C.) is adopted and incorporated by reference with the following amendments. The 2003 Uniform Plumbing Code is available at the Division of Building Safety, 1090 E. Watertower St., Meridian, Idaho 83642; and at the Division of Building Safety, 1250 Ironwood Dr., Ste. 220, Coeur d’Alene, Idaho 83814. (4-6-05)

01. Section 218. Delete definition of “Plumbing System.” Incorporate definition of “Plumbing System” as set forth in Section 54-2604, Idaho Code. (3-15-02)

02. Section 316.1.6. PVC DWV may be joined by the use of one-step solvent cement listed or labeled per U.P.C. Section 301.1.1. (4-6-05)

03. Section 402.3.1. Nonwater Urinals. Where nonwater urinals are installed they shall be listed and comply with the applicable standards referenced in Table 14-1. Nonwater urinals shall have a barrier liquid sealant to maintain a trap seal. Nonwater urinals shall permit the unimpeded flow of waste through the urinal to the sanitary drainage system. Nonwater urinals shall be cleaned and maintained in accordance with the manufacturer’s instructions. Where nonwater urinals are installed they shall have a water distribution line rough-in to the urinal location to allow for the installation of an approved backflow prevention device in the event of a retrofit. ()

034. Section 420.0. Pressure balance or thermostatic mixing valves are not required for high flow (over eight (8) g.p.m.) tub filler valves with hand shower sets attached. (3-15-02)

045. Section 421.0. Delete. (4-6-05)

056. Section 604.1. Materials. Crosslinked Polyethylene (PEX) Tubing manufactured to ASTM – F876/F877 and tested, approved, and listed to ANSI/NSF 14 and 61, for potable water along with all applicable installation standards may be used for hot and cold water distribution systems within a building or cold water distribution systems outside of a building. Listed PE (polyethylene) water service and yard piping may be installed within a building (above ground and below ground) with one (1) joint, provided that only listed and approved metallic transition fittings shall be used. (4-6-05)

067. Section 609.4. Testing. Deleting the phrase “Except for plastic piping,” at the beginning of the third sentence and add the following sentence at the end of the section: Plastic piping is to be tested in accordance with manufacturer’s installation standards. (4-6-05)

078. Section 609.10. Water hammer. Does not apply to residential construction. (7-1-98)

089. Table 6-4 and Table A-2. Change fixture unit loading value for bathtub or combination bath/shower, and clotheswashers to two (2) fixture units. (3-15-02)

109. Section 610.2. All new one (1) and two (2) family residences must have a pre-plumbed water softener loop. The kitchen sink must have one (1) hot soft line and one (1) cold soft line and one (1) cold hard line. Exterior cold hose bibbs intended for irrigation purposes must be piped with hard water. (3-30-07)

101. Section 611.4. Sizing of Residential Softeners. Amend Footnote 3 to read: Over four (4) bathroom groups, softeners shall be sized according to the manufacturer’s standards. (4-6-05)

142. Table 7-3. Maximum unit loading and maximum length of drainage and vent piping. (EXCEPTION) The building drain and building sewer is not less than four (4) inches extending from its connection with the city or private sewer system and shall run full size to inside the foundation or building lines (ref: Section 717.0). Change fixture unit loading value for clotheswashers, domestic to two (2) fixture units. (3-15-02)

123. Section 703.1 - Underground Drainage and Vent Piping. No portion of the drainage or vent system installed underground, underground under concrete or below a basement or cellar shall be less than two (2) inches in diameter. (3-15-02)

134. **Section 703.2 and 710.5. Add Exception.** In single family dwellings, one (1) fixture unit may be allowed for each gallon per minute of flow from a pump or a sump ejector. (3-15-02)

145. **Section 704.2.** Two inch (2") and smaller double sanitary tees may be used for back to back or side by side fixture trap arms without increasing the barrel size. (4-6-05)

156. **Section 704.3.** Delete. (5-3-03)

167. **Table 7-5.** Change fixture unit loading value for one and a half (1 1/2) inch horizontal drainage to two (2) fixture units. (7-1-98)

178. **Section 707.4 Cleanouts.** A full-sized accessible cleanout shall be installed in the vertical immediately above the floor or at the base of each waste or soil stack. A full-size cleanout extending to or above finished grade line shall be installed at the junction of the building drain and the building sewer (ref.: Section 719.1). Cleanouts shall be installed at fifty (50) foot intervals in horizontal drain lines two (2) inches or smaller. (3-15-02)

189. **Section 712.1.** In the first sentence, delete the phrase "except that plastic pipe shall not be tested with air." (4-6-05)

192. **Section 801.2.3.** Add: Food preparation sinks, pot sinks, scullery sinks, dishwashing sinks, silverware sinks, commercial dishwashing machines, silverware-washing machines, steam kettles, potato peelers, ice cream dipper wells, and other similar equipment and fixtures must be indirectly connected to the drainage system by means of an air gap. The piping from the equipment to the receptor must not be smaller than the drain on the unit, but it must not be smaller than one (1) inch (twenty-five and four tenths (25.4) mm). (5-3-03)

201. **Section 801.4. Drains.** Provisions must be made for the discharge of the water softener to terminate in an approved location. The drain line for a water softener must be three-fourths (3/4) inch minimum. A washer box with a dual outlet is an approved location as long as it is on the same floor or one (1) floor below the softener unit and the water softener drain line is a minimum three-fourths (3/4) inch. (3-30-07)

212. **Section 807.4.** A domestic dishwashing machine may be installed without the use of an airgap if the drain hose is looped to the bottom side of the counter top and secured properly. (3-15-02)

223. **Section 906.1.** Delete the existing provision and replace with the following: (4-2-08)

a. Roof venting. When conventional roof venting is utilized, each vent pipe or stack shall extend through its flashing and shall terminate vertically not less than six (6) inches (one hundred fifty-two (152) mm) above the roof nor less than one (1) foot (three hundred five (305) mm) from any vertical surface. (4-2-08)

b. Sidewall venting. When sidewall venting is utilized, the vent shall extend flush with the eaves/gable end, shall turn down using a ninety (90) degree ell, and shall terminate as close to the roof peak as possible. The vent end must be properly screened. Sidewall venting is acceptable on new or remodel construction on cabins, log homes, and residential or commercial buildings. (4-2-08)

c. Sidewall venting must meet the intent of Section 906.2 of the UPC. (4-2-08)

234. **Section 908. Exception - Vertical Wet Venting.** A horizontal wet vent may be created provided it is created in a vertical position and all other requirements of Section 908 of the UPC are met. (7-1-98)

245. **Section 909.0.** Add: Parameters for the limited use of Air Admittance Valves (A.A.V.). (4-2-08)

a. An A.A.V. may be used only in residential buildings. (4-2-08)

b. In remodels, an A.A.V. may be used with island fixtures or remotely located sinks such as in bar, kitchen, or laundry tray locations. An A.A.V. shall not be used in bathroom groups. (4-2-08)

- c.** In new construction, an A.A.V. may be used on island fixture sinks. (4-2-08)
 - d.** Each A.A.V. may be used to vent only one (1) floor. (4-2-08)
 - e.** Each A.A.V. must be readily accessible. (4-2-08)
 - f.** The cross-sectional area of venting must remain the same and must meet the largest required building drain. (4-2-08)
 - g.** An A.A.V. shall only be installed in accordance with the manufacturer's installation standards as per ASSE 1051. (4-2-08)
 - h.** An A.A.V. may not be used in an attic, crawl space, outside installation, or in connection with chemical or acid waste systems. (4-2-08)
- 256. Section 1002.3.** Trap arms may not exceed one hundred eighty (180) degrees of horizontal turn without the use of a cleanout. (3-15-02)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.01 - RULES OF BUILDING SAFETY

DOCKET NO. 07-0301-0802 (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 Section 39-4004, 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 September 17, 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:

Current revenues are insufficient to support the ongoing inspection process for the HUD manufactured housing program. The program is currently drawing on fund balances to support its operation. Fee changes are necessary to generate sufficient revenue to support the ongoing program. Fees have not been increased since 1990.

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

The per floor inspection fee would increase to \$45 per floor from the current \$26 per floor fee. The hourly fee for hourly inspections would increase from \$36 to \$70.

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:

The fee increase would increase revenues by approximately \$65,000 per year.

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 fee 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 September 24, 2008.

DATED this 16th day of July, 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. 07-0301-0802

036. MANUFACTURED HOMES.

01. Construction and Safety Standards. Effective June 15, 1976, the latest published edition of the Federal Manufactured Home Construction and Safety Standards and Manufactured Home Procedural and Enforcement Regulations shall be in effect for all manufactured homes manufactured within the state of Idaho, and for all new manufactured homes for sale within the state of Idaho. All new manufactured homes offered for sale within Idaho after the effective date of this section shall bear the Housing and Urban Development (H.U.D.) label as authorized in the Federal Manufactured Home procedural and enforcement regulations. Mobile homes manufactured between March 8, 1971 and June 15, 1976 offered for rent, lease, or sale within Idaho shall bear an Idaho insignia of approval. (3-30-06)

02. Inspections. (3-30-06)

a. Special Inspection. Whenever there is a transit damage or any alteration made to a certified manufactured home, or both, a special inspection shall be required of any person offering for rent, lease, or sale said manufactured home. The purpose of the inspection is to insure that the repairs or alteration, or both, do not result in the failure of the manufactured home to comply with the standards. (3-30-06)

b. Installation Inspection. Installation inspections shall be conducted by local jurisdictions in accordance with Title 44, Chapter 22, Idaho Code and the state adopted Idaho Manufactured Home Installation Standard as incorporated by reference in IDAPA 07.03.12, "Rules Governing Manufactured Home Installations," Section 004. (3-30-06)

03. Fees. (3-30-06)

a. Payment of Fees. Fees shall be paid to and collected by the Division. (3-30-06)

b. In-Plant Inspections. The charge for routine in-plant inspections shall be equal to the latest fees approved by the Department of Housing and Urban Development-Office of Manufactured Home Standards: ~~Twenty-six~~ Forty-five dollars (~~\$26~~45) per floor. (~~3-30-06~~)()

c. Other Inspections. For all inspections other than routine whether they be in-plant or in the field (for models produced after June 15, 1976): ~~Thirty-six~~ Seventy dollars (~~\$36~~70) per hour minimum for inspection and travel time, pro-rated to the nearest quarter hour, per diem and lodging where applicable, plus the current state rate for mileage, as approved by the State Board of Examiners and listed in the Idaho State Travel Policies and Procedures, Appendix "A," based on the round-trip distance from point of inspection and the inspector's office location. (~~3-30-06~~)()

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.04.02 - SAFETY RULES FOR ELEVATORS, ESCALATORS, AND MOVING WALKS

DOCKET NO. 07-0402-0801

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 39-8605, 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 September 17, 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:

This rule proposal corrects an incorrect description of an ANSI/ASME Standard. The correct title of the code is "Elevator and Escalator Electrical Equipment." The proposed rule corrects the title of referenced ANSI/ASME Standard A17.5

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 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 September 24, 2008.

DATED this 10th day of July, 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. 07-0402-0801

004. ADOPTION AND INCORPORATION BY REFERENCE.

01. Documents. The following codes, amendments, and updates are hereby adopted and incorporated by reference into these rules for all conveyances subject to this chapter. (4-2-08)

a. ANSI/ASME A17.1 2004, Safety Code for Elevators and Escalators with 2005 Addenda and 2005 Supplement. (4-2-08)

b. ANSI/ASME A17.2 2004 Guide for Inspection of Elevators, Escalators, and Moving Walks. (4-2-08)

c. ANSI/ASME A17.3 2005 Safety Code for Existing Elevators and Escalators. (4-2-08)

d. ANSI/ASME A17.4 1999 Guide for Emergency Personnel. (4-2-08)

e. ANSI/ASME A17.5 2005~~4~~ ~~Safety Standards for Platform Lifts and Chairlifts~~ Elevator and Escalator Electrical Equipment.. (4-2-08)()

f. ICC/ANSI A117.1 2003 Accessible and Usable Buildings and Facilities. (4-2-08)

g. ANSI/ASME A18.1 2005 Safety Standards for Platform Lifts and Chairlifts. (4-2-08)

h. ASME QE-1 2004 Standard for the Qualification of Elevator Inspectors. (4-2-08)

02. Copies. Copies of the codes, amendments, and updates listed in Subsection 004.01 of these rules are available for review at the Division of Building Safety offices located at 1090 E. Watertower St., Meridian, Idaho 83642 and 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814. (4-2-08)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.04.02 - SAFETY RULES FOR ELEVATORS, ESCALATORS, AND MOVING WALKS

DOCKET NO. 07-0402-0802 (FEE RULE)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2008.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 39-8605 and 39-8616, 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 September 17, 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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The rule change is necessary to establish by rule, pursuant to Sections 39-8605 and 39-8616, Idaho Code, the fees for reinspection of various types of conveyances including elevators, escalators, and lifts. The current fee schedule is established by Section 39-8616, Idaho Code, and pursuant to that statute reductions in fee amounts must be achieved through rules. Currently, the fees exceed the costs associated with a typical reinspection and are not reflective of the actual cost of providing the associated service.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rule will reduce the fee for reinspections of elevators, escalators, and lifts to a flat fee thereby ensuring the safety of such conveyances through the reinspection process.

FEE SUMMARY: Pursuant to Section 67-5226(2), Idaho Code, the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

The current fee schedule is established by Section 39-8616, Idaho Code. This rule will reduce the fee for reinspections of elevators, escalators, and lifts from \$500 or \$250 to a flat fee of \$100 thereby ensuring the safety of such conveyances through the reinspection process.

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:

There would likely be no resulting change in revenues, as the current reinspection fees are seldom assessed due to the excessive fees associated with same.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the need for temporary rulemaking.

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 24, 2008.

DATED this 10th day of July 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 O F DOCKET NO. 07-0402-0802

011. INSPECTION REQUIREMENTS.

~~Before~~ In order that a required inspection may take place:

~~(4-6-05)~~(7-1-08)T

01. Access. All machine rooms and spaces shall be free of dirt and debris and any obstacles to access must be removed. (4-6-05)

02. Technician on Site. An elevator technician and fire alarm technician must be present on site to restore elevator and fire alarm systems. (4-6-05)

03. Installation. The elevator installation must be complete and safe for inspection. (4-6-05)

04. Inspection Fees. Inspection fees for elevators shall be assessed and collected according to the schedule listed in Section 39-8616, Idaho Code, except that reinspection fees for all types of conveyances shall be one hundred dollars (\$100) for the first hour of inspection, or portion thereof, and one hundred dollars (\$100) for each hour of inspection thereafter. (7-1-08)T

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.07.01 - RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS, DIVISION OF BUILDING SAFETY

DOCKET NO. 07-0701-0801 (FEE RULE)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2008.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-5005(1) and (2), 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 September 17, 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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Contractors feel the fee schedule applicable to new residential dwellings for large homes (homes over 4,500 square feet) is too complicated. Additionally, the basis of the permit fee schedule as square footage of living space only is not clearly stated for all sizes of single family dwellings. This rule change would simplify the calculation of permit fees for larger homes (homes over 4,500 square feet) to include a base fee plus additional fees for every 1,000 feet of square footage beyond 4,500 square feet (or a portion thereof). It also clarifies for the entire fee schedule that the square footage basis for the permits includes living space only.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This temporary rulemaking is necessary to confer a benefit to affected HVAC contractors, general contractors, and property owners doing their own HVAC installations by simplifying the calculation of permit fees for larger homes.

FEE SUMMARY: Pursuant to Section 67-5226(2), Idaho Code, the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

This proposed rule would simplify the calculation of permit fees for heating, ventilation, and air conditioning systems (HVAC) inspections of larger residences.

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: None.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the need for temporary rulemaking.

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 24, 2008.

DATED this 16th day of July, 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. 07-0701-0801

051. FEES FOR HVAC INSPECTIONS.

HVAC inspection fees are to cover the cost of HVAC inspections as provided by Section 54-5017, Idaho Code; any person, partnership, company, firm, association, or corporation making an HVAC installation shall pay to the Division of Building Safety an inspection fee as provided in the following schedule: (3-26-08)

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

New Residential - Single-Family Dwelling	
Up to 1,500 Square feet of construction living space	- \$130 (asterisk removed)
1,501 to 2,500 Square feet of construction living space	- \$19 (asterisk removed)
2,501 to 3,500 Square feet of construction living space	- \$260 (asterisk removed)
3,501 to 4,500 Square feet of construction living space	- \$325 (asterisk removed)
Over 4,500 Square feet of construction living space	- Use Subsection 051.04, Other Installations Including Industrial and Commercial \$325 plus \$65 for each additional 1,000 square feet or portion thereof
* Fee is to include maximum of two (2) inspections up to 1,500 square feet, three (3) inspections 1,501 to 2,500 square feet, four (4) inspections 2,501 to 3,500 square feet, and five (5) inspections 3,501 to 4,500 square feet. Additional inspections charged at requested HVAC inspection rate of sixty five dollars (\$65) per hour.	

~~(3-26-08)~~(7-1-08)T

02. New Residential - Multi-Family Dwellings.

New Residential - Multi-Family Dwellings	
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 piece of HVAC equipment 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 HVAC installations not specifically mentioned elsewhere in this schedule. The HVAC 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 HVAC equipment and materials installed as part of the HVAC system. (3-26-08)

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

b. HVAC 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 HVAC system cost exceeding ten thousand dollars (\$10,000). (3-26-08)

c. HVAC 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 HVAC 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 HVAC 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 the submitter of the permit had given notice to the Division of Building Safety that the work is ready for inspection and it is not, if the submitter has not accurately identified the work location, or 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 Check Fee. Sixty-five dollars (\$65) per hour or portion thereof. (3-26-08)