

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

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

1. IDAPA 07.01.06 - Rules Governing the Use of National Electric Code
(Docket No. 07-0106-0901)
2. IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing
(Docket No. 07-0205-0901)
3. IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing
(Docket No. 07-0205-0902)
4. IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing
(Docket No. 07-0205-0903)
5. IDAPA 07.03.01 - Rules of Building Safety (Docket No. 07-0301-0901)
6. IDAPA 07.03.01 - Rules of Building Safety (Docket No. 07-0301-0902)
7. IDAPA 07.03.01 - Rules of Building Safety (Docket No. 07-0301-0903)
8. IDAPA 07.03.03 - Rules for Modular Buildings (Docket No. 07-0303-0901)
9. IDAPA 07.03.11 - Rules Governing Manufactured/Mobile Home Industry Licensing (Docket
No. 07-0311-0901)
10. IDAPA 07.03.11 - Rules Governing Manufactured/Mobile Home Industry Licensing (Docket
No. 07-0311-0902)
11. IDAPA 07.04.02 – Safety Rules for Elevators, Escalators and Moving Walks (Docket No.
07-0402-0901)
12. IDAPA 07.05.01 - Rules of the Public Contractors License Board (Docket No. 07-0501-
0901)

13. IDAPA 07.06.01 - Rules Governing Uniform School Building Safety

(Docket No. 07-0601-0901)

14. IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems (Docket No. 07-0701-0901)

15. IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems (Docket No. 07-0701-0902).

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 10-23-09. 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 11-23-09.

_____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: October 5, 2009

SUBJECT: Division of Building Safety

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

1. IDAPA 07.01.06 - Rules Governing the Use of National Electric Code (Docket No. 07-0106-0901)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.01.06 - Rules Governing the Use of National Electric Code. According to the Division, the proposed rule reflects a modification expected to be included in the upcoming edition of the National Electrical Code. The proposed rule relates to wiring in crawl spaces and unfinished basements and concerns the installation of certain cables in such spaces. The only question we would pose is: what would the effect be if the new edition of the NEC does not include the expected revision?

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

2. IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing (Docket No. 07-0205-0901)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing. The proposed rule concerns the practical portion of the examination required for journeyman plumber licensing. The rule provides specific criteria required on the examination relating to the public and private scope of practical work required to pass the journeyman examination.

The Division's proposed rule appears to be authorized pursuant to Section 54-2605, Idaho Code.

3. IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing (Docket No. 07-0205-0902)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing. The proposed rule provides for continuing education requirements for journeyman and contractor plumbers. The proposed rule implements the provisions of 2009 House Bill No. 113 which authorized the Board to adopt continuing education requirements for journeyman and contractor plumbers.

The Division's proposed rule appears to be authorized pursuant to Sections 54-2605 and 54-2617, Idaho Code.

4. IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing (Docket No. 07-0205-0903)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing. The proposed rule accomplishes essentially two things: 1) it implements the provisions of 2009 House Bill No. 111 which established a five-year registration interval for plumbing apprentices and a three-year registration interval for specialty plumbing apprentices; and 2) it provides that proof of completion of the requisite number of employment and instructional hours is required in order for an individual to sit for the journeyman examination.

The Division's proposed rule appears to be authorized pursuant to Sections 54-2605 and 54-2614A, Idaho Code.

5. IDAPA 07.03.01 - Rules of Building Safety (Docket No. 07-0301-0901)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.03.01 - Rules of Building Safety. The proposed rule provides for the adoption of the 2009 editions of the International Building Code, the International Residential Code, the International Energy Conservation Code, and the International Existing Building Code. The proposed rule also provides that any amendments to such Codes adopted by the Board shall be effective January 1, 2011, pending negotiated rulemaking.

The Division's proposed rule appears to be authorized pursuant to Section 39-4109, Idaho Code.

6. IDAPA 07.03.01 - Rules of Building Safety (Docket No. 07-0301-0902)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.03.01 - Rules of Building Safety. The rule provides an update to reflect the adoption of the 2009 editions of certain codes. The Division also notes that the American Recovery and Reinvestment Act provided funding for states to build energy efficient buildings. The proposed rule, and its adoption of the 2009 edition of the International Energy Conservation Code, provides assurance to the federal government that the state will adopt the most current edition of the International Energy Code.

The Division's proposed rule appears to be authorized pursuant to Sections 54-4109, Idaho Code.

7. IDAPA 07.03.01 - Rules of Building Safety (Docket No. 07-0301-0903)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.03.01 - Rules of Building Safety. The proposed rule is the direct result of the passage of 2009 Senate Bill No. 1132 which directed the Division to promulgate rules relating to school building integrated design and fundamental commissioning. To that end, the proposed rule provides for definitions (to be read as supplemental to those found in SB 1132); provides for the repository of technical and educational information relating to integrated design and fundamental commissioning; provides for a list of certain commissioning agents; provides for and directs annual optimization reviews; and provides detail for fundamental building commissioning requirements.

The Division's proposed rule appears to be authorized pursuant to Sections 33-356 and 67-2601A, Idaho Code.

8. IDAPA 07.03.03 - Rules for Modular Buildings (Docket No. 07-0303-0901)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.03.03 - Rules for Modular Buildings. The proposed rule implements provisions of 2009 House Bill No. 115 relating to the appointment of qualified modular building inspectors to assist in the enforcement of Idaho statutes relating to modular buildings. The proposed rule identifies organizations from which inspectors may obtain certification as qualified inspectors.

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

9. IDAPA 07.03.11 - Rules Governing Manufactured/Mobile Home Industry Licensing (Docket No. 07-0311-0901)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.03.11 - Rules Governing Manufactured/Mobile Home Industry Licensing. The proposed rule provides specific civil penalties for individuals who violate the state's manufactured housing industry licensing laws. Section 44-2107, Idaho Code, specifically authorizes the Division to

impose civil penalties on such persons and reads: “Whoever shall violate any of the provisions of this chapter, or any laws or rules adopted pursuant to this chapter...shall be guilty of a misdemeanor and shall be subject to the civil penalties established by administrative rule...”

The Division’s proposed rule appears to be authorized pursuant to Sections 44-2104 and 44-2107, Idaho Code.

10. IDAPA 07.03.11 - Rules Governing Manufactured/Mobile Home Industry Licensing (Docket No. 07-0311-0902)

The Division of Building Safety submits notice of temporary and proposed rulemaking at IDAPA 07.03.11 - Rules Governing Manufactured/Mobile Home Industry Licensing. The temporary and proposed rule eliminates the requirements that original and renewal applications for manufactured home retailers and installers complete a specified number of hours of initial and continuing education. The temporary rule became effective July 1, 2009.

The Division’s proposed rule appears to be authorized pursuant to Sections 44-2104 and 44-2107, Idaho Code.

11. IDAPA 07.04.02 – Safety Rules for Elevators, Escalators and Moving Walks (Docket No. 07-0402-0901)

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 provides for updated references to certain codes relating to design, installation, operation, maintenance and inspection standards for elevators, escalators and other moving conveyances.

The Division’s proposed rule appears to be authorized pursuant to Section 39-8605, Idaho Code.

12. IDAPA 07.05.01 - Rules of the Public Contractors License Board (Docket No. 07-0501-0901)

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 clarifies a statutory exemption to licensing requirements found in section 54-1903(i), Idaho Code. According to the Division, some local governments are misinterpreting this specific exemption and the proposed rule clarifies the exemption by providing a definition of the term “estimated cost”.

It appears the proposed rule is authorized under the provisions of section 54-1907, Idaho Code.

13. IDAPA 07.06.01 - Rules Governing Uniform School Building Safety (Docket No. 07-0601-0901)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.06.01 - Rules Governing Uniform School Building Safety. The proposed rule simply provides for an easier reference to the most current editions of certain applicable model codes.

The Division's proposed rule appears to be authorized pursuant to Section 39-8007, Idaho Code.

14. IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems (Docket No. 07-0701-0901)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems. The proposed rule provides specific authority for the Division to impose a civil penalty against a person who fails to request an inspection of an HVAC installation. This rule appears consistent with the statutory authority of the Division. Statute authorizes the imposition of civil penalties established by administrative rule (Section 54-5022, Idaho Code), and; statute also provides that it is the duty of a permit holder to notify the division that a project is ready for inspection (Section 54-5020, Idaho Code). It appears that the proposed rule follows the statutory scheme in providing for a civil penalty upon a violation of a provision of the chapter.

The Division's proposed rule appears to be authorized pursuant to Sections 54-5005, Idaho Code.

15. IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems (Docket No. 07-0701-0902)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems. The proposed rule does principally two things. First, it provides rules governing the placement of certain gas pipes stubbed out of buildings. The proposed rule provides for measures to protect such piping and related equipment from potential physical damage, including weather-related damage.

Second, the proposed rule provides are measures governing solid-fuel burning and hearth-related installations. Specifically, the proposed rule would continue to adopt the International Fuel Gas code and the International Mechanical Code as the minimum standards for HVAC and mechanical installations in the state. These codes currently are used as the minimum standard in commercial buildings. However, the proposed rule makes such Codes applicable to installations performed in residential buildings thereby governing solid-fuel burning and hearth-related HVAC and mechanical installations in residential buildings.

It appears statute may provide authority for the board to govern such installations. Section 54-5003, Idaho Code, states that the term "heating, ventilation and air conditioning system"

means:

“...*any* heating, ventilation or air conditioning system in a residential, private, public or semipublic building or structure including, but not limited to, any mechanical means of heating or air conditioning and to gas piping, venting, ductwork and controls.”

We note, however, that there may be some question as to whether the foregoing definition is sufficiently broad to include the types of installation that the proposed rule seeks to govern. Consequently, this may be a question the Legislature could consider raising with the Division.

Further, we note that in its notice of rulemaking, the Division states that “negotiated rulemaking was not conducted because of the simple nature of the rulemaking.” The statute governing negotiated rulemaking states that “Agencies are encouraged to proceed through such informal rulemaking whenever it is feasible to do so.” (Section 67-5220, Idaho Code).

It seems to us that the changes found in the proposed rule would likely be of more than passing interest to affected parties and, consequently, negotiated rulemaking might be an appropriate approach to take.

Aside from the questions raised above, the proposed rule appears authorized by section 54-5005, Idaho Code.

cc: Division of Building Safety
Steve Keys

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.06 - RULES GOVERNING THE USE OF NATIONAL ELECTRICAL CODE

DOCKET NO. 07-0106-0901

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 54-1006(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 October 21, 2009.

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:

A new exception to the National Electrical Code (NEC) related to wiring in unfinished basements and crawl spaces is expected to be included in the next edition of the code. The exception allows the installation of certain cables in crawl spaces to be run at angles with floor joists without the need for drilling holes or a running board. Participants within the industry have voiced complaints that the existing code provision is unnecessarily restrictive, and have urged the Board to proactively adopt this new provision prior to its eventual inclusion in the next edition of the code (NEC). The proposed rule would provide an amendment to Article 334.15(C) of the NEC prior to the promulgation of the next code edition by allowing the installation of certain cables in crawl spaces that are not more than four and a half (4½) feet in height to be run at angles with floor joists without the need for drilling holes or a running board.

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, Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rulemaking.

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 28, 2009.

DATED this 28th day of August, 2009.

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 PROPOSED TEXT FOR DOCKET NO. 07-0106-0901

011. ADOPTION AND INCORPORATION BY REFERENCE OF THE NATIONAL ELECTRICAL CODE, 2008 EDITION.

01. Documents. Under the provisions of Section 54-1001, Idaho Code, the National Electrical Code, 2008 Edition, (herein NEC) is hereby adopted and incorporated by reference for the state of Idaho and shall be in full force and effect on and after July 1, 2008, with the exception of the following: (4-2-08)

a. Where the height of a crawl space does not exceed 1.4 (one point four) meters or 4.5 (four point five) feet it shall be permissible to secure NM cables, that run at angles with joist, to the bottom edge of joist. NM cables that run within 2.1 (two point one) meters or 7 (seven) feet of crawl space access shall comply with Article 320.23. ()

ab. Compliance with Article 675.8(B) will include the additional requirement that a disconnecting means always be provided at the point of service from the utility no matter where the disconnecting means for the machine is located. (5-3-03)

bc. Compliance with Article 550.32(B) shall limit installation of a service on a manufactured home to those homes manufactured after January 1, 1992. (5-3-03)

ed. Poles used as lighting standards that are forty (40) feet or less in nominal height and that support no more than four (4) luminaires operating at a nominal voltage of three hundred (300) volts or less, shall not be considered to constitute a structure as that term is defined by the National Electrical Code (NEC). The disconnecting means shall not be mounted to the pole. The disconnecting means may be permitted elsewhere in accordance with NEC, Article 225.32, exception 3. SEC special purpose fuseable connectors (model SEC 1791-DF or model SEC 1791-SF) or equivalent shall be installed in a listed handhole (underground) enclosure. The enclosure shall be appropriately grounded and bonded per the requirements of the NEC applicable to Article 230-Services. Overcurrent protection shall be provided by a (fast-acting – minimum - 100K RMS Amps 600 VAC) rated fuse. Wiring within the pole for the luminaires shall be protected by supplementary overcurrent device (time-delay – minimum - 10K RMS Amps 600 VAC) in break-a-away fuse holder accessible from the hand hole. Any poles supporting or incorporating utilization equipment or exceeding the prescribed number of luminaires, or in excess of forty (40) feet, shall be considered structures, and an appropriate service disconnecting means shall be required per the NEC. All luminaire-supporting poles shall be appropriately grounded and bonded per the NEC. (4-6-05)

de. Compliance with Article 210.12 Arc-Fault Circuit-Interrupter Protection. (4-2-08)

i. Definition. Arc-Fault Circuit-Interrupter is a device intended to provide protection from the effects of arc faults by recognizing characteristics unique to arcing and by functioning to de-energize the circuit when an arc fault is detected. (4-2-08)

ii. Dwelling Unit Bedrooms. All one hundred twenty (120)-volt, single phase, fifteen (15)-ampere and twenty (20)-ampere branch circuits supplying outlets installed in dwelling unit bedrooms shall be protected by a listed arc-fault circuit interrupter, combination type installed to provide protection of the branch circuit. (4-2-08)

ef. Compliance with Article 680.26 Bonding. (4-2-08)

i. Performance. The bonding required by this section shall be installed to eliminate voltage gradients in the pool area as prescribed. FPN: This section does not require that the eight (8) AWG or larger solid copper bonding conductor be extended or attached to any remote panelboard, service equipment, or any electrode. (4-2-08)

ii. Bonded Parts. The parts specified in 680.26(B)(1) through (B)(5) shall be bonded together. (4-2-08)

(1) Metallic Structural Components. All metallic parts of the pool structure, including the reinforcing metal of the pool shell, coping stones, and deck, shall be bonded. The usual steel tie wires shall be considered suitable for bonding the reinforcing steel together, and welding or special clamping shall not be required. These tie wires shall be made tight. If reinforcing steel is effectively insulated by an encapsulating nonconductive compound at the time of manufacture and installation, it shall not be required to be bonded. Where reinforcing steel is encapsulated with a

nonconductive compound, provisions shall be made for an alternate means to eliminate voltage gradients that would otherwise be provided by unencapsulated, bonded reinforcing steel. (4-2-08)

(2) Underwater Lighting. All forming shells and mounting brackets of no-niche luminaries (fixtures) shall be bonded unless a listed low-voltage lighting system with nonmetallic forming shells not requiring bonding is used. (4-2-08)

(3) Metal Fittings. All metal fittings within or attached to the pool structure shall be bonded. Isolated parts that are not over one hundred (100) mm (four (4) inches) in any dimension and do not penetrate into the pool structure more than twenty-five (25) mm (one (1) inch) shall not require bonding. (4-2-08)

(4) Electrical Equipment. Metal parts of electrical equipment associated with the pool water circulating system, including pump motors and metal parts of equipment associated with pool covers, including electric motors, shall be bonded. Metal parts of listed equipment incorporating an approved system of double insulation and providing a means for grounding internal nonaccessible, non-current-carrying metal parts shall not be bonded. Where a double-insulated water-pump motor is installed under the provisions of this rule, a solid eight (8) AWG copper conductor that is of sufficient length to make a bonding connection to a replacement motor shall be extended from the bonding grid to an accessible point in the motor vicinity. Where there is no connection between the swimming pool bonding grid and the equipment grounding system for the premises, this bonding conductor shall be connected to the equipment grounding conductor of the motor circuit. (4-2-08)

(5) Metal Wiring Methods and Equipment. Metal-sheathed cables and raceways, metal piping, and all fixed metal parts except those separated from the pool by a permanent barrier shall be bonded that are within the following distances of the pool: (4-2-08)

(a) Within one and five tenths (1.5) meters (five (5) feet) horizontally of the inside walls of the pool. (4-2-08)

(b) Within three and seven tenths (3.7) meters (twelve (12) feet) measured vertically above the maximum water level of the pool, or any observation stands, towers, or platforms, or any diving structures. (4-2-08)

iii. Common Bonding Grid. The parts specified in 680.26B shall be connected to a common bonding grid with a solid copper conductor, insulated, covered, or bare, not smaller than eight (8) AWG. Connection shall be made by exothermic welding or by pressure connectors or clamps that are labeled as being suitable for the purpose and are of stainless steel, brass, copper, or copper alloy. The common bonding grid shall be permitted to be any of the following: (4-2-08)

(1) The structural reinforcing steel of a concrete pool where the reinforcing rods are bonded together by the usual steel tie wires or the equivalent. (4-2-08)

(2) The wall of a bolted or welded metal pool. (4-2-08)

(3) A solid copper conductor, insulated, covered, or bare, not smaller than eight (8) AWG. (4-2-08)

(4) Rigid metal conduit or intermediate metal conduit of brass or other identified corrosion-resistant metal conduit. (4-2-08)

iv. Connections. Where structural reinforcing steel or the walls of bolted or welded metal pool structures are used as a common bonding grid for nonelectrical parts, the connections shall be made in accordance with 250.8. (4-2-08)

v. Pool Water Heaters. For pool water heaters rated at more than fifty (50) amperes that have specific instructions regarding bonding and grounding, only those parts designated to be bonded shall be bonded, and only those parts designated to be grounded shall be grounded. (4-2-08)

02. Availability. This document is available at the office of the Division of Building Safety at 1090 E. Watertower St., Meridian, Idaho 83642. (4-2-08)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.05 - RULES GOVERNING PLUMBING SAFETY LICENSING

DOCKET NO. 07-0205-0901

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 54-2605, 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 21, 2009.

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 current rule relating to the plumbing journeyman exam does not provide specific requirements that will fulfill the practical portion of the exam. The rule only states the exam grade is based on "practical work on a job in progress." This current standard makes it difficult to determine what type of work satisfies the exam requirement. It also makes it difficult to apply a uniform standard of grading across all examiners to determine if the examiner possesses the minimum skill and competencies necessary for entry level plumbers. The proposed rule will outline the specific skills that shall be tested as part of the journeyman plumbing practical exam.

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: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rulemaking.

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 28, 2009.

DATED this 18th day of August, 2009.

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 PROPOSED TEXT FOR DOCKET NO. 07-0205-0901

012. JOURNEYMAN.

01. Qualifications for Journeyman Plumber. An applicant for a journeyman plumber's license must have at least four (4) years experience as an apprentice making plumbing installations under the constant on-the-job supervision of a qualified journeyman plumber, as provided by Section 54-2611, Idaho Code. Pipe fitting will not be accepted as qualifications for a journeyman plumber's license. The first step in obtaining a journeyman certificate of competency is to submit an application for examination and license. The application must be accompanied by proof the applicant has completed the minimum of four (4) years experience in the trade as provided in Section 011 of these rules. Exhibition of a current license or photostatic copy of it from another jurisdiction may be accepted as proof of experience. The examination fee shall be as prescribed by Section 54-2614, Idaho Code, and must accompany the application. (8-25-88)

02. Examination. The journeyman examination grade is based on answers to written questions and practical work performed on a job in progress after successful completion of the written work. Time allowed for the written examination is four (4) hours. A passing grade is required on the written examination. The practical ~~work~~ portion of the exam shall consist of work performed in both a public and private scope, and must pass with no violations. The criteria for each application are as follows: (8-25-88)()

a. Public Application: Rough-in six (6) different fixtures consisting of a water closet, urinal, lavatory with carriers, floor sink, floor drain with trap primer, water heater, multi-level installation, and silver soldering. Pipe the DWV system using copper pipe and fittings. ()

b. Private Application: Rough-in five (5) different fixtures consisting of a water closet, tub or shower, lavatory, kitchen sink/garbage disposal/dishwasher combination, and a clothes washer standpipe. Piping DWV system using ABS or PVC pipe and fittings. Pipe the water distribution system using plastic pipe and brass fittings. ()

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.05 - RULES GOVERNING PLUMBING SAFETY LICENSING

DOCKET NO. 07-0205-0902

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 54-2617, 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 21, 2009.

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

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

In 2009, Section 54-2606, Idaho Code, was amended to provide the Idaho Plumbing Board with the authority to establish continuing education requirements for journeyman and contractor plumbers. Currently, no rules provide for specific requirements regarding continuing education. Advancements in technology and changing job responsibilities may require a plumber to update their knowledge and skills consistent with any new developments in the plumbing profession. Continuing education helps to assure the plumbing community and the public that an individual is qualified by knowledge and skills to work in the trade. This rule change would establish the specific continuing education requirements that journeyman and contractor plumbers must fulfill within specified timeframes in order to renew their certificate of competency in accordance with Section 54-2617, Idaho Code. It also requires the approval of courses of instruction and instructors by the Division of Building Safety.

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rulemaking.

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 28, 2009.

DATED this 18th day of August, 2009.

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 PROPOSED TEXT FOR DOCKET NO. 07-0205-0902

016. CERTIFICATES OF COMPETENCY -- ISSUANCE, RENEWAL, EXPIRATION, REVIVAL -- FEES.

01. Issuance. Certificates of competency shall be issued in such a manner as to create a renewal date that coincides with the birthdate of the individual to whom the certificate is issued and allows for renewals every three (3) years. (4-6-05)

a. Certificates of competency shall be issued for a period of no less than one (1) year and no more than three (3) years. For example: a qualified applicant who applies for a certificate of competency in August of year one (1) but whose birthday will not occur until March of year two (2) shall be issued a certificate of competency renewable on the anniversary of the applicant's birthdate. (4-6-05)

b. The fee for issuance of certificates of competency shall be prorated based on the number of months for which it is issued. (4-6-05)

02. Renewal. Certificates of competency shall be renewed in such a manner as will achieve a staggered system of certificate renewal using the birthdate of the individual to whom the certificate is issued as the expiration date. (4-6-05)

a. Certificates of competency shall be renewed for a period of no less than one (1) year and no more than three (3) years. (4-6-05)

b. The fee for renewal of certificates of competency shall be prorated based on the number of months for which it is issued. (4-6-05)

c. Continuing Education. The Idaho Plumbing Board will establish criteria for approval of instruction and instructors and courses and instructors will be approved by the Plumbing Bureau. Proof of completion of the following continuing education requirements must be submitted to the Plumbing Bureau prior to, or with the application for, licensure renewal by any licensee in order to renew a journeyman or contractors plumbing license. ()

i. Journeyman must complete eight (8) hours of continuing education for every three-year (3) license cycle, or complete an exam administered by the Division. Of the required eight (8) hours, four (4) hours must be plumbing code update related and the other four (4) hours may be industry related training. ()

ii. Contractors must complete sixteen (16) hours of continuing education for every three-year (3) license cycle. Hours accrued obtaining journeyman education may be applied toward this requirement whenever applicable. ()

03. Expiration - Revival. (4-6-05)

a. Certificates that are not timely renewed will expire. (4-6-05)

b. A certificate that has expired may be revived within twelve (12) months of its expiration by submitting a completed application and paying the same fee as for an initial certificate and meeting all other certification requirements. (4-6-05)

c. Revived certificates shall be issued in such a manner as to create a renewal date that coincides with the birthdate of the applicant to achieve a staggered system of renewal. (4-6-05)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.05 - RULES GOVERNING PLUMBING SAFETY LICENSING

DOCKET NO. 07-0205-0903

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 54-2614A, 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 21, 2009.

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

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

In the 2009 legislative session, amendment was made to Section 54-2614A, Idaho Code, whereby the validity of a plumbing apprentice registration was extended from one (1) year to five (5) years and a plumbing specialty apprentice registration was extended from one (1) year to three (3) years. The current rule requires amendment in order to come into alignment with these statutory changes. Additionally, this rule will clarify that verification by the Division of employment and participation in an instructional program is not required to maintain an apprentice registration; but rather, proof of completion of the required number of employment and instructional hours will be necessary to be eligible to sit for the journeyman examination. The proposed rule will require each apprentice and specialty apprentice to register for a period of five (5) and three (3) years respectively, and eliminate the requirement that an apprentice be employed and enrolled in an instructional program in order for the registration to be valid. Instead, the rule will provide that evidence of completion of the required number of employment and instructional hours must be provided to the Division in order for an apprentice to be eligible to sit for the journeyman exam.

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rulemaking.

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 28, 2009.

DATED this 28th day of August, 2009.

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 PROPOSED TEXT FOR DOCKET NO. 07-0205-0903

011. APPRENTICE REGISTRATION.

The minimum age for any apprentice shall be sixteen (16) years. All apprentices shall be registered with the Division- and shall pay ~~the~~ registration fee ~~shall be~~ as prescribed by Section 54-2614, Idaho Code. No examination is required. ~~In order to maintain registration properly, a~~ An individual must be working at the trade under the constant on-the-job supervision of a journeyman and in the employ of a contractor. ~~The~~ Any apprentice who desires to sit for the journeyman exam must also be enrolled and active in complete an Idaho Plumbing Board-approved related ~~training class~~ course of instruction for four (4) years, and work for a total of four (4) years, defined as a minimum of eight thousand (8,000) hours work experience prior to the date of the exam. Unless prior approval has been granted by the Plumbing Bureau, the apprentice must complete the required course work sequentially: year one (1) must be completed prior to beginning year two (2); year two (2) must be completed prior to beginning year three (3); and year three (3) must be completed prior to beginning year four (4). A minimum of one hundred forty-four (144) hours of classroom or other Idaho Plumbing Board-approved instruction time per school year is required. A grade average of seventy percent (70%) must be maintained in these courses. Upon completion of apprenticeship training, the apprentice must obtain a certificate of completion, or a letter signed by the chairman of his apprenticeship committee, and attach the certificate or letter to his application for a journeyman license. In order to maintain registration, the apprentice shall renew his registration ~~annually in the month of his initial registration. The renewal fee shall be as prescribed by~~ accordance with Sections 54-2614 and 54-2614A, Idaho Code. (4-6-05)()

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.01 - RULES OF BUILDING SAFETY

DOCKET NO. 07-0301-0901

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 39-4109, 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 21, 2009.

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 39-4109, Idaho Code, provides the Building Code Board with the authority to adopt specified building codes via administrative rule. Amendments to Section 39-4109 during the 2009 legislative session provide the Board with the authority to amend the adopted codes pursuant to a negotiated rulemaking process. The rules currently adopt the 2006 editions of the building codes and need to be updated to reflect the most recent 2009 editions of the codes. Additionally, the Board's renewed amending authority is allowing it to make amendments to the building codes that since 2002 it has been unable to make. The rule would adopt the 2009 editions of the International Building Code, International Residential Code, the International Energy Conservation Code, and the International Existing Building Code, with specified amendments thereto as adopted by the Board through the negotiated rulemaking process.

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

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, Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rulemaking.

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 28, 2009.

DATED this 28th day of August, 2009.

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 PROPOSED TEXT FOR DOCKET NO. 07-0301-0901

004. ADOPTION AND INCORPORATION BY REFERENCE.

Under the provisions of Section 39-4109, Idaho Code, the following codes enumerated in this Section are hereby adopted and incorporated by reference into IDAPA 07.03.01, "Rules of Building Safety," Division of Building Safety. The effective date of a 2009 edition of any of the codes adopted in this Section with any amendments identified thereto shall be January 1, 2011. Until such time, the 2006 edition of any such code enumerated in this Section without amendment will remain effective pursuant to Section 39-4109, Idaho Code. Copies of these documents may be reviewed at the office of the Division of Building Safety. The referenced codes may be obtained from International Code Council, 5360 Workman Mill Road, Whittier, California 90601-2298 or <http://www.iccsafe.org>. ~~(5-8-09)~~()

01. International Building Code. 2006~~9~~ Edition. ~~(5-8-09)~~()

02. International Residential Code. 2006~~9~~ Edition. ~~(5-8-09)~~()

a. Delete IRC section R109.1.3 and replace with the following: Floodplain inspections. For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, the building official is authorized to require submission of documentation of the elevation of the lowest floor, including basement, required in section R322. ()

b. IRC Table R302.1 Exterior Walls -- delete the figures contained in the last column of the table under the heading Minimum Fire Separation Distance, and replace with the following:

Minimum Fire Separation Distance	
<u>Walls (fire-resistance rated):</u>	<u>≤ Three (3) Feet</u>
<u>Walls (not fire-resistance rated):</u>	<u>≥ Three (3) Feet</u>
<u>Projections (fire-resistance rated):</u>	<u>≤ Three (3) Feet</u>
<u>Projections (not fire-resistance rated):</u>	<u>≥ Three (3) Feet</u>

()

c. Delete the exception contained under IRC section R302.2 -- Townhouses, and replace with the following: Exception: A common one-hour or two-hour fire resistance rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against the exterior walls and the underside of the roof sheathing. Penetrations of electrical outlet boxes shall be in accordance with section R302.4. ()

d. Delete the exception contained under IRC section R313.1 -- Townhouse automatic fire sprinkler systems, and replace with the following: Exception: Automatic residential fire sprinkler systems shall not be required in townhouses where a two-hour fire-resistance rated wall is installed between dwelling units or when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed. ()

e. Delete IRC section R313.2. ()

f. Delete IRC section R322.1.10. ()

g. Delete IRC section R322.2.2 paragraph 2.2, and replace with the following: The total net area of all openings shall be at least one (1) square inch (645 mm²) for each square foot (0.093 m²) of enclosed area, or the opening shall be designed and the construction documents shall include a statement that the design and installation of

the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing the automatic entry and exit of floodwaters. ()

03. International Existing Building Code. 2006~~2~~ Edition. (~~5-8-09~~)()

04. International Energy Conservation Code. 2009 Edition. ()

05. References to Other Codes. Where any provisions of the codes that are adopted in this Section make reference to other construction and safety-related model codes or standards which have not been adopted by the involved authority having jurisdiction, to the extent possible, such reference should be construed as pertaining to the equivalent code or standard that has been duly adopted by such jurisdiction. ()

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.01 - RULES OF BUILDING SAFETY

DOCKET NO. 07-0301-0902

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 39-4109, 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 21, 2009.

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 39-4109, Idaho Code, provides the Building Code Board with the authority to adopt specified building codes via administrative rule. The rules currently adopt the 2006 editions of the building codes and need to be updated to reflect the most recent 2009 editions of the codes. Additionally, the American Recovery and Reinvestment Act (federal stimulus legislation) includes funding for states to build energy efficient buildings. To receive that funding, Idaho has provided assurances to the federal government that it will adopt the 2009 International Energy Conservation Code. The rule would adopt the 2009 edition of the International Energy Conservation Code with any amendments thereto as adopted by the Board through the negotiated rulemaking process.

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

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, Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rulemaking.

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 28, 2009.

DATED this 28th day of August, 2009.

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 PROPOSED TEXT FOR DOCKET NO. 07-0301-0902

004. ADOPTION AND INCORPORATION BY REFERENCE.

Under the provisions of Section 39-4109, Idaho Code, the ~~following~~ codes enumerated in this Section are hereby adopted and incorporated by reference into IDAPA 07.03.01, "Rules of Building Safety," Division of Building Safety. The effective date of a 2009 edition of any of the codes adopted in this Section with any amendments identified thereto shall be January 1, 2011. Until such time, the 2006 edition of any such code enumerated in this Section without amendment will remain effective pursuant to Section 39-4109, Idaho Code. Copies of these documents may be reviewed at the office of the Division of Building Safety. The referenced codes may be obtained from International Code Council, 5360 Workman Mill Road, Whittier, California 90601-2298 or <http://www.iccsafe.org>. ~~(5-8-09)~~()

- 01. International Building Code.** 2006 Edition. (5-8-09)
- 02. International Residential Code.** 2006 Edition. (5-8-09)
- 03. International Existing Building Code.** 2006~~9~~ Edition. ~~(5-8-09)~~()
- 04. International Energy Conservation Code.** 2009 Edition. ()

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.01 - RULES OF BUILDING SAFETY

DOCKET NO. 07-0301-0903

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 33-356 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 21, 2009.

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:

A new section of the Idaho Code codified at Section 33-356 was passed by the legislature in 2009, which provides financial incentives for school districts to use integrated design and fundamental commissioning building practices in the construction of school building facilities. Pursuant to that statute, the administrator of the Division of Building Safety is required to promulgate rules which provide guidance and technical information for school districts, as well as rules governing an annual optimization review to ensure optimal energy performance of building systems. The rule would provide notice of the availability of guidance, educational, and technical support to school districts to implement the processes of integrated design and fundamental commissioning, as well as the availability of a list of all third party commissioning agents in the state; provide for a process of performing and certifying the annual optimization review to ensure energy efficiency; and provide for certifications regarding qualification of schools for the building replacement value calculation.

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, Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rulemaking.

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 28, 2009.

DATED this 28th day of August, 2009.

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 PROPOSED TEXT FOR DOCKET NO. 07-0301-0903

038. INTEGRATED DESIGN AND FUNDAMENTAL COMMISSIONING.

01. Definitions. The following definitions are intended to supplement, and should be read in conjunction with the definitions contained in Section 33-356, Idaho Code. ()

a. Fundamental Commissioning. A quality-focused process for enhancing the delivery of a project. It makes use of a qualified third party employed directly by the building owner. ()

b. Integrated Design. Integrated design refers to a collaborative design effort in which each of the individual architectural or engineering professionals focuses on the whole building approach, with an emphasis on optimizing the building's performance, environmental sustainability, and cost-savings, to include climate, use, loads and systems resulting in a more comfortable and productive environment, and a building that is more energy-efficient than would be realized using current best practices. ()

02. Technical and Educational Information. Technical and educational information related to integrated design and fundamental commissioning in the form of the American Institute of Architects Integrated Project Delivery Guide; Portland Energy Conservation, Inc. (PECI) Commissioning Guides; ASHRAE Guideline 0-2005-The Commissioning Process; and the Northwest Energy Efficiency Alliance Integrated Design Special Focus on Energy Performance Guide is available at the Division office locations including 1090 E. Watertower St., Meridian, Idaho 83642, and 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814. A building commissioned under the prescriptive approaches defined by any of the above-named national organizations is deemed to have completed the Fundamental Commissioning process. ()

03. Commissioning Agents. The Division has compiled and made available for public examination a list of all known third party building commissioning agents in Idaho and its contiguous states. The Division has ensured that all such commissioning agents appearing on this list have been certified by the Building Commissioning Association (BCA) or other similar certifying entity. ()

04. Annual Optimization Review. ()

a. A public school building which qualifies for the school building replacement value calculation pursuant to Section 33-356(5)(a), Idaho Code, shall undergo an annual optimization review each year following the first year of operations that the involved school district seeks to qualify such building for the building replacement value calculation. ()

b. The systems within a building required to undergo annual optimization review, as well as any relevant measuring criteria for such systems, shall be formulated by the third party commissioning agent that performs the initial fundamental commissioning. The school district shall be provided with a written report from the commissioning agent identifying the systems which will be subject to the annual optimization review along with any other requirements. ()

c. The report required above in Paragraph 038.03.b. of these rules shall include, but is not limited to, at least the following: ()

i. Verification that the heating, ventilation, and air conditioning (HVAC) controls, dampers, valves, sensors and other equipment used to control the system are functioning as they were at the commissioning of the building. ()

ii. Verification that the lighting controls are functioning as they were at the commissioning of the building. ()

iii. The requirement that any changes made to any of the controls contained on the agent's list after the

initial commissioning be re-set back to the commissioned settings unless it can be demonstrated that the new settings result in greater energy efficiency. ()

d. The annual optimization review shall be performed by persons qualified to make the required determinations and adjustments. ()

e. The school district shall submit to the Division written verification indicating that the systems identified by the commissioning agent, including those identified in this Section are functioning as they were at the initial commissioning. Such written verification shall also identify the persons performing the optimization and their qualifications. ()

05. Commissioning Anniversary Date. The date upon which the commissioning agent provides the school district with the required written report described in Paragraph 038.03.b. of these rules shall be the commissioning anniversary date for purposes of this Section. If a school district seeks to qualify a building for the building replacement value calculation, the annual optimization review shall be performed within thirty (30) days of the annual commissioning anniversary date following the first year the building is in operation. The written verification required by Paragraph 038.03.e. of these rules shall be received by the Division not later than sixty (60) days after the annual commissioning anniversary date. ()

06. Fundamental Building Commissioning Requirements. ()

a. School districts seeking to qualify a building for the building replacement value calculation shall engage a building commissioning agent. ()

b. The commissioning agent must document the owner's requirements for each commissioned system in the facility. All HVAC and controls systems, duct work and piping, renewable and alternative technologies, lighting controls and day lighting, waste heat recovery, and any other advanced technologies incorporated in the building must be commissioned. Building envelope systems must also be verified. The owner's requirements for these systems may include efficiency targets and other performance criteria such as temperature and lighting levels that will define the performance criteria for the functional performance testing that occurs prior to acceptance. ()

c. The commissioning agent shall include commissioning requirements in the project construction documents. This includes the scope of commissioning for the project, the systems to be commissioned, and the various requirements related to schedule, submittal reviews, testing, training, O & M manuals, and warranty reviews. ()

d. The commissioning agent shall develop and utilize a commissioning plan. This plan must include an overview of the commissioning process for the project, a list of commissioned systems, primary commissioning participants and their roles, a communication and management plan, an outline of the scope of commissioning tasks, a list of work products, a schedule, and a description of any commissioning testing activities. ()

e. The commissioning agent must submit a report to the owner once the commissioning plan has been executed. ()

0389. -- 999. (RESERVED).

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.03 - RULES FOR MODULAR BUILDINGS

DOCKET NO. 07-0303-0901

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 21, 2009.

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 39-4304A, Idaho Code, was approved by the legislature in 2009 and added to the modular building statutory scheme. Section 39-4304A provides authority for the administrator to appoint qualified modular building inspectors to assist in the enforcement of Title 39, Chapter 43, Idaho Code. One of the enumerated requirements for each inspector is that they be certified as an inspector by an organization designated in administrative rule by the Modular Building Advisory Board. Currently, no such administrative rule exists which designates approved certifying organizations. The proposed rule would identify the organizations designated by the Board from which inspectors may obtain certification as a qualified inspector. Those organizations would include the National Certification Program Construction Code Inspector program (NCPCCI), the National Inspection Testing Certification program (NITC), the International Association of Electrical Inspectors (IAEI), and the International Code Council (ICC).

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:

The use of multi-hat inspectors in the factory setting will result in significant savings to the Division. Once fully implemented, predicated on FY2008 volume, DBS projects a net savings of forty thousand dollars (\$40,000) or approximately ten percent (10%) of personnel costs involved in the inspection effort.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rulemaking.

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 28, 2009.

DATED this 28th day of August, 2009.

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 PROPOSED TEXT FOR DOCKET NO. 07-0303-0901

032. MODULAR BUILDINGS.

01. Enforcement and Administration. The Administrator shall administer and enforce all the provisions of these rules. Any officer, agent, or employee of the Division is authorized to enter any premises during any normal or operational hours where Modular Buildings are manufactured for the purpose of examining any records pertaining to quality control and inspection and may inspect any such units, equipment, or installations to insure compliance with the provisions of these rules and codes enumerated in Title 39, Chapters 41 and 43, Idaho Code. When it becomes necessary, he may require that a portion or portions of such Modular Building units be removed in order that an inspection may be made to determine compliance. Every manufacturer of Modular Buildings shall obtain prior approval and an Insignia for each Modular Building unit to be installed in the state of Idaho. (3-26-08)

02. Inspections. (3-26-08)

a. Inspections at Manufacturing Plants. The Division shall conduct inspections at the manufacturing plant to determine compliance with the provisions of these rules and with codes adopted by Title 39, Chapter 41, Idaho Code, and Title 54, Chapters 10, 26, and 50, Idaho Code. (3-26-08)

b. In-Plant Inspections. Due to the repetitive nature of the manufacturing process, the required inspections outlined in the International Building Code or International Residential Code may not be required if, in the opinion of the Division, compliance can be obtained by periodic inspections. The Division shall conduct periodic unannounced inspections at any manufacturing site to review any or all aspects of a manufacturer's production and inspectional control procedures. Each unit, however, shall be inspected at least once during the course of production for compliance with the adopted standards. No unit manufactured to be installed in the state of Idaho will be shipped from the point of manufacture without inspection and attached Insignia. (3-26-08)

c. Field Inspections. All existing Modular Buildings to be installed in the state of Idaho not bearing the Division's Insignia shall not be used or occupied until required Idaho Insignia has been issued by the Division and properly affixed in accordance with these rules. Applicants for Insignia shall obtain permits, plan approvals, and inspections as required by these rules. (3-26-08)

d. Qualifications of Inspectors. All inspectors performing inspections of modular buildings must be properly certified for the type of inspection being conducted. The Modular Board recognizes certifications granted through the National Certification Program Construction Code Inspector program (NCPCCI), the National Inspection Testing Certification program (NITC), the International Association of Electrical Inspectors (IAEI), and the International Code Council (ICC). Certifications shall be current and of the proper classification for the structure or subsystem being inspected. ()

03. Installation Inspection. In order to complete the installation of the Modular Building, approval and inspection of said installation by the enforcement agency having jurisdiction over the site location shall be required. (3-26-08)

04. Field Technical Service. Any person may request field Technical Service and requests for such service shall be submitted to the Division in writing. (3-26-08)

05. Local Enforcement Agencies. (3-26-08)

a. Rights of Local Enforcement Agency. A local enforcement agency shall have the right to require a complete set of plans and specifications approved by the Division for each Modular Building to be installed within its jurisdiction, to require that all permits be obtained before delivery of any unit to a Building Site. After leaving the manufacturing facility, future alterations or conversions of Division approved Modular Buildings shall be field inspected by the local unit of government having jurisdiction. (3-26-08)

b. Limitations of Rights of Local Enforcement Agency. A local enforcement agency shall not have the right to: open for inspection any Modular Building or component bearing an Insignia to determine compliance with any codes or ordinances; require by ordinance or otherwise that Modular Buildings meet any requirements not equally applicable to on-site construction; or to charge permit or plan review fees for any portion of the structure prefabricated or assembled at a place other than the Building Site. (3-26-08)

06. Insignia. (3-26-08)

a. Required Insignia. Each Modular Building section shall bear a Division Insignia prior to leaving the manufacturing facility. Assigned Insignia are not transferable and are void when not affixed as assigned. All such voided Insignia shall be returned to, or may be confiscated by, the Division. Insignia remain the property of the Division and may be confiscated in the event of violation of conditions of approval. Assigned Insignia affixed in the field shall be under the direction of the Division's authorized agent. (3-26-08)

b. Insignia Location. Insignias shall be placed on the front, left-hand side of the building. (3-26-08)

c. Serial Number. Each Modular Building shall bear a legible identifying serial number, which shall include the state of manufacture. Each section of a multiple Modular Building shall have the same identifying serial number followed by a numerical sequence identifier or a letter suffix, or both. Characters for serial numbers shall be three-eighths (3/8) inch minimum height. Numbers shall not be stamped into a hitch assembly or draw bar. (3-26-08)

d. Data on Insignia. The date of manufacture, showing month, week, and year will be shown on the Insignia. Such data will be provided by the manufacturer on the application for Insignia. (3-26-08)

07. Reciprocal Agreements. The provisions for Insignia of compliance as specified in a written and signed reciprocal agreement between the Division and any other state shall take precedence over the provisions of these rules. Where there is evidence that the in-plant inspection controls in out-of-state plants within states having reciprocal agreements with the state of Idaho are not being maintained for units to be placed in Idaho, the Division reserves the right to make out-of-state inspections, and fees for such inspection as set forth in these rules shall be paid by the manufacturer. (3-26-08)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.11 - RULES GOVERNING MANUFACTURED/MOBILE HOME INDUSTRY LICENSING

DOCKET NO. 07-0311-0901

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 44-2104 and 44-2107, 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 21, 2009.

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 44-2107, Idaho Code, provides the Administrator authority to impose civil penalties on those who violate provisions of Title 21, Chapter 44, Idaho Code, or IDAPA 07.03.11, Rules Governing Manufactured/Mobile Home Industry Licensing; however, the current rules do not contain any provisions regarding such civil penalties. Additionally, the term manufactured home "dealer" has been replaced with the term "retailer" in Title 21, Chapter 44, Idaho Code, to reflect a more accurate designation within the industry. The proposed rules will maintain consistent application of that term. The proposed rule will provide for civil penalties to address individuals who are in violation of Idaho's manufactured housing industry licensing laws and rules. The proposed rules will also more accurately identify those who sell manufactured homes as "retailers" instead of "dealers."

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

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, Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rulemaking.

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 28, 2009.

DATED this 28th day of August, 2009.

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 PROPOSED TEXT FOR DOCKET NO. 07-0311-0901

000. LEGAL AUTHORITY.

~~In accordance with Section 44-2102, Idaho Code, the administrator of the Idaho Division of Building Safety is and the Idaho Manufactured Housing Board are~~ authorized to promulgate rules necessary to implement the provisions of Title 44, Chapters 21 and 22, Idaho Code, including the establishment of a mandatory statewide manufactured home setup code, as well as to define and prohibit deceptive practices, and to establish administrative penalties.

~~(3-24-05)()~~

(BREAK IN CONTINUITY OF SECTIONS)

004. -- 009. (RESERVED).

0104. DEFINITIONS.

For the purposes of these rules, the following terms will be used, as defined below: (5-25-94)

- 01. Administrator.** The administrator of the Division of Building Safety of the state of Idaho. (3-24-05)
- 02. Board.** The Manufactured ~~Home Advisory~~ Housing Board. The composition and duties of the Board are set forth at Section 44-2104, Idaho Code. ~~(5-25-94)()~~
- 03. Bond.** The performance bond required by Section 44-2103, Idaho Code. (5-25-94)
- 04. Branch Office.** An enclosed structure accessible and open to the public, at which the business of the manufactured/mobile home ~~dealer~~ retailer is conducted simultaneously with and physically separated from his principal place of business. There shall be displayed on the exterior a sign permanently affixed to the land or building with letters clearly visible to the major avenue of traffic. The sign shall provide the business name of the ~~dealer~~ retailer. ~~(3-24-05)()~~
- 05. Business.** Occupation, profession, or trade. (5-25-94)
- 06. Deceptive Practice.** Intentionally publishing or circulating any advertising concerning mobile or manufactured homes which:
 - a.** Is misleading or inaccurate in any material ~~particular~~ respect; ~~(5-25-94)()~~
 - b.** Misrepresents any of the products or services sold or provided by a manufacturer, manufactured/mobile home ~~dealer~~ retailer, salesman, or service ~~or~~ installation company. ~~(3-24-05)()~~
- 07. Division.** The Division of Building Safety for the state of Idaho. (5-25-94)
- 08. Installer.** A person who owns a business which installs ~~a~~ manufactured/mobile homes at the sites where ~~it is they are~~ to be used for occupancy occupied by the consumer. The term does not include the purchaser of a manufactured/mobile home or a manufactured/mobile home ~~dealer~~ retailer who does not install manufactured/mobile homes. A ~~dealer~~ retailer who does install manufactured/mobile homes is an installer. The term also does not include concrete contractors or their employees. ~~(3-24-05)()~~
- 09. Installation.** The term includes "setup" and is the complete operation of fixing in place a manufactured/mobile home for occupancy. (5-25-94)
- 10. Manufactured Home.** A structure constructed according to HUD manufactured home construction and safety standards, transportable in one (1) or more sections, which:
 - a.** In the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length; or (5-25-94)

- b. When erected on site, is three hundred twenty (320) or more square feet in size; and (5-25-94)
- c. Is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; and (5-25-94)
- d. Includes the plumbing, heating, air conditioning, and electrical systems contained therein; (5-25-94)
- e. Except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of Housing and Urban Development and complies with the standards established under 42 U.S.C. Section 5401. (5-25-94)
- 11. Manufactured Home ~~Dealer~~ Retailer.** Except as otherwise provided in these rules: ~~(3-24-05)~~(____)
- a. Any person engaged in the business of selling or exchanging new and used units; or (5-25-94)
- b. Any person or who buys, sells, lists, or exchanges three (3) or more new and used units in any one (1) calendar year. (5-25-94)
- 12. Manufactured/Mobile Home Salesman.** Except as otherwise provided in these rules: Any person employed by a manufactured/mobile home dealer for a salary, commission, or compensation of any kind to sell, list, purchase, or exchange or to negotiate for the sale, listing, purchase, or exchange of units. (3-24-05)
- 13. Manufactured/Mobile Home Service Company.** Any person who owns or is the responsible managing employee of a business that has grossed more than two thousand five hundred dollars (\$2,500) in any one (1) year from the service of manufactured or mobile homes. The term does not include a manufactured/mobile home ~~dealer~~ retailer or owner. The term also does not include licensed electrical or plumbing contractors, carpet and vinyl installers, painting or concrete contractors, tape and texture installers, cabinet installers, public utilities, or the employees of any of the occupations listed in this sentence. Finally, the term does not include manufactured/mobile home installers. ~~(5-25-94)~~(____)
- 14. Manufacturer.** A manufacturing facility which has been certified by the U.S. Department of Housing and Urban Development (HUD) to construct prefabricated manufactured homes in accordance with the Manufactured Housing Construction Safety Standards Act of 1974. (5-25-94)
- 15. Mobile Home.** A structure similar to a manufactured home, but built to a mobile home code prior to June 15, 1976, the date of enactment of the Federal Manufactured Housing and Safety Standards Act (HUD Code). (5-25-94)
- 16. Person.** A natural person, corporation, partnership, trust, society, club, association, or other organization. (5-25-94)
- 17. Principal Place of Business.** An enclosed structure accessible and open to the public at which each of the following requirements are met: (5-25-94)
- a. The business of the manufactured/mobile home ~~dealer~~ retailer is lawfully conducted here; ~~(3-24-05)~~(____)
- b. The office or offices of the ~~dealer~~ retailer is or are located here; ~~(3-24-05)~~(____)
- c. The public may contact the ~~dealer~~ retailer or salesman here; ~~(3-24-05)~~(____)
- ~~d. The books and other records of the business of the dealer shall be kept and maintained; and~~ ~~(3-24-05)~~

ed. The greatest portion of the ~~dealer's~~ retailer's business is conducted here. The books and other records of a ~~dealer~~ retailer must be kept and maintained at the ~~dealer's~~ retailer's principal place of business and be open to inspection during normal business hours by any authorized agent of the Division. Moreover, there shall be displayed on the exterior a sign permanently affixed to the land or building with letters clearly visible to the major avenue of traffic. The sign shall provide the business name of the ~~dealer~~ retailer. (3-24-05)(____)

18. Responsible Managing Employee (RME). The person designated by the employer to supervise other employees, either personally or through others. (5-25-94)

19. Service. Service includes, but is not limited to, the installation or repair of awnings, roofing, skirting, siding, remodeling, material alterations, attached carports or decks, on or in manufactured/mobile homes. (5-25-94)

20. Unit. A mobile or manufactured home. (5-25-94)

21. Used Manufactured Home or Mobile Home. A manufactured home or mobile home, respectively, which has been: (5-25-94)

a. Sold, rented, or leased and occupied prior to or after the sale, rental, or lease; or (5-25-94)

b. Registered with or been the subject of a certificate of title issued by the Idaho Department of Transportation or the appropriate authority of any state, the District of Columbia, or foreign state or country. (5-25-94)

~~005.~~—**011. (RESERVED).**

012. LICENSE REQUIRED.

It shall be unlawful to engage in business as a manufacturer, manufactured/mobile home ~~dealer~~ retailer, resale broker, manufactured/mobile home salesman, responsible managing employee, or manufactured/mobile home service company ~~or~~ installer without being duly licensed by the Division pursuant to Title 44, Chapter 21, Idaho Code, and these rules. No issued licenses are transferable. (3-24-05)(____)

01. Minimum Age Requirement. No license will be issued to a person under eighteen (18) years of age at the time of license application. (5-25-94)

02. Designated License Holder. Any applicant for a license under these rules who is not a natural person must designate a natural person to be license holder and represent the corporation, partnership, trust, society, club, association, or other organization for all licensing purposes under these rules including, but not limited to, testing and education. (3-24-05)

a. The authorization to act as designated license holder must be in writing, signed by the applicant and the person designated, and filed with the Division along with the application. (5-25-94)

b. Any person designated under Subsection 012.02 of these rules shall represent one (1) applicant only, and shall immediately notify the Division in writing if his working relationship with the applicant has been terminated. The license will be issued in the name of the designated license holder with the name of the organization he represents also noted on the license. The license holder shall be considered by the Division to be the licensee, even if the license holder is the designated representative of an organization. (5-25-94)

c. The applicant and the person designated under Subsection 012.02 of these rules agree by acceptance of the designation that the designated person shall act as agent of the applicant for all purposes under Title 44, Chapters 21 and 22, Idaho Code, and all rules promulgated thereunder. (5-25-94)

03. Proof of License. Proof of the existence of any license issued pursuant to these rules shall be carried upon the person of the responsible managing employee or supervisor of any installation or any person who is personally involved with the service of any manufactured/mobile home at all times during the performance of the

service or installation work. Such proof shall be furnished upon demand of any person. Moreover, any license issued to a manufactured/mobile home ~~dealer~~ retailer, resale broker, responsible managing employee, or salesman must be posted in a conspicuous place on the business premises of the employer for whom the holder of the license is licensed. The license of a manufacturing facility or branch office shall also be posted in a conspicuous place at the location licensed. (3-24-05)(____)

04. Real Estate Brokers. Licensed real estate brokers or real estate salesmen representing licensed real estate brokers shall not be required to obtain a license under these rules in order to sell or lease a used unit that is currently carried on the tax rolls as personal property and that otherwise falls within the exemption contained in Section 44-2102(2), Idaho Code. (3-24-05)

05. License for Manufacturers. In order to engage in business in the state of Idaho or to be entitled to any other license or permit required by these rules each manufacturer must be licensed by the Division. (3-24-05)

06. License for Branch Office of Manufactured/Mobile Home ~~Dealer~~ Retailer or Resale Broker. (3-24-05)(____)

a. The Division shall require as a condition of licensing and bonding any information it deems necessary for each location where a manufactured/mobile home ~~dealer~~ retailer or resale broker maintains a branch office. The mere listing of manufactured/mobile homes for sale does not constitute a branch office, but the use of a mobile home park or a state sales office by a licensee for the sale or offering for sale of manufactured/mobile homes does constitute the maintenance of a branch office. A branch office manager may not manage more than one (1) branch office. (3-24-05)(____)

b. To open a branch office, a ~~dealer~~ retailer or resale broker must: obtain a license from the Division to operate the branch office; and provide for direct supervision of the branch office, either by himself or by employing a branch office manager. (3-24-05)(____)

c. If the branch office is closed, the ~~dealer~~ retailer or resale broker shall immediately deliver the license to the Division. (3-24-05)(____)

07. License to Engage in Business as Manufactured/Mobile Home ~~Dealer~~ Retailer, Resale Broker, Manufacturer, Service Company, or Installer; Application; Bond; Issuance, Expiration, and Renewal. (3-24-05)(____)

a. Applications for a manufacturer's, ~~dealer's~~ retailers, resale brokers, service company or installer's license must be filed upon forms supplied by the Division, and the applicant shall furnish: (3-24-05)(____)

i. Any proof the Division may deem necessary that the applicant is a manufacturer, ~~dealer~~ retailer, resale broker, service company or installer; (3-24-05)(____)

ii. Any proof the Division may require that the applicant has a principal place of business; (5-25-94)

iii. Any proof the Division may require of the applicant's good character and reputation and of his fitness to engage in the activities for which the license is sought; (5-25-94)

iv. In the case of a ~~dealer~~ retailer in new manufactured homes, an instrument in the form prescribed by the Division executed by or on behalf of the manufacturer certifying that the applicant is an authorized franchise dealer for the make concerned; (5-25-94)(____)

v. A reasonable fee and proof of bond fixed by rule; and (5-25-94)

vi. In the case of a ~~dealer~~ retailer, resale broker, service company, or installer, proof of passing the examination required by these rules. (3-24-05)(____)

b. Within thirty (30) days after receipt of a completed application, the Division shall issue or deny the license. (5-25-94)

c. Each license is valid for a period of one (1) year from the date of issuance and may be renewed for like consecutive period upon application to and approval by the Division. (5-25-94)

d. If any installer or service company's working relationship with his employer is terminated, the employer shall immediately deliver the license of the terminated installer or service company to the Division. (5-25-94)

08. License for Manufactured/Mobile Home Salesman. (5-25-94)

a. A person shall not act as a salesman in this state for a person who sells or leases any manufactured/mobile home subject to the provisions of Title 44, Chapters 21 or 22, Idaho Code, without having first received a license from the Division. Before issuing such a license, the Division shall require: (1) an application, signed by the applicant and verified by his employer, stating that he desires to act as a salesman and providing his residential address and the name and address of his employer; (2) a statement as to whether any previous application of the applicant has been denied or license revoked; (3) payment of the license fee established by rule; and (4) any other relevant information the Division deems necessary. (5-25-94)

b. Within thirty (30) days after receipt of a completed application, the Division shall issue or deny the license. (5-25-94)

c. Each license is valid for a period of one (1) year from the date of issuance and may be renewed for like consecutive period upon application to and approval by the Division. (5-25-94)

d. A person licensed pursuant to Subsection 012.08 of these rules shall not engage in sales activity other than for the account of, or for and on behalf of, a single employer who is a licensed ~~dealer~~ retailer or resale broker. (~~3-24-05~~)(____)

e. If a salesman ceases to be employed by a licensed ~~dealer~~ retailer or resale broker, his license to act as a salesman is automatically suspended and his right to act in that capacity immediately ceases. He shall not engage in such activity until reemployed by a licensed ~~dealer~~ retailer or resale broker. If the salesman's working relationship with his employer is terminated, the employer shall immediately deliver his license to the Division. (~~3-24-05~~)(____)

09. License for Responsible Managing Employee. (5-25-94)

a. A person shall not act as a responsible managing employee for an installer or service company without first having been issued a license by the Division. Before issuing such a license the Division shall require: (5-25-94)(____)

i. An application, signed by the applicant and verified by his employer, stating that he desires to act as a responsible managing employee and providing his residential address and the name and address of his employer; (5-25-94)

ii. A statement as to whether any previous application of the applicant has been denied or license revoked; (5-25-94)

iii. Payment of the license fee established by rule; and (5-25-94)

iv. Any other relevant information the Division deems necessary. (5-25-94)

b. Within thirty (30) days after receipt of a completed application, the Division shall issue or deny the license. (5-25-94)

c. Each license is valid for a period of one (1) year from the date of issuance and may be renewed for like consecutive period upon application to and approval by the Division. (5-25-94)

d. A person licensed pursuant to Subsection 012.09 of these rules shall not engage in such activity

other than for the account of, or for and on behalf of, a single employer who is a licensed service company or installer. (5-25-94)

e. If a responsible managing employee ceases to be employed by an installer or service company, his license to act as a responsible managing employee is automatically suspended and his right to act in that capacity immediately ceases. He shall not engage in such activity until reemployed by a licensed installer or service company. (~~5-25-94~~)()

f. If the responsible managing employee's working relationship with his employer is terminated, the employer shall immediately deliver his license to the Division. (5-25-94)

(BREAK IN CONTINUITY OF SECTIONS)

015. EXAMINATION OF APPLICANT FOR LICENSE.

01. Required Examinations. Effective January 1, 1995, the Division shall require a written examination of each applicant for a license, other than a license being renewed, as a manufactured/mobile home ~~dealer~~ retailer, resale broker, service company or installer. The examination shall include, but may not be limited to, the following subjects: Title 44, Chapters 21 and 22, Idaho Code; these rules and IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations"; and the Manufactured Housing Construction Safety Standards Act of 1974. To avoid the requirement of an examination and be considered a renewal, any licensee must renew his license within ~~sixty (60) days~~ six (6) months of its expiration date. (~~3-24-05~~)()

02. Approval of Examination and Grade. Examinations for all classifications under these rules shall be approved by the Division and the Board. No license shall be issued unless the applicant receives a final grade of seventy percent (70%) or higher. (5-25-94)

03. Retesting. If an applicant for a license fails the written examination offered by the Division twice, he must wait at least thirty (30) days before retesting. (5-25-94)

016. DISCIPLINARY ACTION AGAINST LICENSEES.

The Division may deny, suspend, refuse to renew, or revoke any license issued under Title 44, Chapter 21, Idaho Code, or these rules or reissue the license subject to reasonable conditions upon any of the following grounds: (3-24-05)

01. Violation of Rules and Statutes. For any willful or repeated violation of these rules, IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," or Title 44, Chapters 21 or 22, Idaho Code. (~~3-24-05~~)()

02. Failure to Have Principal Place of Business. With regards only to a manufactured/mobile home ~~dealer~~ retailer or resale broker, failure of the applicant or licensee to have a principal place of business. (~~3-24-05~~)()

03. Revocation of License. The revocation of the license of the employer of ~~an installer~~, a responsible managing employee; or salesman; ~~or service company~~ is grounds for the revocation of the license of the installer, responsible managing employee; or salesman; ~~or service company employee~~. (~~5-25-94~~)()

04. False Information. Material misstatement in the application or otherwise furnishing false information to the Division. (5-25-94)

05. Proof of Employment. Failure of a salesman or applicant for licensing as a salesman to establish by proof satisfactory to the Division that he is employed by a licensed ~~dealer~~ retailer or resale broker. (~~3-24-05~~)()

- 06. Disclosing Contents of Examination.** Obtaining or disclosing the contents of an examination given by the Division. (5-25-94)
- 07. Deceptive Practice.** The intentional publication, circulation, or display of any advertising which constitutes a deceptive practice as that term is defined in Subsection 0104.06 of these rules. (3-24-05)
- 08. Failure to Provide Business Name.** Failure to include in any advertising the name of the licensed ~~dealer~~ retailer, resale broker, service company, or installer, or the name under which he is doing business. ~~(5-25-94)~~(____)
- 09. Encouraging Falsification.** Intentionally inducing an applicant or licensee to falsify his credit application. (5-25-94)
- 10. Poor Workmanship.** Performing workmanship which is grossly incompetent or repeatedly below the standards adopted by Title 44, Chapters 21 and 22, these rules, IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," the Federal Manufactured Housing and Safety Standards Act of 1974, or the latest Idaho adopted editions of the International Building Code, the National Electrical Code, the Uniform Plumbing Code, and the International Mechanical Code, then in effect. ~~(3-24-05)~~(____)
- 11. Installation Supervisor Required.** Failure to have a licensed responsible managing employee personally supervise any installation or service of a manufactured/mobile home. ~~(5-25-94)~~(____)
- 12. Failure of Organizations to License its Employees.** Failure of an organization to have its employees maintain any license as required by these rules. (3-24-05)
- 13. Failure to Honor Warranties.** Failure to honor any warranty or other guarantee given by ~~an~~ applicant or a licensee for construction, workmanship, or material as a condition of securing a contract, or of selling, leasing, reconstructing, improving, repairing, or installing any manufactured/mobile home, or accessory structure. ~~(5-25-94)~~(____)
- 14. Revocation or Denial of License.** Revocation or denial of a license issued pursuant to these rules or an equivalent license by any other state or ~~country~~ U.S. territory. ~~(3-24-05)~~(____)
- 15. Failure to Maintain Any Required License.** Failure of the licensee to maintain any other license required by any city or county of this state. (5-25-94)
- 16. Failure to Respond to Notice.** Failure to respond to a notice served by the Division as provided by law within the time specified in the notice. (5-25-94)
- 17. Failure to Permit Access to Documentary Materials.** Failure or refusing to permit access by the Division to relevant documentary materials after being requested to do so by the Division. (5-25-94)
- 18. Conviction of Misdemeanor.** Conviction of a misdemeanor for violation of any of the provisions of Title 44, Chapters 21 or 22, Idaho Code. (5-25-94)
- 19. Conviction of Felony.** Conviction or withheld judgment for a felony ~~or a crime of moral turpitude~~ in this state, any U.S. territory, or ~~any other state or~~ country. ~~(5-25-94)~~(____)
- 20. Dealing with Stolen Manufactured or Mobile Homes.** To knowingly purchase, sell, or otherwise acquire or dispose of a stolen manufactured or mobile home. (5-25-94)
- 21. Violation of Permit or Inspection Requirements.** To knowingly violate any permit or inspection requirements of any city or county of this state. (5-25-94)

(BREAK IN CONTINUITY OF SECTIONS)

019. FEES.

01. Fees for Issuance and Renewal of License. The following fees for the issuance and renewal of a license will be charged, and no application for licensing pursuant to these rules will be accepted by the Division unless it is accompanied by the appropriate fee: (5-25-94)

a. Manufactured/mobile home ~~dealer's~~ retailer or resale broker's license: four hundred forty dollars (\$440). ~~Dealers~~ Retailers who are also installers will not have to pay an installer's license fee in order to hold both licenses. (~~3-24-05~~)(____)

b. Manufacturer license: four hundred forty dollars (\$440); (3-24-05)

c. Manufactured/mobile home service company ~~or~~ installer license: two hundred twenty dollars (\$220); (~~3-24-05~~)(____)

d. Manufactured/mobile home salesman's license: forty-five dollars (\$45). (3-24-05)

e. ~~Branch office~~ Responsible managing employee license: forty-five dollars (\$45). (~~3-24-05~~)(____)

02. Performance Bonding Requirements. No application for licensing pursuant to these rules shall be accepted unless it is accompanied by evidence of the following performance bond: (3-24-05)

a. Manufacturer: twenty thousand dollar (\$20,000) bond; (5-25-94)

b. Manufactured/mobile home ~~dealer~~ retailer: twenty thousand dollar (\$20,000) bond; (~~5-25-94~~)(____)

c. Manufactured/mobile home resale broker: thirty thousand dollar (\$30,000) bond; (____)

d. ~~Dealers~~ Retailers Manufactured/mobile home service company ~~or~~ installer: five thousand dollar (\$5,000) bond. Retailers who are also installers will not be required to post an installer's bond in order to hold both licenses. (~~5-25-94~~)(____)

e. ~~Branch office~~ Responsible managing employee. No bond. (~~5-25-94~~)(____)

03. Money or Securities Deposit in Lieu of Performance Bond. A money or securities deposit shall be accepted by the Division in lieu of the performance bonding requirement as set forth at Title 44, Chapter 21, Idaho Code, and Subsection 019.02 of these rules, under the following circumstances: (~~7-1-96~~)(____)

a. Any such money or securities deposit shall be in a principal sum equal to the face amount of the performance bond required for the applicable licensing category; (~~7-1-96~~)(____)

b. Any such money deposit shall be deposited in a time certificate of deposit which provides on its face that the principal amount of such certificate of deposit shall be payable to the Division upon presentment and surrender of the instrument; (7-1-96)

c. Any such time certificate of deposit shall have a maturity date of one (1) year from the effective date of licensure and shall have an automatic renewal provision for subsequent years; (7-1-96)

d. Any such time certificate of deposit shall be provided to the Division at the time of application for licensure and shall be retained by the Division during the effective period of licensure unless otherwise expended by the Division to insure completion of the licensee's performance; (7-1-96)

e. Any such time certificate of deposit shall be returned to an unsuccessful applicant for licensure; (7-1-96)

f. The principal amount of any such time certificate of deposit, to the extent not otherwise expended to insure completion of the licensee's performance, shall be returned to the depositor by the Division on or before ninety (90) days subsequent to the occurrence of any of the following events: voluntary surrender or return of a license; expiration of a license; lapse of a license; or revocation or suspension of a license; and (7-1-96)

g. Any interest income earned by reason of the principal amount of the time certificate of deposit shall be the property of the licensee. (7-1-96)

(BREAK IN CONTINUITY OF SECTIONS)

022. CIVIL PENALTIES.

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

01. Industry Licensing. Except as provided for by Section 44-2106, Idaho Code, any person who engages in the business of a manufacturer, retailer, resale broker, salesman, installer, service company, or responsible managing employee (RME) as defined in Section 44-2101A, Idaho Code, without being duly licensed by the Division shall be subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. ()

02. Deceptive Practice. In accordance with Section 44-2106(2), Idaho Code, any retailer, resale broker, installer, salesman, service company, or RME who intentionally publishes or circulates any advertising that is misleading or inaccurate in any material respect or that misrepresents any of the products or service sold or provided by a manufacturer, retailer, resale broker, installer, service company, or RME, shall be subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. ()

03. Dealing with Stolen Manufactured or Mobile Homes. In accordance with Section 44-2106(2), Idaho Code, any person who knowingly purchases, sells, or otherwise acquires or disposes of a stolen manufactured or mobile home shall be subject to a civil penalty of not more than one thousand dollars (\$1,000). ()

04. Failure to Maintain a Principal Place of Business. In accordance with Section 44-2106(2), Idaho Code, any person who is a retailer or resale broker duly licensed by the Division and who fails to maintain a principal place of business within Idaho, shall be subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. ()

05. Violation of Rules and Statutes. Any person who knowingly violates any of the provisions of these rules, IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," or the provisions of Title 44, Chapters 21 or 22, Idaho Code, shall be subject to a civil penalty of five hundred dollars (\$500) for the first offense and one thousand dollars (\$1,000) for each offense thereafter. ()

06. Gross Violation. In case of continued, repeated, or gross violations of these rules or IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," a license revocation may be initiated for licensed individuals under Title 44, Chapter 21, Idaho Code. Non-licensed individuals shall be subject to prosecution by the appropriate jurisdiction under Idaho law. ()

07. Judicial Review. Any party aggrieved by the final action of the Administrator shall be entitled to a judicial review thereof in accordance with the provisions of Title 67, Chapter 52, Idaho Code. ()

0223. -- 029. (RESERVED).

030. MANUFACTURED HOME BUYER'S INFORMATION AND DISCLOSURE FORM.

The Manufactured Home Buyer's Information and Disclosure Form shall be presented by manufactured home ~~dealers~~ retailers to each purchaser of a new manufactured home, and shall be executed by the ~~dealer~~ retailer and purchaser at the time the initial purchase order is signed for the sale of a new manufactured home. The form is available at the Division office. (3-30-01)()

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.11 - RULES GOVERNING MANUFACTURED/MOBILE HOME INDUSTRY LICENSING

DOCKET NO. 07-0311-0902

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2009.

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 44-2104 and 44-2107, 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 21, 2009.

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:

Currently, manufactured home retailers (dealers) and installers must provide proof of completion of industry-related education as a pre-condition to initial licensure. Current licensees must then provide proof of having completed continuing education in order to renew their licenses. These requirements have proven to be unnecessarily burdensome given the shortage of education providers and the impact of the current economy on the industry. Given that there have been no significant changes requiring training in the past year, and that there is no feasible means of providing access to training for all industry participants this year; the Manufactured Housing Board, the Division of Building Safety, and the manufactured housing industry would take this opportunity to formulate new, more workable education requirements and means for delivering same prior to promulgating new rule provisions. The proposed rule would eliminate the requirement that original and renewal applications for manufactured home retailers (dealers) and installers show proof that the applicant has completed a specified number of hours of initial and continuing education.

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

The rule changes confer a benefit on individuals licensed as manufactured housing retailers and/or installers.

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: None.

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: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, 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 October 28, 2009.

DATED this 28th day of August, 2009.

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 TEMPORARY AND PROPOSED TEXT FOR DOCKET NO. 07-0311-0902

014. ~~PROOF OF CONTINUING EDUCATION REQUIRED (RESERVED).~~

~~Effective January 1, 1995, and except as otherwise provided in Section 015 of these rules, the Division: (5-25-94)~~

~~**01. Satisfactory Proof for Application Submission.** Shall not allow an applicant for a license as a manufactured/mobile home dealer, or service company or installer to submit an application for the license until he submits proof satisfactory to the Division that he has completed the following number of hours of initial education: (3-24-05)~~

~~**a.** Installers and dealers (who are also installers): eight (8) hours. (5-25-94)~~

~~**b.** Dealers (who are not installers) and service company employees: four (4) hours. (3-24-05)~~

~~**c.** The course of initial education will include information relating to the provisions of these rules, Title 44, Chapters 21 and 22, Idaho Code, and the Manufactured Housing Construction Safety Standards Act of 1974. (3-24-05)~~

~~**02. Satisfactory Proof for License Renewal.** Shall not renew any license issued pursuant to Title 44, Chapters 21 or 22, Idaho Code, or these rules until the licensee has submitted proof satisfactory to the Division that he has, during the one (1) year immediately preceding the renewal of the license, completed at least the following number of hours of continuing education: (3-24-05)~~

~~**a.** Installers, dealers who are also installers, and responsible managing employees: four (4) hours. (5-25-94)~~

~~**b.** Dealers who are not installers and service company employees: two (2) hours. (3-24-05)~~

~~**03. Continuing Education Course.** The course of continuing education shall include information relating to the following: (5-25-94)~~

~~**a.** Manufactured housing or mobile home parks which will enable a person to give better service to the members of the general public and tenants of manufactured/mobile home parks; (5-25-94)~~

~~**b.** The construction, including components and accessories, rebuilding, servicing, installation, or sale of manufactured/mobile homes; (5-25-94)~~

~~**c.** Legislative issues concerning manufactured/mobile home housing and manufactured/mobile home parks, including pending and recently enacted state or federal legislation; and (5-25-94)~~

~~**d.** These rules, Title 44, Chapters 21 or 22, Idaho Code, and the Manufactured Housing Construction Safety Standards Act of 1974. (3-24-05)~~

IDAPA 07 - DIVISION OF BUILDING SAFETY

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

DOCKET NO. 07-0402-0901

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 October 21, 2009.

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 rule adopts the American National Standards Institute (ANSI) and American Society of Mechanical Engineers (ASME) codes relating to design, installation, operation, maintenance, and inspection standards for elevators, escalators, lifts, and all such moving conveyances in the state of Idaho. Newer editions of these adopted codes have been promulgated by ANSI/ASME and need to be incorporated into administrative rule to stay current with safety standards within the industry. The proposed rule would continue to adopt the ANSI/ASME codes that are already identified in the current rule; however, it would adopt the most recent editions of such codes with amendments.

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, Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rulemaking.

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 28, 2009.

DATED this 28th day of August, 2009.

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 PROPOSED TEXT FOR DOCKET NO. 07-0402-0901

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~~7~~, Safety Code for Elevators and Escalators with 2005~~8~~ Addenda ~~and 2005 Supplement~~ with the following exceptions: (~~4-2-08~~)()

i. Compliance with section 2.8.3.2 shall require that the means for disconnecting the main power as required by this section to be within sight of controller. ()

ii. Compliance with section 8.11.2.3.3, Category 5 Periodic Testing of oil buffers shall be conducted at slow speed in accordance with Item 5.9.2.1(a) in ANSI/ASME A17.2 2007. ()

b. ANSI/ASME A17.2 2004~~7~~ Guide for Inspection of Elevators, Escalators, and Moving Walks. (~~4-2-08~~)()

c. ANSI/ASME A17.3 2005~~8~~ 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 2004 Elevator and Escalator Electrical Equipment. (5-8-09)

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

g. ANSI/ASME A18.1 2005~~8~~ Safety Standards for Platform Lifts and Chairlifts. (~~4-2-08~~)()

h. ASME QE-1 2004~~7~~ 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
07.05.01 - RULES OF THE PUBLIC CONTRACTORS LICENSE BOARD
DOCKET NO. 07-0501-0901
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 54-1907, 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 21, 2009.

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:

Public Works Contractor License statutes require that all contractors who work on public works projects possess a public works contractors license issued by the Division of Building Safety. Exemptions exist to this general licensure requirement and are contained in Section 54-1903, Idaho Code; and allow unlicensed contractors to perform work on public works projects in certain situations. One of the exemptions is subject to some misinterpretation and is being applied incorrectly by local governments who sponsor public works projects and the contractors who work on them. Defining a key term contained within that statutory exemption would clarify the meaning and intent of it. The proposed rule would provide a definition for the term "estimated cost" as that term is used in Section 54-1903(i), Idaho Code.

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

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, Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rulemaking.

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 28, 2009.

DATED this 28th day of August, 2009.

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 PROPOSED TEXT FOR DOCKET NO. 07-0501-0901

010. DEFINITIONS.

As used in these rules. (7-1-93)

01. Administrator. Refers to the administrator of the Division of Building Safety. (3-20-04)

02. Applicant. Shall mean any person who has filed an application with the administrator. (3-20-04)

03. Board. Refers to the Public Works Contractors License Board which is created within the Idaho Division of Building Safety as set forth in Title 54, Chapter 19, Idaho Code. (3-20-04)

04. Compiled. Refers to a type of financial statement in which the information presented is based solely upon representations by an organization's management. (3-20-04)

05. Estimated Cost. For the purposes of the application of Section 54-1903(i), Idaho Code, the term "estimated cost" shall refer to the total aggregate amount of the value of all the separate or individual jobs, parts, components, or undertakings involved in the construction of a single project when combined and considered as a whole, regardless of the types of trades, sub-contracts, work, or other individual aspects involved, and without regard to the number of trades or crafts that are involved. ()

056. Financial Statement. A balance sheet and income statement prepared in accordance with generally accepted accounting principles. (3-20-04)

067. Incidental Work. Shall mean work, the nature of which does not require any additional trade licenses and which may be carried out in conjunction with an activity for which the licensee is licensed, but is not intended to produce an amount of income over ten percent (10%) of the total bid amount. (3-20-04)

078. Independent Audit Report. A report prepared by an independent certified public accountant presenting such auditor's opinion on the fairness of the organization's financial statements and prepared in accordance with generally accepted auditing standards. (3-20-04)

089. Licensee. Includes any individual proprietor, partnership, limited liability partnership, limited liability company, corporation, joint venture, or other business organization holding a current, unrevoked public works contractor license. (3-20-04)

0910. Petitioner. Shall mean: (7-1-93)

a. Any licensee who has filed with the Board a written request for the change or addition to the types of construction for which he is licensed; (7-1-93)

b. Any applicant or licensee requesting a rehearing in any proceeding or appealing from the final decision or order of the administrator or the Board; (3-20-04)

c. Any interested person requesting the promulgation, amendment or repeal of a rule, or; (7-1-93)

d. Any interested person requesting a declaratory ruling on the applicability of the License Act or of any rule or order of the Board. (7-1-93)

101. Reviewed. Refers to a financial statement that is accompanied by the opinion of a certified public accountant stating that, based upon representations by the organization's management, the reviewer has a reasonable basis for expressing limited assurance that there are no material modifications that should be made to the financial statements in order for the statements to be in accordance with generally accepted accounting principles. (3-20-04)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.06.01 - RULES GOVERNING UNIFORM SCHOOL BUILDING SAFETY

DOCKET NO. 07-0601-0901

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 39-8006 and 39-8007, 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 21, 2009.

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 School Building Safety Code required by Section 39-8006, Idaho Code, includes model codes adopted by the various state boards and agencies with the statutory authority to adopt such construction and safety standards within a particular industry. Upon review and approval, these governing authorities typically adopt updated editions of these model codes as they are published every few years by nationally recognized organizations. By eliminating a specifically identified edition of the model codes from this rule it would eliminate the need to amend this rule each time (potentially on an annual basis) a new edition is adopted by one or more of the different governing authorities. The applicable statutes are listed in the text of the rule so that the currently adopted edition may be easily ascertained. The proposed rule would eliminate any reference to the specific edition of the various codes that are adopted. The rule also updates the statutory authority in which the codes are required to be adopted.

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

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, Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rulemaking.

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 28, 2009.

DATED this 28th day of August, 2009.

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 PROPOSED TEXT FOR DOCKET NO. 07-0601-0901

004. INCORPORATION BY REFERENCE.

01. Uniform Codes. The following uniform codes are hereby incorporated by reference into these rules as, and insofar as, ~~they~~ the most recent editions have been adopted by the appropriate governing authority for the state of Idaho pursuant to Sections 39-4109, 41-253, 39-8614, 54-1001, 54-2601, 54-5001, and 72-508, Idaho Code: ~~(3-15-02)~~(____)

- a. ~~2000~~ International Building Code; ~~(4-6-05)~~(____)
- b. ~~2000~~ International Mechanical Code; ~~(4-6-05)~~(____)
- c. ~~2000~~ International Fuel Gas Code; ~~(4-6-05)~~(____)
- d. ~~2002~~ Safety Code for Elevators and Escalators (ASME/ANSI A17.1); ~~(4-6-05)~~(____)
- e. ~~2000~~ International Energy Conservation Code; ~~(4-6-05)~~(____)
- f. ~~1998~~ Accessible and Usable Buildings and Facilities (ICC/ANSI A117.1); ~~(4-6-05)~~(____)
- ~~g.~~ ~~1997~~ ~~Uniform Code for Building Conservation (UCBC)~~; ~~(3-15-02)~~
- ~~hg.~~ ~~2000~~ International Fire Code (IFC); ~~(4-6-05)~~(____)
- ~~ih.~~ ~~2002~~ National Electrical Code (NEC); ~~(4-6-05)~~(____)
- ~~ji.~~ ~~2003~~ Uniform Plumbing Code (UPC); ~~(4-6-05)~~(____)
- ~~kj.~~ ~~1995~~ Pacific NW AWWA Manual for Backflow Prevention and Cross Connection Control; and ~~(3-15-02)~~(____)
- ~~kl.~~ ~~2003~~ Idaho General Safety and Health Standards. ~~(4-6-05)~~(____)

02. Idaho Uniform School Building Safety Code. The codes set forth in ~~Paragraphs~~ Subsection 004.01-~~a. through 004.01-l.~~, of this rule, together with the definitions contained therein and the written interpretations thereof, insofar as they are applicable to school facilities, shall constitute the Idaho Uniform School Building Safety Code. A copy of each of the identified codes is available for review at the main office of the Division of Building Safety. ~~(4-6-05)~~(____)

IDAPA 07 - DIVISION OF BUILDING SAFETY

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

DOCKET NO. 07-0701-0901

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 54-5005(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 October 21, 2009.

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 current HVAC rules regarding civil penalties indicate that, among other acts, failure to post a permit or pay the applicable permit fee may subject a violator to civil penalties; however, there is no provision which specifically provides for a civil penalty for failure to request an inspection. Adding such a rule would provide some leverage to help ensure that HVAC installations are properly inspected after they are installed. The proposed rule would provide authority for the Division of Building Safety to impose a civil penalty against any person who fails to request an inspection of an HVAC installation.

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

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, Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rulemaking.

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 28, 2009.

DATED this 28th day of August, 2009.

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 PROPOSED TEXT FOR DOCKET NO. 07-0701-0901

070. CIVIL PENALTIES.

The following acts shall subject the violator to penalties based on the following schedule. (3-30-07)

01. Heating, Ventilation, and Air Conditioning Contractor or Specialty Contractor. Except as provided by Section 54-5001, Idaho Code, any person who acts, or purports to act, as an HVAC contractor or specialty contractor as defined by Section 54-5003(3) and 54-5003(6), Idaho Code, without a valid Idaho state HVAC contractor or specialty contractor certification shall be subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-30-07)

02. Employees. Any person, who knowingly employs a person who does not hold a valid Idaho state HVAC certification or apprentice registration, as required by Section 54-5008, Idaho Code, to perform HVAC installations, shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-30-07)

03. Certification or Registration. Except as provided by Section 54-5001, Idaho Code, any person performing HVAC work as an HVAC journeyman as defined by Section 54-5003(4), Idaho Code, specialty journeyman as defined by Section 54-5003(7), Idaho Code, apprentice as defined by Section 54-5003(2), Idaho Code, or a specialty apprentice as defined by Section 54-5003(5), Idaho Code, without a valid certification or registration shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-30-07)

04. Supervision. Any HVAC apprentice or specialty apprentice working without the required journeyman supervision or any HVAC contractor or industrial account employing apprentices without providing the required HVAC journeyman supervision shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-30-07)

05. Performance Outside Scope of License. Any HVAC specialty contractor or specialty journeyman performing HVAC installations, alterations, or maintenance outside the scope of the specialty certification shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-30-07)

06. Fees and Permits. Any person failing to pay applicable fees or properly post an HVAC permit for, or to request an inspection of, any installation, alteration, improvement, or extension of any piping, venting, ductwork, appliances and appurtenances in connection with any heating, ventilation, or air conditioning system or subsystems of such shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. ~~(3-30-07)~~(____)

07. Corrections. Any person who fails to make corrections in the time allotted in the notice on any HVAC installation as set forth in Section 54-5019, Idaho Code, shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-30-07)

08. Gross Violation. In the case of continued, repeated, or gross violation of Title 54, Chapter 50, Idaho Code, or IDAPA 07.07.01, "Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety," a certification revocation shall be initiated for certificated individuals under this chapter and non-certificated individuals shall be subject to prosecution by the appropriate jurisdiction under Idaho law. (3-30-07)

09. Judicial Review. Any party aggrieved by the final action of the board shall be entitled to a judicial review thereof in accordance with the provisions of Title 67, Chapter 52, Idaho Code. (3-30-07)

IDAPA 07 - DIVISION OF BUILDING SAFETY

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

DOCKET NO. 07-0701-0902

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 54-5005(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 October 21, 2009.

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:

Concerns in the industry have been raised about the placement of the secondary regulator gas pipe that is stubbed out of buildings. The pipe vents out of the side of the building and it is subject to being placed in a location that may be covered or damaged by heavy snowfall. This may prevent proper venting and pose a potential health and/or safety hazard to the occupants. Currently, the International Fuel Gas Code provides no guidance or requirements regarding the proper placement of such pipes. The proposed rule would amend the Fuel Gas Code and provide guidance regarding the proper placement of such gas pipes. The proposed rule would require piping, regulators, meters, and other equipment to be installed in a manner that protects it from any physical damage, including heavy snowfall. It also provides specific requirements regarding the location and minimum spacing of certain gas piping stubbed out for meter or regulator connection.

The HVAC industry has expressed concern about whether the state's HVAC and mechanical installation regulatory and enforcement program extends to solid fuel burning and hearth-related installations. Because of the potential ambiguity about the breadth of the regulatory scheme there is concern that some solid fuel and hearth related installations are installed without inspection, and without assurances that the individuals performing the work possess the requisite skill and experience. To eliminate these concerns, the HVAC Board has determined to make it clearer that the scope of the HVAC regulatory program does extend to solid fuel burning and hearth-related installations by adopting the applicable codes which address such installation standards. The proposed rule would continue to adopt the International Fuel Gas Code and the International Mechanical Code as the minimum standards for HVAC and mechanical installations in the state. Currently, these codes are only used as the minimum standard in commercial buildings. The proposed rule would make such codes applicable to installations performed in residential buildings as well. Using such codes would capture solid fuel burning and hearth-related HVAC and mechanical installations and eliminate the need to use the International Residential Code.

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

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, Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rulemaking.

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 28, 2009.

DATED this 28th day of August, 2009.

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 PROPOSED TEXT FOR DOCKET NO. 07-0701-0902

004. ADOPTION AND INCORPORATION BY REFERENCE OF THE INTERNATIONAL MECHANICAL CODE, 2003 EDITION.

01. The International Mechanical Code, 2003 Edition, including appendix “A,” (herein IMC) is adopted and incorporated by reference with the following amendments: (4-11-06)

a. Where differences occur between the IMC and Title 54, Chapter 50, Idaho Code and IDAPA 07, Title 07, the provisions in Idaho Code and IDAPA rules shall apply. (4-11-06)

b. All references to the International Plumbing Code (IPC) shall be construed as referring to the Uniform Plumbing Code (UPC) as adopted and amended by the Idaho State Plumbing Board. (4-11-06)

c. All references to the International Code Council Electrical Code (ICC EC) shall be construed as referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board. (4-11-06)

d. Section 101.2. Delete the Exception. The International Mechanical Code shall apply to detached one- and two-family dwellings and multiple single family dwellings (townhouses). ()

e. Section 109. Delete. ()

f. Section 312. Sizing requirements shall be as established by the authority having jurisdiction. (4-11-06)

02. The International Mechanical Code. The 2003 Edition is available 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. (4-11-06)

005. ADOPTION AND INCORPORATION BY REFERENCE OF THE INTERNATIONAL FUEL GAS CODE, 2003 EDITION.

01. The International Fuel Gas Code, 2003 Edition, including appendixes “A, B, C, and D,” (herein IFGC) is adopted and incorporated by reference with the following amendments: (4-11-06)

a. Where differences occur between the IFGC and Title 54, Chapter 50, Idaho Code and IDAPA 07, Title 07, the provisions in Idaho Code and IDAPA rules shall apply. (4-11-06)

b. All references to the International Plumbing Code (IPC) shall be construed as referring to the Uniform Plumbing Code (UPC) as adopted and amended by the Idaho State Plumbing Board. (4-11-06)

c. All references to the International Code Council Electrical Code (ICC EC) shall be construed as referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board. (4-11-06)

d. Section 101.2. Delete the Exception. The International Fuel Gas Code shall apply to detached one- and two-family dwellings and multiple single family dwellings (townhouses). ()

e. Section 109. Delete. ()

f. 405.1. Installation in Areas of Heavy Snowfall. In areas where heavy snowfall is anticipated, piping, regulators, meters, and other equipment installed in the piping system shall be protected from physical damage, including falling, moving, or migrating snow and ice. If an added structure is used for protection, it must provide access for service and comply with local building codes. ()

g. 405.2. Point of Termination. Gas piping stubbed out for a meter or regulator connection shall be a minimum of three (3) feet horizontally from any building opening, and not less than five (5) feet horizontally from any source of ignition, opening to direct-vent (sealed combustion system) appliance, or mechanical ventilation air intakes. ()

h. Section 406.4. Change the last sentence to: Mechanical gauges used to measure test pressure shall have a range such that the highest end of the scale is not greater than two (2) times the test pressure nor lower than one and one-half (1.5) times the test pressure. (4-11-06)

ei. Section 406.4.1. Test Pressure. Not less than twenty (20) psig (140kPa gauge) test pressure shall be required for systems with a maximum working pressure up to ten (10) inches water column. For systems with a maximum working pressure between ten (10) inches water column and ten (10) psig (70kPa gauge); not less than sixty (60) psig (420kPa gauge) test pressure shall be required. For systems over ten (10) psig (70kPa gauge) working pressure, minimum test pressure shall be no less than six (6) times working pressure. (4-11-06)

fi. Section 406.4.2. The test duration shall not be less than twenty (20) minutes. (4-11-06)

gk. Section 505.1.1. Addition. An interlock between the cooking appliance and the exhaust hood system shall not be required for appliances that are of the manually operated type and are factory equipped with standing pilot burner ignition systems. (4-11-06)

02. The International Fuel Gas Code. The 2003 Edition, is available 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. (4-11-06)

006. ADOPTION AND INCORPORATION BY REFERENCE OF PARTS V (MECHANICAL) AND PARTS VI (FUEL GAS) OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS, 2003 EDITION (RESERVED).

01. Parts V (Mechanical) and Parts VI (Fuel Gas) of the International Residential Code for One and Two Family Dwellings, 2003 Edition, including appendixes "A, B, C, and D," (herein IRC) are adopted and incorporated by reference with the following amendments. (4-11-06)

~~a. Where differences occur between the IRC and Title 54, Chapter 50, Idaho Code and IDAPA 07, Title 07, the provisions in Idaho Code and IDAPA rules shall apply.~~ (4-11-06)

~~b. All references to the International Plumbing Code (IPC) shall be construed as referring to the Uniform Plumbing Code (UPC) as adopted and amended by the Idaho State Plumbing Board.~~ (4-11-06)

~~c. All references to the International Code Council Electrical Code (ICC EC) shall be construed as referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board.~~ (4-11-06)

- ~~d.~~ Section M1401.3. Sizing requirements shall be as established by the authority having jurisdiction. (4-11-06)
- ~~e.~~ Section G2417.4 (406.4). Change the last sentence to: Mechanical gauges used to measure test pressure shall have a range such that the highest end of the scale is not greater than two (2) times the test pressure nor lower than one and one-half (1.5) times the test pressure. (4-11-06)
- ~~f.~~ Section G2417.4.1 (406.4.1). Test Pressure. Not less than twenty (20) psig (140kPa gauge) test pressure shall be required for systems with a maximum working pressure up to ten (10) inches water column. For systems with a maximum working pressure between ten (10) inches water column and ten (10) psig (70kPa gauge); not less than sixty (60) psig (420kPa gauge) test pressure shall be required. For systems over ten (10) psig (70kPa gauge) working pressure, minimum test pressure shall be no less than six (6) times working pressure. (4-11-06)
- ~~g.~~ Section G2417.4.2 (406.4.2). The test duration shall not be less than twenty (20) minutes. (4-11-06)
- ~~02.~~ The **International Residential Code for One and Two Family Dwellings, 2003 Edition**, is available 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. (4-11-06)