

Dear Senators ANDREASON, McKague, Stennett, and
Representatives BLACK, Henderson, Smith:

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

IDAPA 07.01.03 - Rules Pertaining To The Rules of Electrical Licensing & Registration -
General (Docket No. 07-0103-1101);

IDAPA 07.01.04 - Rules Pertaining To The Rules Governing Electrical Specialty Licensing (Docket
No. 07-0104-1101);

IDAPA 07.01.04 - Rules Pertaining To The Rules Governing Electrical Specialty Licensing (Docket
No. 07-0104-1102);

IDAPA 07.01.05 - Rules Pertaining To The Rules Governing Examinations (Docket No.
07-0105-1101);

IDAPA 07.01.06 - Rules Pertaining To The Rules Governing the Use of National Electrical Code
(Docket No. 07-0106-1101);

IDAPA 07.01.07 - Rules Pertaining To The Rules Governing Continuing Education Requirements
(Fee Rule) (Docket No. 07-0107-1101);

IDAPA 07.02.05 - Rules Pertaining To The Rules Governing Plumbing Safety Licensing - Fee Rule
(Docket No. 07-0205-1101);

IDAPA 07.02.05 - Rules Pertaining To The Rules Governing Plumbing Safety Licensing (Docket
No. 07-0205-1102);

IDAPA 07.02.05 - Rules Pertaining To The Rules Governing Plumbing Safety Licensing (Docket
No. 07-0205-1103);

IDAPA 07.04.02 - Rules Pertaining To The Safety Rules for Elevators, Escalators & Moving
Walks (Docket No. 07-0402-1101);

IDAPA 07.05.01 - Rules Pertaining To The Rules of the Public Works Contractors License Board
- Fee Rule (Docket No. 07-0501-1101);

IDAPA 07.07.01 - Rules Pertaining To The Rules Governing Installation of Heating, Ventilation,
& Air Conditioning Systems (Docket No. 07-0701-1101);

IDAPA 07.07.01 - Rules Pertaining To The Rules Governing Installation of Heating, Ventilation,
& Air Conditioning Systems (Docket No. 07-0701-1102).

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 10/24/2011. 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 11/22/2011.

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 334-4845, or send a written request to the address or FAX number indicated on the memorandum enclosed.



Jeff Youtz
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Business Committee
FROM: Principal Legislative Research Analyst - Eric Milstead
DATE: October 4, 2011
SUBJECT: Division of Building Safety

IDAPA 07.01.03 - Rules Pertaining To The Rules of Electrical Licensing & Registration - General (Docket No. 07-0103-1101)

IDAPA 07.01.04 - Rules Pertaining To The Rules Governing Electrical Specialty Licensing (Docket No. 07-0104-1101)

IDAPA 07.01.04 - Rules Pertaining To The Rules Governing Electrical Specialty Licensing (Docket No. 07-0104-1102)

IDAPA 07.01.05 - Rules Pertaining To The Rules Governing Examinations (Docket No. 07-0105-1101)

IDAPA 07.01.06 - Rules Pertaining To The Rules Governing the Use of National Electrical Code (Docket No. 07-0106-1101)

IDAPA 07.01.07 - Rules Pertaining To The Rules Governing Continuing Education Requirements (Fee Rule) (Docket No. 07-0107-1101)

IDAPA 07.02.05 - Rules Pertaining To The Rules Governing Plumbing Safety Licensing - Fee Rule (Docket No. 07-0205-1101)

IDAPA 07.02.05 - Rules Pertaining To The Rules Governing Plumbing Safety Licensing (Docket No. 07-0205-1102)

IDAPA 07.02.05 - Rules Pertaining To The Rules Governing Plumbing Safety Licensing (Docket No. 07-0205-1103)

IDAPA 07.04.02 - Rules Pertaining To The Safety Rules for Elevators, Escalators & Moving Walks (Docket No. 07-0402-1101)

IDAPA 07.05.01 - Rules Pertaining To The Rules of the Public Works Contractors License Board - Fee Rule (Docket No. 07-0501-1101)

IDAPA 07.07.01 - Rules Pertaining To The Rules Governing Installation of Heating, Ventilation, & Air Conditioning Systems (Docket No. 07-0701-1101)

IDAPA 07.07.01 - Rules Pertaining To The Rules Governing Installation of Heating, Ventilation, & Air Conditioning Systems (Docket No. 07-0701-1102)

Mike Nugent Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

Don H. Berg, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

The Division of Building Safety has submitted the following proposed rules:

1. IDAPA 07.01.03 -Rules of Electrical Licensing & Registration - General (Docket No. 07-0103-1101)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.01.03 - Rules of Electrical Licensing and Registration. The proposed rule includes one substantive revision which changes requirements relating to apprentice registrations. The current rule provides for a five-year apprentice registration with no restriction on the number of renewals of such registration. The proposed rule, however, will allow one registration renewal upon a showing by the registrant of meeting certain progression benchmarks toward the requirements for a journeyman license. These benchmarks include a showing of progress toward completing at least some portion of the journeyman requirements relating to education and work experience. The proposed rule limits renewal of apprentice registration to no more than one absent a recommendation from the Board. The proposed rule also includes what could be called housecleaning revisions, e.g. replacing the term Electrical Bureau with the term Division of Building Safety.

The agency states that negotiated rulemaking was not conducted because of the simple nature of the rule-making and because of the benefit to electrical apprentices.

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

2. IDAPA 07.01.04 - Rules Governing Electrical Specialty Licensing (Docket No. 07-0104-1101)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.01.04 - Rules Governing Electrical Specialty Licensing. The changes found in this docket are similar to those found in the docket discussed above, except that the changes in this docket relate to specialty electrical trainee registrations. The proposed rule will allow an initial renewal of a specialty electrical trainee registration upon a demonstration that the applicant has made progress toward the requirements for a specialty journeymen license. Under the current rule, speciality electrical trainee registrations are issued for a period of three years and there is no limit on the number of renewals for such registration. The proposed rule will allow only one renewal for such registrations unless there is a specific renewal recommendation from the Idaho Electrical Board. The proposed rule also includes what could be called housecleaning revisions, e.g. replacing the term Electrical Bureau with the term Division of Building Safety.

The agency states that negotiated rulemaking was not conducted because of the simple nature of the rule-making and because of the benefit to special electrical trainees.

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

3. IDAPA 07.01.04 - Rules Governing Electrical Specialty Licensing (Docket No. 07-0104-1102)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.01.04 - Rules Governing Electrical Specialty Licensing. The proposed rule establishes an electrical specialty license category for work performed on photovoltaic (PV) electrical systems. (See Section 014.09). The agency states that the proposed rule will formally recognize established PV contractors who have operated such specialized businesses over the past twenty years. The agency notes that the proposed rule will establish criteria for practitioners in the PV field by requiring proof of photovoltaic installer certification by the North American Board of Certified Energy Practitioners or equivalent.

The agency states that negotiated rulemaking was not conducted because of the simple nature of the rule-making.

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

4. IDAPA 07.01.05 - Rules Governing Examinations. (Docket No. 07-0105-1101)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.01.05 - Rules Governing Examinations. The proposed rule makes one change to the current rule: it eliminates a waiting period following the first or second examination attempts when an applicant receives less than a passing score on the first or second examination.

The agency states that negotiated rulemaking was not conducted because of the simple nature of the rule-making and because of the benefit to exam applicants.

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

5. IDAPA 07.01.06 - Rules Governing the Use of National Electric Code (Docket No. 07-0106-1101)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.01.06 - Rules Governing the Use of National Electric Code. The proposed rule adopts the 2011 edition of the National Electrical Code (NEC). (The current rule uses the 2008 edition of the National Electric Code). The proposed rule also eliminates a provision in the current rule that differed from the National Code regarding a certain type of circuit breakers (See *stricken text*, Section 011.01.e).

The agency notes that the adoption of the 2011 edition of the National Electric Code will cost the Division of Building Safety about \$5,000 for new code books and training related to implementing provisions of the new code. The agency notes further that adoption of the 2011 edition will likely add about \$500 to the wiring cost of a new home.

The agency states that negotiated rulemaking was not conducted because of the simple nature of the rule-making.

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

6. IDAPA 07.01.07 - Rules Governing Continuing Education Requirements (Docket No. 07-0107-1101) -- FEE RULE

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.01.07 - Rules Governing Continuing Education Requirements -- (FEE RULE). The proposed rule provides for a new fee of fifty dollars relating to providers of continuing education instruction for electricians. This new fee will be assessed upon continuing education providers who apply to have programs and/or instructors approved by the Division. (Section 011.04.b.xiii). The agency states the revenue from such fees will cover the expenses of reviewing and approving courses of instruction and instructors. The proposed rule also includes general "housekeeping" revisions such as updating addresses and references to the agency.

The agency states that negotiated rulemaking was not conducted because of the need to cover expenses associated with approving courses of instruction and instructors.

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

7. IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing -- FEE RULE (Docket No. 07-0205-1101)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing. The proposed rule establishes requirements relating to continuing education for plumbers including provisions governing requirements for courses of instruction, approval of programs and providers and also provides for an application fee of fifty dollars relating to continuing education program approval by the Division. (See Section 017).

The agency states that negotiated rulemaking was not conducted because of the simple nature of the rulemaking.

The proposed rule appears to be authorized pursuant to Section 54-2605(1), Idaho Code.

8. IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing (Docket No. 07-0205-1102)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing. The proposed rule includes a new provision that requires an applicant for any plumbing registration or certificate to disclose if the applicant has been previously licensed as a journeyman or master plumber in any other recognized jurisdiction. The new provision also provides that an applicant who has been previously licensed as a journeyman or master plumber in any recognized jurisdiction shall not be issued an apprentice registration.

The agency states that this proposed rule seeks to address concerns raised by the industry in recent years. The Division also states that negotiated rulemaking was not conducted because of the simple nature of the rulemaking and because of the need to require disclosure of previous licensure history.

The proposed rule appears to be authorized pursuant to Section 54-2605(1), Idaho Code.

9. IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing (Docket No. 07-0205-1103)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing. The proposed rule revises provisions relating to journeyman examinations taken by plumbing apprentices. The proposed rule will authorize an apprentice to take the written portion of the journeyman examination following completion of the required 4-year course of instruction. The current rule requires an apprentice to log 8,000 hours (4-years) of work experience to take the journeyman examination. The proposed rule will still require an apprentice to achieve 8,000 hours of work experience and pass the practical portion of the journeyman examination to obtain a journeyman certificate of competency.

The agency states that negotiated rulemaking was not conducted because of the simple nature of the rulemaking and because of the benefit to plumbing apprentices and applicants for journeyman plumbing certificates of competency.

The proposed rule appears to be authorized pursuant to Section 54-2605(1), Idaho Code.

10. IDAPA 07.04.02 - Safety Rules for Elevators, Escalators and Moving Walks (Docket No. 07-0402-1101)

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 incorporates by reference the most recent editions of various codes relating to the installation of elevators and escalators. The proposed rule also revises provisions relating to the approval of new or alternative technologies (See Section 012).

The agency states that negotiated rulemaking was not conducted because of the simple nature of the rule-making and because of the need to adopt the most recent safety and installation standards.

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

11. IDAPA 07.05.01 - Rules of the Public Works Contractors License Board -- FEE RULE -- (Docket No. 07-0501-1101)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.05.01 - Rules of the Public Works Contractors License Board -- FEE RULE. The proposed rule imposes a new fee (\$100.00) when an applicant requests expedited review and determination of a license application. (See Section 105.05). This fee is in addition to the licensing and renewal fees. The proposed rule also revises provisions relating to a request for extension of time for license renewals.

The agency states that negotiated rulemaking was not conducted because of the simple nature of the rule-making.

The proposed rule appears to be authorized pursuant to Section 54-1907, Idaho Code.

12. IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation and Air Conditioning Systems (Docket No. 07-0701-1101)

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 revises provisions relating to HVAC contractor compliance bonds. The revisions provide that compliance bonds shall be effective for the duration of the contractor's licensing period. The proposed rule also revises provisions relating to inspection tags. (See, Section 060.01.b).

The agency states that negotiated rulemaking was not conducted because of the simple nature of the rule-making in clarifying the requirements for compliance bonds.

The proposed rule appears to be authorized pursuant to Section 54-5005(2), Idaho Code.

13. IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems (Docket No. 07-0701-1102)

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 eliminates provisions related to the location and protection of certain natural gas piping, regulators and meters. The agency states that these matters are within the province of the utility company and are not within the jurisdiction of the Division of Building Safety. The Division notes that there exist no provisions governing these matters in either the Fuel Gas Code or the Mechanical Code.

The agency states that negotiated rulemaking was not conducted because of the simple nature of the rule-making in eliminating requirements beyond the jurisdiction of the agency.

The proposed rule appears to be authorized pursuant to Sections 54-1001 and -5005(2), Idaho Code.

cc: Division of Building Safety
Steve Keys

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.03 - RULES OF ELECTRICAL LICENSING AND REGISTRATION - GENERAL

DOCKET NO. 07-0103-1101

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 54-1006(5), 54-1007 and 54-1013, 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 19, 2011.

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 apprentice registration requirements do not facilitate apprentices in advancing in educational and work training requirements, and ultimately into a journeyman status. This potentially results in apprentices having to complete continuation training in order to take the journeyman examination and potentially creating life-time apprentices. The industry has expressed to the Electrical Board that life-time apprentices are not situations advantageous to the individual apprentice or the contractors who employ them. Currently, electrical apprentice registrations are issued for a period of five years and there is no limitation on how many times an apprentice may renew such. The proposed rule would allow an initial renewal of an apprentice registration upon a demonstration that the applicant has made at least some progress toward the requirements for a journeyman license in the form of two years of approved schooling and two years (4,000 hours) of work experience. It also would limit renewals of apprentice registrations to no more than one without a recommendation from the Board to do so. Finally, it requires the Division and Board to consider any extenuating circumstances which may prevent an applicant from completing the schooling and/or work requirements.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: 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 resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rulemaking and the benefit to electrical apprentices.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact 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 26, 2011.

DATED this 29th day of August, 2011.

Steve Keys
Deputy Administrator - Operations
Division of Building Safety

1090 E. Watertower St., Ste. 150
P. O. Box 83720, Meridian, ID 83542
Phone: (208) 332-8986; Fax: (877) 810-2840

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0103-1101

011. LICENSE APPLICATION FORMS/APPRENTICE REGISTRATION FORMS.

Application forms for Electrical Contractor, Master Electrician, Journeyman Electrician Licenses, Specialty Electrical Licenses, and registration forms for Apprentice Electricians and Specialty Electrical Trainees shall be printed and made available by the ~~Electrical Bureau of the~~ Division of Building Safety, state of Idaho. ~~(4-5-00)~~()

01. Application Forms. All applications for licenses and all registrations shall be properly completed, giving all pertinent information, and all signatures shall be notarized. (4-5-00)

02. Application Fee. All applications for electrical licenses shall be accompanied by the fifteen dollar (\$15) application fee; apprentice and specialty trainee registration forms shall be accompanied by the ten dollar (\$10) registration fee as provided by Section 54-1014, Idaho Code. (4-5-00)

03. Application Submission. An application for license shall be submitted to the ~~Electrical Bureau~~ Division of Building Safety and shall be approved by an authorized representative of the ~~Bureau~~ Division before any examination is given and before any license is issued. ~~(4-5-00)~~()

04. Examination. An applicant for licensure must take the required examination within ninety (90) days of the date of application, or the application shall be considered to be null and void. (4-5-00)

05. License. Following the approval by an authorized representative and the successful completion of the required examination, the applicant must purchase a license prior to engaging in business within the state of Idaho. Applicants who fail to purchase a license within ninety (90) days of the date of successful examination shall be required to reapply for licensure, again obtain the approval of an authorized representative, and re-examine. (4-5-00)

06. License Period. All original licenses and registrations shall be issued by the Division immediately upon receipt of the licensure fee and other necessary documentation from the applicant which date shall be designated as the original license anniversary date and signify the commencement of the licensing period. All license and registration renewals shall be effective in the year renewed as of the original license anniversary date. All license and registration periods shall end at midnight on the last day of the final month of the licensing or registration period. Licenses and registrations not renewed by this date shall have expired. Any expired license revived within the twelve (12) month period following the expiration date will continue to have the original license anniversary date for purposes of subsequent renewal. (3-29-10)

012. APPRENTICE ELECTRICIAN.

01. Requirements for Apprentice Electrician. (5-3-03)

a. A person wishing to become an apprentice electrician shall register with the Division of Building Safety prior to going to work. Said person shall carry a current registration certificate on his person at all times and shall present it upon request to personnel of the Division of Building Safety for examination. Each apprentice shall register for a period of five (5) years and pay the applicable fee. During the period of registration an apprentice must annually complete a minimum of one hundred forty-four (144) hours of an organized sequence of instruction in technical subjects related to the electrical trade as approved by the Idaho Electrical Board and the Idaho State Board for Professional and Technical Education until a certificate of achievement is earned from the vocational institution attended. Each apprentice shall obtain work experience during the period of registration as described in Paragraph 012.01.b. of these rules and provide the Division with notarized letters from each employer evidencing such work to be maintained in the apprentice's file with the Division. Time toward the work requirements detailed in Paragraph 012.01.b. of these rules shall not be credited while the apprentice is inactive or not registered. (4-7-11)

b. In order to qualify to take the journeyman electrician examination an apprentice electrician shall furnish proof of completion of four (4) years of related instruction for electrical apprentices as approved by the Idaho Electrical Board and the Idaho State Board for Professional-Technical Education, and be required to work at least

three (3) years, defined as a minimum of six thousand (6,000) hours of work experience, under the constant on-the-job supervision of a journeyman electrician. Such work experience shall include three (3) categories: (4-7-11)

- i. Residential; (5-3-03)
- ii. Commercial; and (5-3-03)
- iii. Industrial installations. (5-3-03)

c. Successful completion of the journeyman examination does not eliminate the requirement to complete four (4) years of work experience, defined as eight thousand (8,000) hours, under the constant on-the-job supervision of a journeyman electrician in order to be issued a journeyman license. Successful completion of the Idaho state journeyman examination notwithstanding, no journeyman license shall be issued until proof of satisfaction of the requirements contained in Section 013 of these rules is furnished to the Division. (4-7-11)

d. Experience shall not exceed seventy-five percent (75%) of the work time in any one (1) category. The work requirements of Paragraph 012.01.b. of these rules shall not apply to an apprentice registered in an apprenticeship program approved by the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship. (4-7-11)

e. An apprentice registration shall only be renewed by the Division upon receipt of sufficient evidence demonstrating that the apprentice has successfully completed at least two (2) years of an approved sequence of instruction and worked two (2) years defined as a minimum of four thousand (4,000) hours of work experience under the constant on-the-job supervision of a journeyman electrician in the categories described in Paragraph 012.01.b. of these rules; provided however, that in no case shall an apprentice registration be renewed more than one (1) time by the Division without a recommendation from the Idaho Electrical Board to do so. An apprentice may only petition the Electrical Board for registration renewals subsequent to the first renewal. If application to the Division or petition to the Board is made pursuant to this paragraph, the Division and the Board, as applicable, shall consider whether extenuating circumstances exist which prevent the completion of the instruction or work experience requirements for renewal. ()

ef. An apprentice who has completed the required number of instructional hours and has not passed the journeyman's examination within two (2) years of completion of the required instructional training hours shall provide proof of continuation training in order to ~~re-register as an apprentice~~ be eligible to take the journeyman exam. For the purposes of Section 012 of these rules, continuation training is defined as registration in a Board-approved fourth year apprenticeship class. (4-6-05)()

f. ~~An apprentice who has not advanced in apprenticeship training for a period of two (2) years shall provide proof of successful completion of continuation training in order to re-register as an apprentice. For purposes of Section 012 of these rules, continuation training is registration in a Board-approved year of apprenticeship class for which the apprentice is eligible or a repeat of the most recent apprenticeship class attended.~~ (4-6-05)

02. Direct Supervision. It shall be the responsibility of the employing electrical contractor to insure that the apprentice performs electrical work only under the constant on-the-job supervision of a journeyman electrician. Any contractor who employs more than two (2) apprentice electricians for each licensed journeyman electrician employed is presumed to be in violation of the direct supervision requirements of Section 54-1010, Idaho Code, and of the constant on-the-job supervision requirement of Section 54-1003A, Idaho Code. This presumption may be rebutted by a showing by the contractor that special circumstances exist which are peculiar to the work done by that contractor which allows for effective supervision by each journeyman electrician of more than two (2) apprentice electricians. Prior to employing more than two (2) apprentice electricians for each journeyman electrician, a contractor must obtain permission from the ~~Electrical Bureau~~ Division of Building Safety to do so. Failure to comply with this requirement will be grounds for suspension or revocation of the electrical contractor's license. (4-1-91)()

013. JOURNEYMAN ELECTRICIAN.

- 01. Experience and Education Required.** (5-3-03)

a. An applicant for a journeyman electrician license must have worked as an apprentice electrician making electrical installations for four (4) years, defined as a minimum of eight thousand (8,000) hours under the constant on-the-job supervision of a qualified journeyman electrician and meet the minimum vocational educational requirements of the Idaho Electrical Board and the Idaho State Board for Professional and Technical Education as provided by Section 54-1007, Idaho Code, and Paragraph 012.01.a. of these rules. That work shall include three (3) categories: (5-3-03)

- i. Residential; (5-3-03)
- ii. Commercial; and (5-3-03)
- iii. Industrial installations. (5-3-03)

b. Experience shall not exceed seventy-five percent (75%) of the work time in any one (1) category. The requirements of Paragraph 013.01.a. of these rules shall not apply to a registered apprentice enrolled in an apprenticeship program accredited by the ~~Electrical Bureau~~ Division of Building Safety. (~~5-3-03~~)()

c. An applicant with out-of-state experience from a state that does not have a current reciprocal agreement with Idaho must meet the experience and vocational education requirements as set forth in Paragraph 013.01.a. of these rules or if the applicant has not completed the vocational education requirement, the applicant may alternately submit verification of twice the amount of experience (eight (8) years defined as a minimum of sixteen thousand (16,000) hours)). That work shall include three (3) categories: (5-3-03)

- i. Residential; (5-3-03)
- ii. Commercial; and (5-3-03)
- iii. Industrial installations. (5-3-03)

d. Experience shall not exceed seventy-five percent (75%) of the work time in any one (1) category and must have been legally obtained in the state in which the applicant received his experience. (5-3-03)

e. An applicant from a state that has a current reciprocal agreement with the state of Idaho may be issued a journeyman electrician license without testing in accordance with Section 54-1007, Idaho Code, upon verification that: (5-3-03)

- i. The license is current and active and in good standing; (5-3-03)
- ii. The license was obtained by testing from the issuing state; (5-3-03)
- iii. The license has been in effect for a minimum of one (1) year; and (5-3-03)
- iv. The applicant has not previously taken and failed the Idaho state journeyman electrical examination. (5-3-03)

f. Experience in appliance repairing, motor winding, and communications will not be accepted towards qualification for a journeyman electrician license. (5-3-03)

02. Application and Examination. A qualified journeyman electrician not holding an Idaho state license shall make application for a journeyman electrician license with the ~~Electrical Bureau~~ Division of Building Safety prior to going to work in the state of Idaho as provided by Section 54-1002(2), Idaho Code. An applicant will be permitted a maximum of thirty (30) days in which to take the examination after making application unless mutual agreements have been made between the applicant and the ~~Electrical Bureau~~ Division of Building Safety. (~~1-14-87~~)()

014. MASTER ELECTRICIAN.

An applicant for a master electrician license must have at least four (4) years experience as a licensed journeyman electrician as provided in Section 54-1007, Idaho Code. Any person having these qualifications may make application at any time by remitting to the ~~Electrical Bureau~~ Division of Building Safety the application fee. Upon approval, the applicant will be notified and may apply to take the next examination. Upon notification of passing the examination, the applicant must remit the required fee for the issuance of a master license. A person holding a current master license shall not be required to hold a journeyman license. ~~(4-6-05)~~()

015. ELECTRICAL CONTRACTOR.

01. Qualifications for Electrical Contractor. (4-7-91)

a. On and after July 1, 2008, except as hereinafter provided, any person, partnership, company, firm, association, or corporation shall be eligible to apply for an electrical contractor license upon the following requirements: (4-2-08)

i. Applicant shall have at least one (1) full-time employee who holds a valid master electrician license issued by the ~~Electrical Bureau~~ Division of Building Safety. Licensed electrical contractors who are current and active prior to July 1, 2008, shall not be required to have a master electrician as the supervising electrician until a new supervising electrician is designated. A master electrician license will be required for a new supervising electrician designated after July 1, 2008. ~~(4-2-08)~~()

ii. The master electrician shall be designated the supervising electrician and shall be available during working hours to carry out the duties of supervising, as set forth herein, and who will be responsible for supervision of electrical installations made by said company, firm, association, or corporation as provided by Section 54-1010, Idaho Code. (4-2-08)

iii. An individual electrical contractor may act as his own supervising master electrician upon the condition that he holds a valid master electrician license. (4-2-08)

iv. Applicant must pass a contractor examination administered by the ~~Bureau~~ Division or its designee. Any applicant which purports to be a non-individual (such as, corporation, partnership, company, firm, or association), must designate in writing an individual to represent the partnership, company, etc., for examination purposes. Any such designee shall be a full-time supervisory employee and may not represent any other applicant for an electrical contractor's license. ~~(4-2-08)~~()

v. Applicant shall provide proof of liability insurance to the ~~Bureau~~ Division in the amount of three hundred thousand dollars (\$300,000) from an insurance company licensed to do business in the state of Idaho. The liability insurance shall be in effect for the duration of the applicant's contractor licensing period. ~~(4-2-08)~~()

vi. Applicant shall provide to the ~~Bureau~~ Division proof of Idaho's worker's compensation insurance unless specifically exempt from Idaho law. ~~Bureau~~ The Division will provide written confirmation of exemption status. ~~(4-2-08)~~()

b. Any person designated under Paragraph 015.01.a. of these rules, and the contractor he represents, shall each notify the ~~Bureau~~ Division in writing if the supervising master's working relationship with the contractor has been terminated. Each notice must be filed with the ~~Bureau~~ Division within ten (10) days of the date of termination. If the supervising master's relationship with the contractor is terminated, the contractor's license is void within ninety (90) days unless another supervising master is qualified by the ~~Bureau~~ Division. ~~(4-2-08)~~()

02. Required Signatures on Application. An application for an electrical contractor license shall be signed by the applicant or by the official representative of the partnership, company, firm, association, or corporation making the application. The application shall be countersigned by the supervising master electrician. (4-2-08)

03. Electrical Contracting Work Defined. An electrical contractor license issued by the Division of Building Safety must be obtained prior to acting or attempting to act as an electrical contractor in Idaho. (4-5-00)

a. Electrical contracting work includes electrical maintenance or repair work, in addition to new

electrical installations, unless such work is expressly exempted by Section 54-1016, Idaho Code. (4-5-00)

b. Any person or entity performing or offering to perform electrical contracting services, including, but not limited to, advertising or submitting a bid shall be considered as acting or attempting to act as an electrical contractor and shall be required to be licensed. For the purposes of Section 015, advertising shall include, but not be limited to: newspaper, telephone directory, community flier ads or notices, telephone, television, radio, internet, business card, or door-to-door solicitations. (5-8-09)

c. Any person or entity, not otherwise exempt, who performs or offers to perform electrical contracting work, is acting as an electrical contractor, whether or not any compensation is received. (4-5-00)

d. Registered general contractors who submit a bid on a multi-trade construction project that includes a licensed electrical contractor's pricing shall not be considered to be acting or attempting to act as an electrical contractor. (5-8-09)

04. Previous Revocation. Any applicant for an electrical contractor license who has previously had his electrical contractor license revoked for cause, as provided by Section 54-1009, Idaho Code, shall be considered as unfit and unqualified to receive a new electrical contractor license so long as such cause for revocation is continuing and of such nature that correction can be made by the applicant. (1-14-87)

05. Reviving an Expired License. Any applicant for an electrical contractor license who has allowed his license to expire and seeks to revive it under the provisions of Section 54-1013, Idaho Code, may be denied a license as unfit and unqualified if, while operating under the license prior to expiration, he violates any of the laws or rules applicable to electrical contractors. (4-1-91)

06. Qualification and Duties for Supervising Journeyman or Master. (4-2-08)

a. A master electrician shall not be considered as qualified to countersign an electrical contractor license application as the supervising master, nor shall said application be approved if he does countersign said application as the supervising master, if said master has had his Idaho electrical contractor license revoked for cause under Section 54-1009, Idaho Code. (4-2-08)

b. A supervising master shall not countersign for more than one (1) contractor. (4-2-08)

c. A journeyman who is a full time employee of a company, corporation, firm or association with an industrial account may sign as supervising journeyman for that industrial account in addition to signing as supervising journeyman for his own contractor's license so long as the journeyman is listed as the owner and complies with the provisions of Paragraphs 015.01.a. and 015.01.b. of these rules (7-1-97)

d. Duties include: assuring that all electrical work substantially complies with the National Electrical Code and other electrical installation laws and rules of the state, and that proper electrical safety procedures are followed; assuring that all electrical labels, permits, and licenses required to perform electrical work are used; assuring compliance with correction notices issued by the Bureau Division. (4-2-08)()

07. Failure to Correct Defects in Electrical Installations. If a master countersigns an electrical contractor license application pursuant to Subsection 015.03 of these rules and thereafter willfully fails to correct defects in electrical installations he made or supervised, and such defects are within his power to correct and are not the fault of the contractor, then the Electrical Bureau Division of Building Safety shall have the power to suspend or revoke said master's license pursuant to Section 54-1009, Idaho Code. (4-2-08)()

08. Overcharging of Fees. It shall be grounds for suspension or revocation of an electrical contractor license if he charges and collects from the property owner an electrical permit or inspection fee which is higher than the fee actually in effect at the time of such charging and collection, pursuant to the current Electrical Laws and Rules of the Division of Building Safety, Electrical Bureau, and the fee remitted by the contractor to the Bureau Division is less than the fee actually charged and collected by him. (4-6-83)()

09. Termination of Supervising Master or Contractor Designee. (4-2-08)

a. Any person designated under Paragraph 015.01.a. of these rules, and the contractor he represents, shall each notify the ~~Bureau~~ Division in writing if the supervising master's working relationship with the contractor has been terminated. Each notice must be filed with the ~~Bureau~~ Division within ten (10) days of the date of termination. If the supervising master's relationship with the contractor is terminated, the contractor's license is void within ninety (90) days unless another supervising journeyman is qualified by the ~~Bureau~~ Division. ~~(4-2-08)~~()

b. Any person designated under Paragraph 015.01.a. of these rules, and the contractor he represents, shall each notify the ~~Bureau~~ Division in writing if the designee's working relationship with the contractor has been terminated. Each notice must be filed with the ~~Bureau~~ Division within ten (10) days of the date of termination. If the designee's relationship with the contractor is terminated, the contractor's license is void within ninety (90) days unless another duly qualified designee passes the electrical contractor's examination on behalf of the contractor. ~~(9-1-94)~~()

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.01.04 - RULES GOVERNING ELECTRICAL SPECIALTY LICENSING
DOCKET NO. 07-0104-1101
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 54-1006(5), 54-1007 and 54-1013, 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 19, 2011.

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 Specialty Electrical Trainee registration requirements do not facilitate trainees in advancing in educational and work training requirements, and ultimately into a specialty journeyman status. This potentially results in creating life-time specialty trainees. The industry has expressed to the Electrical Board that life-time specialty trainees are not situations advantageous to the individual trainees or the contractors who employ them. Currently, electrical specialty trainee registrations are issued for a period of three years and there is no limitation on how many times a trainee may renew such. The proposed rule would allow an initial renewal of a specialty electrical trainee registration upon a demonstration that the applicant has made at least some progress toward the requirements for a specialty journeyman license in the form of one year (2,000 hours) of work experience. It also would limit renewals of specialty trainee registrations to no more than one without a recommendation from the Board to do so. Finally, it requires the Division and Board to consider any extenuating circumstances which may prevent an applicant from completing the schooling and/or work requirements.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: 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 resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rulemaking and the benefit to specialty electrical trainees.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact 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 26, 2011.

DATED this 29th day of August 2011.

Steve Keys
Deputy Administrator - Operations
Division of Building Safety

1090 E. Watertower St., Ste. 150
P. O. Box 83720, Meridian, ID 83542
Phone: (208) 332-8986; Fax: (877) 810-2840

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0104-1101

013. SPECIALTY EXPERIENCE REQUIREMENT.

01. Specialty Journeyman Electrician. An applicant for a specialty journeyman electrician license must have at least two (2) years experience, or more as specified for the individual specialty, with the type of installation for which the license is being applied for, in compliance with the requirements of the state in which the experience was received, or as a specialty electrical trainee making electrical installations in accordance with the requirements as stated herein. (4-7-11)

02. Specialty Electrical Trainee. A specialty electrical trainee shall be required to work not less than two (2) years, defined as a minimum of four thousand (4,000) hours of work experience, under the constant on-the-job supervision of a specialty journeyman electrician of the same specialty category to qualify for testing as a specialty journeyman electrician. A person wishing to become a specialty electrical trainee shall register with the Division of Building Safety for a period of three (3) years and pay the applicable fee prior to going to work. Said person shall carry a current registration certificate on his person at all times and shall present it upon request to personnel of the Division of Building Safety for examination. ~~Each specialty electrical trainee shall re-register prior to each July 1, furnishing proof of work experience performed during the previous year and notarized letters from each employer. This requirement shall continue each year until the minimum requirements of Title 54, Chapter 10, Idaho Code, have been fulfilled. Any specialty electrical trainee failing to re-register by August 1 of each year, shall pay an additional fee of ten dollars (\$10) to receive his registration certificate. A specialty electrical trainee registration shall only be renewed by the Division upon receipt of sufficient evidence demonstrating that the trainee has worked at least one (1) year defined as a minimum of two thousand (2,000) hours of work experience under the constant on-the-job supervision of a specialty journeyman electrician; provided however, that in no case shall a specialty electrical trainee registration be renewed more than one (1) time by the Division without a recommendation from the Idaho Electrical Board to do so. A specialty electrical trainee may only petition the Electrical Board for registration renewals subsequent to the first renewal. If application to the Division or petition to the Board is made pursuant to this subsection, the Division and the Board, as applicable, shall consider whether extenuating circumstances exist which prevent the completion of the instruction or work experience requirements for renewal.~~ Time shall not be credited while the trainee is inactive or not registered. (4-7-11)()

(BREAK IN CONTINUITY OF SECTIONS)

015. APPLICATIONS FOR SPECIALTY LICENSES.

Applications for any of the above specialty licenses may be obtained from the ~~Electrical Bureau~~, Division of Building Safety. The forms shall be returned with the application fee, as provided by Section 54-1014, Idaho Code, with proof of the required two (2) years of experience in the field of specialty, and all applications shall be signed and notarized. Upon receiving a passing grade, the applicant may remit the license fee for issuance of the license. (5-3-03)()

(BREAK IN CONTINUITY OF SECTIONS)

017. SPECIALTY CONTRACTOR LICENSE.

01. Qualifications for Specialty Electrical Contractor. Except as herein provided, any person, partnership, company, firm, association, or corporation shall be eligible to apply for a specialty electrical contractor license upon the condition that such applicant will be responsible for supervision of electrical installations made by said company, firm, association, or corporation as provided by Section 54-1010, Idaho Code. The supervising specialty journeyman electrician shall be available during working hours to carry out the duties of supervising

specialty journeyman, as set forth herein. In addition, the applicant shall meet or have at least one (1) full-time employee who meets one (1) of the following criteria: (3-30-01)

a. Holds a valid specialty journeyman electrician license issued by the ~~Electrical Bureau~~ Division of Building Safety, in the same category as the specialty contractor, and has held a valid specialty journeyman electrician's license for a period of not less than two (2) years, during which time he was employed as a specialty journeyman electrician for a minimum of four thousand (4,000) hours; ~~(3-30-01)~~(____)

b. Holds a valid specialty journeyman electrician license issued by the ~~Electrical Bureau~~ Division of Building Safety, in the same category as the specialty contractor, and has at least four (4) years of experience in the specialty electrical category with a minimum of two (2) years practical experience in planning, laying out, and supervising electrical installations in this specialty category. ~~(3-30-01)~~(____)

02. Modification to Qualifications. Applicants for specialty contractor licenses, or individuals countersigning such applications, shall be subject to the same requirements, restrictions, and fees applicable to other electrical contractors and countersigning master, as set forth in the current Electrical Laws and Rules with the exception that an electrical contractor requires a master electrician to countersign as a supervising master whereas a supervising specialty journeyman for a specialty electrical contractor must meet the requirements of Subsection 017.01 of these rules. (4-2-08)

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.01.04 - RULES GOVERNING ELECTRICAL SPECIALTY LICENSING
DOCKET NO. 07-0104-1102
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 54-1003(1) and 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 19, 2011.

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 PV electrical specialty license is brought forward to legally recognize established PV contractors who have established and operated specialized businesses over the course of the past 20+ years. While the existing regulatory framework clearly requires all installers of electrical wiring and equipment to be licensed, these businesses have operated and developed a level of expertise and experience that is vital in assuring photovoltaic systems are designed and installed safely, and that they operate efficiently. This proposal allows these companies and installers to become licensed and sets the bar for future practitioners in this fast-growing industry. It also facilitates the permitting and inspections of photovoltaic installations to assure those installations safely comply with the provisions of the National Electrical Code. Failure to establish this license would leave electrical contractors and electricians as the only providers of solar installations, and likely would result in higher costs to consumers due to decreased competition. The proposed rule would establish an electrical specialty license category for the installation, maintenance, and repair of photovoltaic electrical DC systems and micro-inverter/AC systems to include all electrical equipment, wires, and accessories.

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

The fiscal impact is expected to be revenue neutral to DBS, in that it is expected that any revenues will offset the costs to the dedicated fund associated with administering the license.

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

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact 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 26, 2011.

DATED this 29th day of August, 2011.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83542
Phone: (208) 332-8986
Fax: (877) 810-2840

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0104-1102

014. ELECTRICAL SPECIALTIES REQUIRING A SPECIAL LICENSE.

The following shall be considered as electrical specialties, the practice of which shall require a special license:

(4-9-79)

01. Elevator, Dumbwaiter, Escalator, or Moving-Walk Electrical. Any person qualifying for and having in his possession a current elevator electrical license may install, maintain, repair, and replace equipment, controls, and wiring beyond the disconnect switch in the machine room of the elevator and pertaining directly to the operation and control thereof when located in the elevator shaft and machine room. He shall be employed by a licensed elevator electrical contractor and his installation shall be limited to this category. The holder of such specialty license may not countersign a contractor's license application as supervising journeyman except for work within his specialty.

(4-9-79)

02. Sign Electrical. Any person qualifying for and having in his possession a current sign electrical license may install, maintain, repair, and replace equipment, controls, and wiring on the secondary side of sign disconnecting means; providing the disconnecting means is located on the sign or within sight therefrom. He shall be employed by a licensed sign electrical contractor whose installations shall be limited to this category. The holder of such specialty license may not countersign a contractor's license application as supervising journeyman except for work within his specialty.

(3-15-02)

03. Manufacturing or Assembling Equipment.

(4-5-00)

a. A licensed specialty manufacturing or assembling equipment electrician must be employed by a licensed specialty manufacturing or assembling equipment contractor in order to work in this category. The holder of a specialty license in this category may not countersign a contractor's license application as supervising journeyman except for work within this specialty.

(4-5-00)

b. Any person licensed pursuant to Paragraph 014.03.a. of these rules may install, maintain, repair, and replace equipment, controls, and accessory wiring, integral to the specific equipment, on the load side of the equipment disconnecting means. Electrical service and feeder are to be installed by others. The licensee may also install circuitry in modules or fabricated enclosures for the purpose of connecting the necessary components which individually bear a label from a nationally recognized testing laboratory when such equipment is designed and manufactured for a specific job installation. All wiring completed shall meet all requirements of Title 54, Chapter 10, Idaho Code, all rules promulgated pursuant thereto, and the most current edition of the National Electrical Code.

(7-1-94)

c. Subsection 014.03 of these rules does not apply to a manufacturing or assembling equipment electrician installing electrical wiring, equipment, and apparatus in modular buildings as that term is defined in Section 39-4105, Idaho Code. Only journeyman electricians and electrical apprentices, employed by an electrical contractor, may perform such installations.

(3-30-07)

04. Limited Energy Electrical License. (9-17-85)

a. Limited energy systems are defined as fire and security alarm systems, class 2 and class 3 signaling circuits, key card operators, nurse call systems, motor and electrical apparatus controls and other limited energy applications covered by the NEC. (7-1-99)

b. Limited energy systems do not include, and no license of any type is required for, the installation of landscape sprinkler controls or communication circuits, wires and apparatus that include telephone systems, telegraph facilities, outside wiring for fire and security alarm systems which are used for communication purposes, and central station systems of a similar nature, PBX systems, audio-visual and sound systems, public address and intercom systems, data communication systems, radio and television systems, antenna systems and other similar systems. (7-1-99)

c. Unless exempted by Section 54-1016, Idaho Code, any person who installs, maintains, replaces or repairs electrical wiring and equipment for limited energy systems in facilities other than one (1) or two (2) family dwellings shall be required to have a valid limited energy electrical license and must be employed by a licensed limited energy specialty electrical contractor or electrical contractor. The holder of a specialty license may only countersign a contractor's application as a supervising journeyman for work within his specialty. (7-1-98)

05. Irrigation Sprinkler Electrical. Any person qualifying for and having in his possession, an irrigation system electrical license may install, maintain, repair and replace equipment, controls and wiring beyond the disconnect switch supplying power to the electric irrigation machine. The irrigation machine is considered to include the hardware, motors and controls of the irrigation machine and underground conductors connecting the control centers on the irrigation machine to the load side of the disconnecting device. Disconnect device to be installed by others. All such installations performed by individuals under this subsection shall be done in accordance with the applicable provisions of the National Electrical Code. He shall be employed by a licensed electrical contractor whose license is contingent upon the granting of a specialty electrical license to an employee and whose installations shall be limited to this category. The holder of a specialty license may not countersign a contractor's license application as supervising specialty journeyman except for work in his specialty. (1-1-92)

06. Well Driller and Water Pump Installer Electrical Licenses. All such installations performed by individuals under this subsection shall be done in accordance with the applicable provisions of the approved National Electrical Code. He shall be employed by a licensed well driller and water pump installer electrical contractor whose installations shall be limited to this category. The holder of such specialty license may not countersign a contractor's license application as supervising specialty journeyman except for work in his specialty. Any person currently licensed in this category may perform the following types of installations: (1-14-87)

a. Single or three (3) phase water pumps: install, maintain, repair and replace all electrical equipment, wires, and accessories from the pump motor up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. (4-6-05)

b. Domestic water pumps, one hundred twenty/two hundred forty (120/240) volt, single phase, sixty (60) amps or less: Install, maintain, repair and replace all electrical equipment, wires, and accessories from the pump motor up to and including the disconnecting device. (7-1-98)

c. Temporarily connect into a power source to test the installations, provided that all test wiring is removed before the installer leaves the site. (1-14-87)

d. Individual residential wastewater pumping units. Install, maintain, repair and replace all electrical equipment, wires, and accessories from the pump motor up to and including the disconnecting device for systems that serve one-family, two-family, or three-family residential installations. (4-11-06)

07. Refrigeration, Heating, and Air-Conditioning Electrical Installer. All such installation, maintenance, and repair performed by individuals under this subsection shall be done in accordance with applicable provisions of the National Electrical Code. He shall be employed by a licensed electrical contractor whose license shall be covered by this category. The holder of such specialty license may not countersign a contractor's license application as a supervising specialty journeyman except for work in his specialty. Any person currently licensed in

this category may perform the following types of installations, which installations shall be limited to factory-assembled, packaged units: (9-17-85)

a. Heating Units (single phase): install, repair, and maintain all electrical equipment, wires, and accessories from the unit up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. (9-17-85)

b. Refrigeration, Air-Conditioning Equipment and Heat Pumps (single phase): install, repair, and maintain all electrical equipment, wires, and accessories from the unit up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. (9-17-85)

c. Refrigeration, Air-Conditioning and Heating Systems (three (3) phase): install, maintain, and repair all electrical equipment and accessories up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. (9-17-85)

08. Outside Wireman. All such installation, maintenance, and repair not exempt under the provisions of Section 54-1016, Idaho Code, performed by individuals under this subsection shall be done in accordance with the applicable provisions of the National Electrical Code. The licensee shall be employed by a licensed electrical contractor whose license shall be covered by this category. The holder of such specialty license may not countersign a contractor's license application as a supervising specialty journeyman except for work in his specialty. Applicants for this license class shall provide documentation of having completed an electrical lineman apprenticeship program or similar program approved by the U.S. Department of Labor, Office of Apprenticeship. Any person currently licensed in this category may perform the following types of installations: (4-7-11)

a. Overhead distribution and transmission lines in excess of six hundred (600) volts. (4-7-11)

b. Underground distribution and transmission lines in excess of six hundred (600) volts. (4-7-11)

c. Substation and switchyard construction in excess of six hundred (600) volts. (4-7-11)

09. Solar Photovoltaic. All such installation, maintenance, and repair not exempt under the provisions of Section 54-1016, Idaho Code, performed by individuals under this Subsection shall be done in accordance with the applicable provisions of the National Electrical Code. The license holder shall be employed by a licensed electrical contractor whose license shall be covered by this category. The holder of such specialty license may not countersign a contractor's application as a supervising specialty journeyman except for work in his specialty. Applicants for this license class shall provide proof of photovoltaic installer certification by the North American Board of Certified Energy Practitioners (NABCEP) or equivalent. Any person licensed in this category may perform the following types of installations: ()

a. Solar Photovoltaic DC Systems: Install, maintain, repair, and replace all electrical equipment, wires, and accessories up to and including the inverter. ()

b. Solar Photovoltaic micro-inverter/AC Systems: Install, maintain, repair, and replace all electrical equipment, wires, and accessories up to and including the AC combiner box. ()

015. APPLICATIONS FOR SPECIALTY LICENSES.

Applications for any of the above specialty licenses may be obtained from the Electrical Bureau, Division of Building Safety. The forms shall be returned with the application fee, as provided by Section 54-1014, Idaho Code, with proof of the required two (2) years of experience in the field of specialty, and all applications shall be signed and notarized. Upon receiving a passing grade, the applicant may remit the license fee for issuance of the license. (5-3-03)()

(BREAK IN CONTINUITY OF SECTIONS)

017. SPECIALTY CONTRACTOR LICENSE.

01. Qualifications for Specialty Electrical Contractor. Except as herein provided, any person, partnership, company, firm, association, or corporation shall be eligible to apply for a specialty electrical contractor license upon the condition that such applicant will be responsible for supervision of electrical installations made by said company, firm, association, or corporation as provided by Section 54-1010, Idaho Code. The supervising specialty journeyman electrician shall be available during working hours to carry out the duties of supervising specialty journeyman, as set forth herein. In addition, the applicant shall meet or have at least one (1) full-time employee who meets one (1) of the following criteria: (3-30-01)

a. Holds a valid specialty journeyman electrician license issued by the ~~Electrical Bureau~~ Division of Building Safety, in the same category as the specialty contractor, and has held a valid specialty journeyman electrician's license for a period of not less than two (2) years, during which time he was employed as a specialty journeyman electrician for a minimum of four thousand (4,000) hours; (~~3-30-01~~)()

b. Holds a valid specialty journeyman electrician license issued by the ~~Electrical Bureau~~ Division of Building Safety, in the same category as the specialty contractor, and has at least four (4) years of experience in the specialty electrical category with a minimum of two (2) years practical experience in planning, laying out, and supervising electrical installations in this specialty category. (~~3-30-01~~)()

02. Modification to Qualifications. Applicants for specialty contractor licenses, or individuals countersigning such applications, shall be subject to the same requirements, restrictions, and fees applicable to other electrical contractors and countersigning master, as set forth in the current Electrical Laws and Rules with the exception that an electrical contractor requires a master electrician to countersign as a supervising master whereas a supervising specialty journeyman for a specialty electrical contractor must meet the requirements of Subsection 017.01 of these rules. (4-2-08)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.05 - RULES GOVERNING EXAMINATIONS

DOCKET NO. 07-0105-1101

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 54-1005(1) and 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 19, 2011.

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:

When this original rule was written, examinations were only administered on a monthly or bi-monthly basis. However, the electrical journeyman examination is now offered on a continuous basis in the state throughout the year and there is no longer a need to impose a 30-day waiting period after a first or second failed journeyman examination attempt. The proposed rule would eliminate the 30-day waiting period after a first or second failed journeyman examination attempt.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: 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 resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rulemaking and the benefit to applicants for the electrical journeyman examination.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact 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 26, 2011.

DATED this 29th day of August, 2011.

Steve Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83542
Phone: (208) 332-8986
Fax: (877) 810-2840

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0105-1101

011. EXAMINATIONS.

The Electrical Board shall review and approve all versions of examinations prior to administration. (4-5-00)

01. Frequency of Conducting of Examinations. Examinations for all classifications under the Electrical Laws and Rules will be given a minimum of four (4) times each year in at least three (3) locations: One (1) to be in northern Idaho, one (1) to be in central Idaho, and one (1) to be in southern Idaho. The applicant will be notified in writing of the date, time, and location at which the examination will be given, following approval of the application. (4-5-00)

02. Professional Testing Services. In lieu of the administration by the Electrical Board of the examination for licenses pursuant to this rule, the Electrical Board may contract with a professional testing service to administer the examination and require license applicants to pay to the testing service the fee that they have set for the examination and to take such examination at the time set by such service. After taking such examination, an official copy of the test score shall be provided by the applicant to the Electrical Board before the license will be granted. If the examination is conducted in this fashion, the Electrical Board may charge and retain the application fee provided for by Section 54-1014, Idaho Code, to cover the cost of reviewing the applicant's application. (4-5-00)

03. Required Scores. The following scores are considered minimum for passing and are required to be achieved by the applicant prior to issuance of the appropriate license or certification.

Journeyman Electrician	- 70%
Specialty Journeyman Electrician	- 70%
Electrical Contractor	- 75%
Specialty Electrical Contractor	- 70%
Electrical Inspector	- 70%
Master Electrician	- 75%

(5-8-09)

04. Failed Examinations. (4-6-05)

a. An applicant receiving less than a passing score on a first or second examination attempt may be reexamined ~~at the expiration of thirty (30) days after the date of the failed examination.~~ (4-6-05)()

b. Before being reexamined after failing an examination the third time, an applicant must: (4-6-05)

i. Wait until the expiration of one (1) year from the date of the failed third examination; or (4-6-05)

ii. Provide proof, satisfactory to the Electrical Board, of completion of a minimum of twenty-four (24) hours of Board-approved, related electrical training or continuing education since the date of the failed third examination. (4-6-05)

c. Before being reexamined after any further failures, an applicant for reexamination must: (4-6-05)

i. Wait until the expiration of an additional one (1) year from the date of the failed examination; or (4-6-05)

ii. Provide proof, satisfactory to the Electrical Board, of completion of thirty-two (32) hours of Board-approved, related electrical training or continuing education since the date of the failed examination. (4-6-05)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.06 - RULES GOVERNING THE USE OF NATIONAL ELECTRICAL CODE

DOCKET NO. 07-0106-1101

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 54-1001 and 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 19, 2011.

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 applicable code to which all electrical installations must comply has been updated as of 2011. Currently, the state is using the 2008 edition of the National Electrical Code (NEC), and this rulemaking would adopt the 2011 NEC. The last several NEC code editions have also provided for arc fault circuit interrupter (AFCI) breakers to be installed for all circuits supplying outlets in dwelling unit family rooms, dining rooms, living rooms, parlors, dens, bedrooms, recreation rooms, closets, hallways, or similar rooms or areas. However since 2008, the Board has only required AFCI circuit breakers to be utilized for circuits supplying dwelling unit bedrooms as reflected in this administrative rule which amended the NEC. At numerous Board meetings conducted over the course of the last year, the Board considered the input of contractors, manufacturers, consumers, and other affected industry participants before determining to eliminate the rule. The elimination of this rule would result in the provision of the NEC addressing AFCI to exist without amendment, which would result in the requirement that such circuit breakers be utilized in all the living spaces identified above. The proposed rule would adopt the 2011 edition of the National Electric Code (NEC). The proposed rule would also eliminate the amendment to the NEC which only requires arc fault circuit interrupter (AFCI) breakers to be used in dwelling unit bedrooms.

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

The adoption of the 2011 National Electrical Code is expected to cost DBS approximately \$5,000. This cost includes the cost of new code books and training associated with the implementation of the new code. Local jurisdictions will encounter similar costs. The adoption of the 2011 NEC is expected to add approximately \$500 to the wiring cost of the typical new house. The bases of these increased costs are driven primarily by the expanded application of Arc Fault Circuit Interrupters (AFCI's) required on 120 volt circuits in the house.

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

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

The National Electrical Code (NEC), 2011 Edition is adopted and incorporated by reference due to updates in the NEC.

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 26, 2011.

DATED this 29th day of August, 2011.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83542
Phone: (208) 332-8986
Fax: (877) 810-2840

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0106-1101

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~~¹¹ 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~~¹², with the exception of the following: ~~(4-2-08)~~()

a. Where the height of a crawl space does not exceed one point four (1.4) meters or four point five (4.5) 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 two point one (2.1) meters or seven (7) feet of crawl space access shall comply with Article 320.23. (3-29-10)

b. 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)

c. 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)

d. 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)

- ~~e. 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)~~
- f. 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 680.26(B) 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 offices of the Division of Building Safety at 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642, 1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho 83814, and 2055 Garrett Way, Suite 7, Pocatello, Idaho 83201. (4-2-08)()

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.07 - RULES GOVERNING CONTINUING EDUCATION REQUIREMENTS

DOCKET NO. 07-0107-1101 (FEE RULE)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-1006(5), 54-1013 and 67-2601A(4)(e), 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 19, 2011.

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 addition of a fee is necessary to cover the expense to the Division for reviewing continuing education provider applications.

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

The proposed rule would add a requirement that continuing education providers, who apply to have their programs and instructors approved by the Division, pay a fifty dollar (\$50) fee to the Division.

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:

Fees will cover the expenses incurred by the Division of Building Safety for reviewing and approving courses of instruction and instructors.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need to establish a fee to cover expenses incurred by the Division of Building Safety.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact 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 26, 2011.

DATED this 29th day of August, 2011.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83542
Phone: (208) 332-8986
Fax: (877) 810-2840

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 07-0107-1101

011. CONTINUING EDUCATION REQUIREMENTS.

Journeyman and master electricians must complete at least twenty-four (24) hours of continuing education instruction in every three (3) year period between updates of the National Electrical Code. The twenty-four (24) hours of instruction shall consist of sixteen (16) hours of code update covering changes included in the latest edition of the National Electrical Code, and eight (8) hours of industry-related training. The Idaho Electrical Board will establish criteria for approval of instruction and instructors, and courses and instructors will be approved by the ~~Electrical Bureau~~ Division of Building Safety. Proof of completion of these continuing education requirements must be submitted to the ~~Bureau~~ Division prior to or with the application for license renewal by any such licensee in order to renew a journeyman or master electrician license for the code change year. (4-7-11)()

012. COURSE APPROVAL REQUIREMENTS.

Continuing education courses for electricians must cover technical aspects of the electrical trade. Courses related to management, supervision, business practices, personal computer skills, or first aid will not be approved. Courses will be approved as either code update or industry related based on the criteria as defined in this section. (4-2-08)

01. General Course Requirements. (4-2-08)

a. Courses must be at least four (4) hours in length. (4-2-08)

b. Courses must be taught by an instructor approved by the ~~Electrical Bureau~~ Division of Building Safety. (4-2-08)()

c. The presentation should be delivered orally with the assistance of power point or other means of visual media. Pre-taped video or audio shall be held to a minimum. (4-2-08)

d. A course evaluation card shall be provided to all participants to evaluate course and presentation. The completed evaluation cards must be submitted to the ~~Electrical Bureau~~ Division of Building Safety. (4-2-08)()

e. All programs are subject to audit by representatives of the Division of Building Safety or Idaho Electrical Board for content and quality without notice and at no charge. Course and instructor approval are subject to revocation if the minimum requirements of course content or instructor qualifications are not met. (4-2-08)

f. Credit will not be given to a licensee who attended a course prior to that course being approved by the Division of Building Safety. (4-2-08)

02. Code Update Programs. Code update programs must cover changes to the National Electrical Code utilizing pre-approved materials such as the NFPA-IAEI Analysis of Changes. (4-2-08)

03. Industry Related Programs. Industry related programs shall be technical in nature and directly related to the electrical industry. Electrical theory, application of the National Electrical Code, grounding, photovoltaic systems, programmable controllers, and residential wiring methods are examples of industry related programs. (4-2-08)

04. Program Approval Procedures. (4-2-08)

a. Program approvals shall be effective for one (1) code cycle. Subsequent applications for the same program may incorporate by reference all or part of the original application. (4-2-08)

b. An application for course approval may be obtained from the ~~Electrical Bureau~~ Division of Building Safety, 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642, or from the Division of Building Safety's website at <http://dbs.idaho.gov>. The application shall include: (4-2-08)()

- i. The title and general description of the program; (4-2-08)
- ii. The name of the sponsor as it will appear on the completion certificate; (4-2-08)
- iii. The address and contact person for the sponsor; (4-2-08)
- iv. The names of the instructors and dates of approval by the Division of Building Safety or completed applications for the instructors; (4-2-08)
- v. The hours of instruction to be presented – correspondence or on-line computer based courses must provide a minimum of twenty (20) questions to be answered by the student for each hour of credit requested for approval. For example four (4) hours of credit would require eighty (80) questions, eight (8) hours of credit would require one hundred and sixty (160) questions; (4-2-08)
- vi. An outline of the program; (4-2-08)
- vii. The cost of the program to the participant; (4-2-08)
- viii. A schedule of classes, including locations, dates, and times; (4-2-08)
- ix. A list or sample of materials to be used in the program; (4-2-08)
- x. A copy of the quiz to be given to the participants, if applicable; (4-2-08)
- xi. A copy or sample of the completion certificate; *and* ~~(4-2-08)~~()
- xii. A copy of the evaluation card; *and* ~~(4-2-08)~~()
- xiii. Payment of a fee of fifty dollars (\$50). ()
- c.** Certificates of Completion. Certificates of completion must contain the following: (4-2-08)
 - i. The date of the program; (4-2-08)
 - ii. The title of the program; (4-2-08)
 - iii. The location of the program; (4-2-08)
 - iv. The name of the sponsor; (4-2-08)
 - v. The number of hours of credit completed; (4-2-08)
 - vi. The name of the attendee; (4-2-08)
 - vii. The license number of the attendee; (4-2-08)
 - viii. The name of the instructor; and (4-2-08)
 - ix. The Idaho course approval number. (4-2-08)
- d.** Evaluation Cards. Evaluation cards or forms must be pre-addressed to the Division of Building Safety and must include the following: (4-2-08)
 - i. The date of the program; (4-2-08)
 - ii. The title of the program; (4-2-08)

- iii. The location of the program; (4-2-08)
- iv. The instructor's name; (4-2-08)
- v. An evaluation of the course (for example: poor, fair, good, very good, excellent); and (4-2-08)
- vi. An evaluation of the instructor's presentation skills. (4-2-08)

05. Appeals. Appeals for courses that have been denied approval shall be submitted in writing and shall be presented to the Idaho Electrical Board within thirty (30) days for review. Decision by the Idaho Electrical Board on the appeal shall be final. Any further appeal shall be to the district court as provided by the Idaho Administrative Procedure Act (Title 67, Chapter 52, Idaho Code) as an appeal from a final agency action in a contested case proceeding. (4-2-08)

06. Instructor Approval Procedures. (4-2-08)

a. Instructor approvals shall be effective for one (1) code cycle. (4-2-08)

b. An application for instructor approval may be obtained from the ~~Electrical Bureau~~ **Division of Building Safety**, 1090 E. Watertower Street, **Suite 150**, Meridian, Idaho 83642, or from the Division of Building Safety's website at <http://dbs.idaho.gov>. Documentation of the instructor qualifications **along with payment of a fee of fifty dollars (\$50)** must be included with the instructor application. The minimum qualification for an instructor shall be established by providing proof of one (1) of the following: (4-2-08)()

- i. Current and active master or journeyman electrician license; (4-2-08)
- ii. An appropriate degree related to the electrical field; or (4-2-08)
- iii. Other recognized experience or certification in the subject matter to be presented. (4-2-08)

c. Any person denied instructor approval may appeal to the Idaho Electrical Board within thirty (30) days. Decision by the Idaho Electrical Board on the appeal shall be final. Any further appeal shall be to the district court as provided by the Idaho Administrative Procedure Act (Title 67, Chapter 52, Idaho Code) as an appeal from a final agency action in a contested case proceeding. (4-2-08)

07. Revocation of Approval. (4-2-08)

a. The Idaho Electrical Board may revoke, suspend, or cancel the approval of any continuing education program or instructor if the Idaho Electrical Board determines that the program or instruction does not meet the intent of furthering the education of electricians. Grounds for revocation of approval shall include, but not be limited to: (4-2-08)

- i. Failure of the instructor to substantially follow the approved course materials; (4-2-08)
- ii. Failure to deliver instruction for the full amount of time approved for the course; or (4-2-08)
- iii. Substantial dissatisfaction with the instructor's presentation or the content of the course or materials by the class attendees or representatives of the Division of Building Safety or Idaho Electrical Board. (4-2-08)

b. Decision by the Idaho Electrical Board on the appeal shall be final. Any further appeal shall be to the district court as provided by the Idaho Administrative Procedure Act (Title 67, Chapter 52, Idaho Code), as an appeal from a final agency action in a contested case proceeding. (4-2-08)

08. Requirements for Credit. In order for a licensee to receive credit for attending a class, the following requirements must be met: (4-2-08)

a. The class must have prior approval by the ~~Electrical Bureau~~ Division of Building Safety or a state that is reciprocal with Idaho for continuing education; (4-2-08)()

b. The instructors must be approved instructors for the program; (4-2-08)

c. The licensee must submit a copy of the certificate of completion to the ~~Electrical Bureau~~ Division of Building Safety; and (4-2-08)()

d. The course provider must provide a roster of attendees to include the name, license number, and the number of hours to be credited. (4-2-08)

09. Schedule of Approved Classes. The ~~Electrical Bureau~~ Division of Building Safety shall publish a list of approved classes at a minimum of once a year. This list shall be forwarded to all states that are members of the continuing education reciprocal agreement and shall be made available to any licensee via the Division of Building Safety's website or by mail. (4-2-08)()

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.02.05 - RULES GOVERNING PLUMBING SAFETY LICENSING
DOCKET NO. 07-0205-1101 (FEE RULE)
NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-2605(1), 54-2606 and 67-2601A(4)(e), 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 19, 2011.

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 2010, a continuing education requirement for plumbing contractors and journeymen was established with the declaration within the rule (IDAPA 07.02.05.016.02.c.) that the Plumbing Board would establish criteria for approval of instructors and courses of instruction by the Division. Substantially similar criteria have already been established for the provision of continuing education to electrical licensees, and effectively serve to ensure the reputability and effectiveness of instructors and courses offered. The proposed rule establishes the requirements for courses of instruction, the Division's procedures for approval of programs and providers, the fees associated with applications for approval, and requirements for credit.

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

The proposed rule establishes a fee of fifty dollars (\$50) for review of an application for approval of a continuing education plumbing course.

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:

Fees will cover the expenses incurred by the Division of Building Safety for reviewing and approving courses of instruction and instructors.

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

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact 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 26, 2011.

DATED this 29th day of August 2011.

Steve Keys
Deputy Administrator - Operations
Division of Building Safety

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THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 07-0205-1101

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)

~~**e.** *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.* (3-29-10)~~

~~**i.** *Journeyman must complete eight (8) hours of continuing education for every three year 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.* (3-29-10)~~

~~**ii.** *Contractors must complete sixteen (16) hours of continuing education for every three year license cycle. Hours accrued obtaining journeyman education may be applied toward this requirement whenever applicable.* (3-29-10)~~

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)

Section 017 has been moved and renumbered to proposed Section 018

017. CONTINUING EDUCATION REQUIREMENTS.

01. Proof of Completion. Proof of completion of the following continuing education requirements must be submitted to the Division of Building Safety prior to, or with the application for, licensure renewal by any licensee in order to renew a journeyman or contractors plumbing license. ()

a. Journeymen must complete eight (8) hours of continuing education for every three-year 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. ()

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

02. Course Approval Requirements. Continuing education courses for plumbers must cover technical aspects of the plumbing trade. Courses related to management, supervision, business practices, personal computer skills or first aid will not be approved. Courses will be approved as either code update or industry related based on the criteria as defined in Section 017 of these rules. The criteria for the approval of instruction and instructors is established as provided in Section 017 of these rules. Courses and instructors shall be approved by the Division. ()

03. General Course Requirements. ()

a. Courses must be at least four (4) hours in length. ()

b. Courses must be taught by an instructor approved by the Division. ()

c. The presentation should be delivered orally and supplemented with appropriate visual media. Pre-taped video or audio shall be held to a minimum. ()

d. A course evaluation card shall be provided to all participants to evaluate the course and presentation. ()

e. All programs are subject to audit by representatives of the Division or the Idaho Plumbing Board for content and quality without notice and at no charge. Course and instructor approval are subject to revocation if the minimum requirements of course content or instructor qualification are not maintained. ()

f. Credit will not be given to a licensee who attended a course prior to that course being approved by the Division. ()

04. Code Update Programs. Code update programs must cover changes to the Idaho State Plumbing Code or the Uniform Plumbing Code. ()

05. Industry Related Programs. Industry related programs shall be technical in nature and directly related to the plumbing industry. ()

06. Program Approval Procedures. ()

a. Program approvals shall be effective for one (1) code cycle. Subsequent applications for the same program may incorporate by reference all or part of the original application. ()

b. An application for course approval may be obtained from the Division of Building Safety offices at 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642; 1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho 83814; and 2055 Garrett Way, Suite 7, Pocatello, Idaho 83201; or from the Division's website at <http://dbs.idaho.gov>. The application shall include: ()

- i. The title and general description of the program; ()
- ii. The name of the sponsor as it will appear on the completion certificate; ()
- iii. The address and contact person for the sponsor; ()
- iv. The names of the instructors and dates of approval by the Division of Building Safety or completed applications for the instructors; ()
- v. The hours of instruction to be presented - correspondence or on-line computer-based courses must provide a minimum of twenty (20) questions to be answered by the student for each hour of credit requested for approval. For example, four (4) hours of credit would require eighty (80) questions, eight (8) hours of credit would require one hundred sixty (160) questions; ()
- vi. An outline of the program; ()
- vii. The cost of the program to the participant; ()
- viii. A schedule of classes, including locations, dates and times; ()
- ix. A list or sample of materials to be used in the program; ()
- x. A copy of the quiz to be given to participants, if applicable; ()
- xi. A copy of the completion certificate; ()
- xii. A copy of the evaluation card; and ()
- xiii. Fifty dollar (\$50) fee for review of the application. ()
- c. Certificates of Completion. Certificates of completion must include the following: ()
 - i. The title of the program; ()
 - ii. The location of the program; ()
 - iii. The name of the sponsor; ()
 - iv. The number of hours of credit completed; ()
 - v. The name of the attendee; ()
 - vi. The license number of the attendee; ()
 - vii. The name of the instructor; and ()
 - viii. The Idaho course approval number. ()
- d. Evaluation Cards. Evaluation cards or forms must be pre-addressed to the Division of Building Safety and must include the following: ()
 - i. The date of the program; ()
 - ii. The title of the program; ()
 - iii. The location of the program; ()

- iv. The instructor's name: ()
- v. An evaluation of the course (e.g., poor, fair, good, very good, excellent); and ()
- vi. An evaluation of the instructor's presentation skills. ()

07. Instructor Approval Procedures. Instructor approvals shall be effective for one (1) code cycle. Applications for instructor approval may be obtained from the Division of Building Safety offices at 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642; 1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho 83814; and 2055 Garrett Way, Suite 7, Pocatello, Idaho 83201; or from the Division's website at <http://dbs.idaho.gov>. The minimum qualification for an instructor shall be established by providing proof of one (1) of the following, which shall be documented and submitted with the instructor's application and the fifty dollar (\$50) application fee: ()

- a. Current and active Idaho contractor or journeyman plumber license; ()
- b. An appropriate degree related to the plumbing profession; or ()
- c. Other recognized experience or certification in the subject matter to be presented. ()

08. Revocation of Approval. The Division may revoke, suspend, or cancel the approval of any instructor if the Division determines that the instructor does not meet the intent of furthering the education of plumbers. Grounds for revocation of approval shall include, but not be limited to: ()

- a. Failure of the instructor to substantially follow the approved course materials; ()
- b. Failure to deliver instruction for the full amount of time approved for the course; or ()
- c. Substantial dissatisfaction with the instructor's presentation by class attendees or representatives of the Division or the Idaho Plumbing Board. ()

09. Appeals. Appeals for courses or instructors denied approval or where approval has been revoked for cause shall be in writing and shall be presented to the Idaho Plumbing Board within thirty (30) days of the denial of the application. Decision of the Board on the appeal shall be final. Any further appeal shall be to the district court as provided by the Idaho Administrative Procedures Act as an appeal from a final agency action in a contested case proceeding. ()

10. Requirements for Credit. In order for a licensee to receive credit for attending a class, the following requirements must be met: ()

- a. The class must have prior approval by the Division or a state that is reciprocal with Idaho for continuing education; ()
- b. The instructors must be approved as instructors for the specific program; ()
- c. The licensee must submit a copy of the certificate of completion to the Division; and ()
- d. The course provider must provide a roster of attendees to include the name, license number, and the number of hours to be credited. ()

11. Schedule of Approved Classes. The Division of Building Safety shall publish a list of approved classes at least once a year. The list shall be forwarded to all states that are members of a continuing education reciprocal agreement and shall be made available to any licensee on the Division's website. ()

0178. SPECIALTY PLUMBING LICENSES.

The purpose of this section is to set out the special types of plumbing installations for which a specialty license is required; to set out the minimum experience requirements for such licenses; and to describe the procedure for securing such licenses. (8-25-88)

01. Qualified Journeyman Plumbers. Qualified journeyman plumbers as defined in Section 54-2611(b), Idaho Code, shall be permitted to make installations as subsequently described herein without securing an additional license for said installation. (11-14-85)

02. Minimum Experience Requirements. (8-3-83)

a. Experience gained by an individual while engaged in the practice of mobile home hook-ups shall not be considered towards the satisfaction of the minimum experience requirements for licensing as a journeyman plumber. (8-3-83)

b. All installers shall be licensed and be in the employ of a licensed plumbing contractor or specialty contractor limited to this category. (8-3-83)

03. Mobile Home Set-Up or Installers. (8-25-88)

a. Any person qualifying for and having in his possession a current license in this category may make the proper connections of sewer and water to existing facilities on site. All material and workmanship shall comply with the requirements of the Uniform Plumbing Code. (8-3-83)

b. All installers shall be licensed and be in the employ of a licensed plumbing contractor or specialty contractor limited to this category. This specialty license does not permit any extension, alteration, or addition to the plumbing system within the mobile home or the installation of any underground plumbing outside the mobile home. (8-3-83)

04. Applications for Specialty Licenses. Applications for the above specialty licenses may be obtained from the Plumbing Bureau, Idaho Division of Building Safety. The forms shall be returned with the examination fee provided by Section 54-2614, Idaho Code, with proof of the required two (2) years experience in the field of this specialty. (8-25-88)

05. Examinations for Specialty Licenses. Written examinations for specialty plumbing licenses shall be formulated from the practical application of the sections of the Uniform Plumbing Code as adopted by the Idaho Plumbing Board under Section 54-2601, Idaho Code. (11-14-85)

06. Fees. Fees for certificates shall be required in accordance with Section 54-2616, Idaho Code. (11-14-85)

0189. APPLIANCE PLUMBING SPECIALTY LICENSE.

The purpose of this section is to set out the special types of plumbing installations for which an appliance plumbing specialty license is required; to set out the minimum experience requirements for such licenses; and to describe the procedure for securing such licenses. (7-1-99)

01. Qualified Journeyman Plumbers. Qualified journeyman plumbers as defined in Section 54-2611(b), Idaho Code, shall be permitted to make installations as subsequently described herein without securing an additional license for said installation. (7-1-99)

02. Qualified Apprentice Plumbers. Qualified apprentice plumbers as defined in Section 54-2611(c), Idaho Code, shall be permitted to make installations as subsequently described herein without securing an additional license for said installation. (7-1-99)

03. Minimum Experience Requirements. (7-1-99)

a. Experience gained by an individual while engaged in the practice of appliance plumbing specialty shall not be considered towards the satisfaction of the minimum experience requirements for licensing as a journeyman plumber. (7-1-99)

b. All qualified appliance plumbing specialty journeymen shall be licensed and be in the employ of a

licensed plumbing contractor or specialty contractor limited to this category. (7-1-99)

c. Appliance plumbing specialty contractors must have a two thousand dollar (\$2,000) surety bond, thirty (30) months minimum journeyman experience, and successful completion of appliance plumbing specialty contractor's test. (7-1-99)

d. Appliance plumbing specialty journeymen must have eighteen (18) months apprentice on-the-job experience, satisfactory completion of seventy-two (72) hours of Idaho Plumbing Board-approved, related training classes and successful completion of the appliance plumbing specialty journeyman's test. (7-1-99)

e. Appliance plumbing specialty apprentices must be employed by a licensed contractor, under the supervision of a journeyman, be enrolled in or have completed Idaho Plumbing Board-approved related training classes and maintain state registration. (7-1-99)

04. Special Grandfathering Provision. (7-1-99)

a. Contractor: In lieu of the thirty (30) months minimum journeyman experience requirement, an individual may use five (5) years experience of owning and operating a business where this specialty applies AND satisfactory completion of seventy-two (72) hours of Idaho Plumbing Board-approved related training classes. For this purpose, a business is defined as an activity in which tax returns were required to be and have been filed for at least five (5) years. (7-1-99)

b. Journeyman: In lieu of the eighteen (18) months apprentice on-the-job experience requirement, an individual may use five (5) years experience working for a business where this specialty applies. For this purpose, working for a business is defined as being issued a W-2 earning form from a related business or businesses for at least five (5) years. (7-1-99)

05. Applications for Specialty Licenses. Applications for the above specialty licenses may be obtained from the Plumbing Bureau, Division of Building Safety. The forms shall be returned with the examination fee provided by Section 54-2614, Idaho Code, with proof of the required experience in the field of this specialty. (7-1-99)

06. Examinations for Specialty Licenses. Written examinations for specialty plumbing licenses shall be formulated from the practical application of the sections of the Uniform Plumbing Code as adopted by the Idaho Plumbing Board under Section 54-2601, Idaho Code. (7-1-99)

07. Fees. Fees for certificates shall be required in accordance with Section 54-2616, Idaho Code. (7-1-99)

08. Scope of Work Permitted. Permitted to disconnect, cap, remove, and reinstall within sixty (60) inches of original location: water heating appliance, water treating or filtering devices; air or space temperature modifying equipment which involves potable water; humidifier; temperature and pressure relief valves; condensate drains and indirect drains in one (1)-family and two (2)-family residences only. Does not include installation, testing, or certifying of backflow prevention devices. Does NOT include any modification to the drain, waste or vent systems. Must comply with all Idaho plumbing laws and rules and the requirements of the Uniform Plumbing Code. (7-1-99)

~~019~~20. WATER PUMP PLUMBING SPECIALTY LICENSE.

The purpose of this section is to set out the special types of plumbing installations for which a water pump plumbing specialty license is required; to set out the minimum experience requirements for such licenses; and to describe the procedure for securing such licenses. (7-1-99)

01. Qualified Journeyman Plumbers. Qualified journeyman plumbers as defined in Section 54-2611(b), Idaho Code, shall be permitted to make installations as subsequently described herein without securing an additional license for said installation. (7-1-99)

02. Qualified Apprentice Plumbers. Qualified apprentice plumbers as defined in Section 54-2611(c), Idaho Code, shall be permitted to make installations as subsequently described herein without securing an additional

license for said installation. (7-1-99)

03. Minimum Experience Requirements. (7-1-99)

a. Experience gained by an individual while engaged in the practice of water pump plumbing specialty shall not be considered towards the satisfaction of the minimum experience requirements for licensing as a journeyman plumber. (7-1-99)

b. All qualified water pump plumbing specialty journeymen shall be licensed and be in the employ of a licensed plumbing contractor or specialty contractor limited to this category. (7-1-99)

c. Water pump plumbing specialty contractors must have a two thousand dollars (\$2,000) surety bond, thirty (30) months minimum journeyman experience, and successful completion of water pump plumbing specialty contractor's test. (7-1-99)

d. Water pump specialty journeymen must have eighteen (18) months apprentice on-the-job experience, satisfactory completion of twelve (12) hours of Idaho Plumbing Board-approved, related training classes and successful completion of the water pump plumbing specialty journeyman's test. (7-1-99)

e. Water pump plumbing specialty apprentices must be employed by a licensed contractor, under the supervision of a journeyman, be enrolled in or have completed Idaho Plumbing Board-approved related training classes and maintain state registration. (7-1-99)

04. Special Grandfathering Provision. (7-1-99)

a. Contractor: In lieu of the thirty (30) month minimum journeyman experience requirement, an individual may use three (3) years experience of owning and operating a business where this specialty applies and satisfactory completion of twenty-four (24) hours of Idaho Plumbing Board-approved related training classes. For this purpose, a business is defined as an activity in which tax returns were required to be and have been filed for at least three (3) years. (7-1-99)

b. Journeyman: In lieu of the eighteen (18) months apprentice on-the-job experience requirement, an individual may use three (3) years experience working for a business where this specialty applies. For this purpose, working for a business is defined as being issued a W-2 earning form from a related business or businesses for at least three (3) years. (7-1-99)

05. Applications for Specialty Licenses. Applications for the above specialty licenses may be obtained from the Plumbing Bureau, Division of Building Safety. The forms shall be returned with the examination fee provided by Section 54-2614, Idaho Code, with proof of the required experience in the field of this specialty. (7-1-99)

06. Examinations for Specialty Licenses. Written examinations for specialty plumbing licenses shall be formulated from the practical application of the sections of the Uniform Plumbing Code as adopted by the Idaho Plumbing Board under Section 54-2601, Idaho Code. (7-1-99)

07. Fees. Fees for certificates shall be required in accordance with Section 54-2616, Idaho Code. (7-1-99)

08. Scope of Work Permitted. Permitted to install and connect water service piping from pump to storage expansion pressure tank in one (1) and two (2) family residences only. Does not include installation, testing or certifying of backflow prevention devices. Must comply with all Idaho plumbing laws and rules and the requirements of the Uniform Plumbing Code. (7-1-99)

0201. -- 999. (RESERVED)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.05 - RULES GOVERNING PLUMBING SAFETY LICENSING

DOCKET NO. 07-0205-1102

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-2605(1) and 54-2606, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2011.

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 Division and Plumbing Board have determined, based on numerous complaints by the industry in recent years, that an increasing number of individuals already licensed in other jurisdictions as master and journeyman plumbers enter Idaho and obtain apprentice registrations from the Division for the purpose of working on particular jobs and leaving the state upon completion of such. Such out-of-state individuals have evidenced no intent of attending school or working the established number of hours as required of all apprentice registrants, nor ultimately testing for an Idaho journeyman license. And recent changes to apprentice registration requirements no longer require such apprentices to show proof of enrollment in a course of instruction. This registration practice circumvents the Idaho licensing requirements because those individuals in effect perform as journeymen on the jobs until they are completed. This rule would require anyone who has previously been licensed in any jurisdiction as a journeyman or master plumber to disclose such licensure history to the Division upon application. It also prevents any such individual so previously licensed from obtaining an apprentice registration.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: 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 resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rulemaking and the need to require disclosure of previous licensure history in other jurisdictions.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact 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 26, 2011.

DATED this 29th day of August, 2011.

Steve Keys
Deputy Administrator - Operations
Division of Building Safety

1090 E. Watertower St., Ste. 150
P. O. Box 83720, Meridian, ID 83542
Phone: (208) 332-8986; Fax: (877) 810-2840

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0205-1102

004. -- ~~0109.~~ (RESERVED)

010. LICENSURE HISTORY.

An applicant for any plumbing registration or certificate of competency who has been previously licensed as a journeyman or master plumber in any recognized jurisdiction is required upon application to the Division of Building Safety to disclose such licensure history and provide sufficient proof thereof. An applicant for any plumbing registration or certificate of competency who has been previously licensed as a journeyman or master plumber in any recognized jurisdiction shall not be issued a plumbing apprentice registration. ()

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.05 - RULES GOVERNING PLUMBING SAFETY LICENSING

DOCKET NO. 07-0205-1103

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(1), 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 19, 2011.

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 economic conditions have made it difficult for many apprentices to achieve the required 8,000 hours of work experience as quickly as was previously possible in order to take the plumbing journeyman examination. Industry participants have reported to the Board that upon completion of schooling, apprentices now often have to wait considerable time (sometimes years) before they may test for their journeyman license. This results in a potentially large gap of time between their completion of schooling and the exam date which reduces the likelihood of passing the exam and requires additional time and expense in the form of continuation instruction. The industry has urged the Plumbing Board to allow for examination immediately upon completion of schooling. This rule change would allow an apprentice to take the written portion of the journeyman exam upon completion of a four (4) year board approved course of instruction regardless of the amount of hours of work experience the apprentice may have accrued to that point. However, no journeyman license would be issued to the apprentice, despite successful completion of the written exam, until the apprentice actually achieves 8,000 hours of work experience, and then successfully completes the practical portion of the journeyman examination.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: 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 resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rulemaking and the benefit to plumbing apprentices and/or applicants for journeyman plumbing certificates of competency.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact 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 26, 2011.

DATED this 29th day of August, 2011.

Steve Keys
Deputy Administrator - Operations
Division of Building Safety

1090 E. Watertower St., Ste. 150
P. O. Box 83720, Meridian, ID 83542
Phone: (208) 332-8986; Fax: (877) 810-2840

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0205-1103

011. APPRENTICE REGISTRATION.

A person wishing to become a plumbing apprentice shall register with the Division of Building Safety prior to going to work. All apprentices shall pay the registration fee as prescribed by Section 54-2614, Idaho Code. 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 as prescribed by Section 54-2614, Idaho Code.~~ No examination is required for such registration. In order to maintain registration, the apprentice shall renew his registration in accordance with Sections 54-2614 and 54-2614A, Idaho Code. ()

01. Work Requirements. An individual plumbing apprentice must be working at the trade under the constant on-the-job supervision of a journeyman and in the employ of a contractor. ~~Any apprentice who desires to sit for the journeyman exam must complete an Idaho Plumbing Board approved related 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 in order to be eligible for a journeyman certificate of competency. ()

02. Schooling Requirements. A plumbing apprentice must complete an Idaho Plumbing Board approved related course of instruction for four (4) years in order to be eligible for a journeyman certificate of competency. Unless prior approval has been granted by the ~~Plumbing Bureau~~ Division of Building Safety, 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~~ attained in these courses. Upon completion of apprenticeship ~~training~~ schooling, 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 in accordance with Sections 54-2614 and 54-2614A, Idaho Code.~~ (3-29-10)()

03. Journeyman Examination. ()

a. Any plumbing apprentice who desires to take the written portion of the journeyman examination must complete an Idaho Plumbing Board approved related course of instruction for four (4) years as described in Paragraph 011.03.b. of these rules prior to the date of the exam and provide a certificate of completion with the application for examination. There is no minimum work requirement in order to be eligible to take the written portion of the plumbing journeyman examination. ()

b. Successful completion of the journeyman written examination does not eliminate the requirement to complete four (4) years of work experience, defined as eight thousand (8,000) hours, under the constant on-the-job supervision of a journeyman plumber or the practical portion of the examination in order to be issued a journeyman license. Successful completion of the written plumbing journeyman examination notwithstanding, no journeyman license shall be issued until an apprentice successfully completes the practical portion for the examination and furnishes to the Division proof of satisfaction of the work requirements contained in Paragraph 011.03.a. of these rules. Satisfaction of the work requirements contained in Paragraph 011.03.a. of these rules is required before any individual is eligible to take the practical portion of the journeyman examination. ()

012. JOURNEYMAN.

01. Qualifications for Journeyman Plumber. An applicant for a journeyman plumber's ~~license~~ certificate of competency 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 plumbing installations as determined by the Division 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 portion of the exam may be performed on a job in-progress or in a laboratory setting and shall consist of work performed in either a residential or commercial application. The practical portion of the exam must pass with no violations. (4-7-11)

(BREAK IN CONTINUITY OF SECTIONS)

015. EXAMINATIONS.

01. Examinations for Journeyman Plumber. Written examinations for any journeyman plumber's license shall be formulated and approved by the Idaho Plumbing Board. Examination questions shall be based on the practical application of the Uniform Plumbing Code. No ~~license certificate of competency~~ shall be issued unless the applicant receives a final grade of seventy-five percent (75%) or higher on the written examination and passes the practical portion with no violations, as well as completes the work requirements described in Paragraph 011.03.a. of these rules. An applicant receiving a grade of less than seventy-five percent (75%) may apply for reexamination upon payment of the examination fee. An applicant has six (6) months to achieve a passing score. If an applicant does not achieve a passing score in six (6) months, the applicant must enroll in year four (4) in a, Idaho Plumbing Board-approved related training course, complete year four (4), be registered with the ~~Plumbing Bureau~~ **Division** as an apprentice, and maintain registration as per Section 011 of these rules before the applicant will be eligible to apply for examination. A completion certificate for year four (4) and the proper application fee must accompany a new application for a journeyman examination. ~~(3-15-02)~~()

02. Frequency of Conducting of Examinations. Examinations for all classifications under the Plumbing Laws and rules will be given a minimum of four (4) times each year in three (3) locations: One (1) to be in northern Idaho, one (1) to be in central Idaho, and one (1) to be in southern Idaho. (8-25-88)

03. Professional Testing Services. In lieu of the administration by the Idaho Plumbing Board of the examination for licenses pursuant to this rule, the Idaho Plumbing Board may contract with a professional testing service to administer the examination, and require license applicants to pay to the testing service the fee that they have set for the examination and to take such examination at the time set by such service. If the examination is conducted in this fashion, the Idaho Plumbing Board may charge and retain the application fee provided for by Section 54-2616, Idaho Code, to cover the cost of reviewing the applicant's application. (8-25-88)

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~~ Division of Building Safety. Proof of completion of the following continuing education requirements must be submitted to the ~~Plumbing Bureau~~ Division prior to, or with the application for, licensure renewal by any licensee in order to renew a journeyman or contractors plumbing license. (3-29-10)Q

i. Journeymen must complete eight (8) hours of continuing education for every three-year 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. (3-29-10)

ii. Contractors must complete sixteen (16) hours of continuing education for every three-year license cycle. Hours accrued obtaining journeyman education may be applied toward this requirement whenever applicable. (3-29-10)

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)

017. SPECIALTY PLUMBING LICENSES.

The purpose of this section is to set out the special types of plumbing installations for which a specialty license is required; to set out the minimum experience requirements for such licenses; and to describe the procedure for securing such licenses. (8-25-88)

01. Qualified Journeyman Plumbers. Qualified journeyman plumbers as defined in Section 54-2611(b), Idaho Code, shall be permitted to make installations as subsequently described herein without securing an additional license for said installation. (11-14-85)

02. Minimum Experience Requirements. (8-3-83)

a. Experience gained by an individual while engaged in the practice of mobile home hook-ups shall not be considered towards the satisfaction of the minimum experience requirements for licensing as a journeyman plumber. (8-3-83)

b. All installers shall be licensed and be in the employ of a licensed plumbing contractor or specialty contractor limited to this category. (8-3-83)

03. Mobile Home Set-Up or Installers. (8-25-88)

a. Any person qualifying for and having in his possession a current license in this category may make the proper connections of sewer and water to existing facilities on site. All material and workmanship shall comply with the requirements of the Uniform Plumbing Code. (8-3-83)

b. All installers shall be licensed and be in the employ of a licensed plumbing contractor or specialty contractor limited to this category. This specialty license does not permit any extension, alteration, or addition to the plumbing system within the mobile home or the installation of any underground plumbing outside the mobile home. (8-3-83)

04. Applications for Specialty Licenses. Applications for the above specialty licenses may be obtained from the ~~Plumbing Bureau, Idaho~~ Division of Building Safety. The forms shall be returned with the examination fee provided by Section 54-2614, Idaho Code, with proof of the required two (2) years experience in the field of this specialty. (~~8-25-88~~) ()

05. Examinations for Specialty Licenses. Written examinations for specialty plumbing licenses shall be formulated from the practical application of the sections of the Uniform Plumbing Code as adopted by the Idaho Plumbing Board under Section 54-2601, Idaho Code. (11-14-85)

06. Fees. Fees for certificates shall be required in accordance with Section 54-2616, Idaho Code. (11-14-85)

018. APPLIANCE PLUMBING SPECIALTY LICENSE.

The purpose of this section is to set out the special types of plumbing installations for which an appliance plumbing specialty license is required; to set out the minimum experience requirements for such licenses; and to describe the procedure for securing such licenses. (7-1-99)

01. Qualified Journeyman Plumbers. Qualified journeyman plumbers as defined in Section 54-2611(b), Idaho Code, shall be permitted to make installations as subsequently described herein without securing an additional license for said installation. (7-1-99)

02. Qualified Apprentice Plumbers. Qualified apprentice plumbers as defined in Section 54-2611(c), Idaho Code, shall be permitted to make installations as subsequently described herein without securing an additional license for said installation. (7-1-99)

03. Minimum Experience Requirements. (7-1-99)

a. Experience gained by an individual while engaged in the practice of appliance plumbing specialty shall not be considered towards the satisfaction of the minimum experience requirements for licensing as a journeyman plumber. (7-1-99)

b. All qualified appliance plumbing specialty journeymen shall be licensed and be in the employ of a licensed plumbing contractor or specialty contractor limited to this category. (7-1-99)

c. Appliance plumbing specialty contractors must have a two thousand dollar (\$2,000) surety bond, thirty (30) months minimum journeyman experience, and successful completion of appliance plumbing specialty contractor's test. (7-1-99)

d. Appliance plumbing specialty journeymen must have eighteen (18) months apprentice on-the-job experience, satisfactory completion of seventy-two (72) hours of Idaho Plumbing Board-approved, related training classes and successful completion of the appliance plumbing specialty journeyman's test. (7-1-99)

e. Appliance plumbing specialty apprentices must be employed by a licensed contractor, under the supervision of a journeyman, be enrolled in or have completed Idaho Plumbing Board-approved related training classes and maintain state registration. (7-1-99)

04. Special Grandfathering Provision. (7-1-99)

a. Contractor: In lieu of the thirty (30) months minimum journeyman experience requirement, an individual may use five (5) years experience of owning and operating a business where this specialty applies AND satisfactory completion of seventy-two (72) hours of Idaho Plumbing Board-approved related training classes. For

this purpose, a business is defined as an activity in which tax returns were required to be and have been filed for at least five (5) years. (7-1-99)

b. Journeyman: In lieu of the eighteen (18) months apprentice on-the-job experience requirement, an individual may use five (5) years experience working for a business where this specialty applies. For this purpose, working for a business is defined as being issued a W-2 earning form from a related business or businesses for at least five (5) years. (7-1-99)

05. Applications for Specialty Licenses. Applications for the above specialty licenses may be obtained from the ~~Plumbing Bureau~~, Division of Building Safety. The forms shall be returned with the examination fee provided by Section 54-2614, Idaho Code, with proof of the required experience in the field of this specialty. (7-1-99)()

06. Examinations for Specialty Licenses. Written examinations for specialty plumbing licenses shall be formulated from the practical application of the sections of the Uniform Plumbing Code as adopted by the Idaho Plumbing Board under Section 54-2601, Idaho Code. (7-1-99)

07. Fees. Fees for certificates shall be required in accordance with Section 54-2616, Idaho Code. (7-1-99)

08. Scope of Work Permitted. Permitted to disconnect, cap, remove, and reinstall within sixty (60) inches of original location: water heating appliance, water treating or filtering devices; air or space temperature modifying equipment which involves potable water; humidifier; temperature and pressure relief valves; condensate drains and indirect drains in one (1)-family and two (2)-family residences only. Does not include installation, testing, or certifying of backflow prevention devices. Does NOT include any modification to the drain, waste or vent systems. Must comply with all Idaho plumbing laws and rules and the requirements of the Uniform Plumbing Code. (7-1-99)

019. WATER PUMP PLUMBING SPECIALTY LICENSE.

The purpose of this section is to set out the special types of plumbing installations for which a water pump plumbing specialty license is required; to set out the minimum experience requirements for such licenses; and to describe the procedure for securing such licenses. (7-1-99)

01. Qualified Journeyman Plumbers. Qualified journeyman plumbers as defined in Section 54-2611(b), Idaho Code, shall be permitted to make installations as subsequently described herein without securing an additional license for said installation. (7-1-99)

02. Qualified Apprentice Plumbers. Qualified apprentice plumbers as defined in Section 54-2611(c), Idaho Code, shall be permitted to make installations as subsequently described herein without securing an additional license for said installation. (7-1-99)

03. Minimum Experience Requirements. (7-1-99)

a. Experience gained by an individual while engaged in the practice of water pump plumbing specialty shall not be considered towards the satisfaction of the minimum experience requirements for licensing as a journeyman plumber. (7-1-99)

b. All qualified water pump plumbing specialty journeymen shall be licensed and be in the employ of a licensed plumbing contractor or specialty contractor limited to this category. (7-1-99)

c. Water pump plumbing specialty contractors must have a two thousand dollars (\$2,000) surety bond, thirty (30) months minimum journeyman experience, and successful completion of water pump plumbing specialty contractor's test. (7-1-99)

d. Water pump specialty journeymen must have eighteen (18) months apprentice on-the-job experience, satisfactory completion of twelve (12) hours of Idaho Plumbing Board-approved, related training classes and successful completion of the water pump plumbing specialty journeyman's test. (7-1-99)

e. Water pump plumbing specialty apprentices must be employed by a licensed contractor, under the supervision of a journeyman, be enrolled in or have completed Idaho Plumbing Board-approved related training classes and maintain state registration. (7-1-99)

04. Special Grandfathering Provision. (7-1-99)

a. Contractor: In lieu of the thirty (30) month minimum journeyman experience requirement, an individual may use three (3) years experience of owning and operating a business where this specialty applies and satisfactory completion of twenty-four (24) hours of Idaho Plumbing Board-approved related training classes. For this purpose, a business is defined as an activity in which tax returns were required to be and have been filed for at least three (3) years. (7-1-99)

b. Journeyman: In lieu of the eighteen (18) months apprentice on-the-job experience requirement, an individual may use three (3) years experience working for a business where this specialty applies. For this purpose, working for a business is defined as being issued a W-2 earning form from a related business or businesses for at least three (3) years. (7-1-99)

05. Applications for Specialty Licenses. Applications for the above specialty licenses may be obtained from the ~~Plumbing Bureau~~, Division of Building Safety. The forms shall be returned with the examination fee provided by Section 54-2614, Idaho Code, with proof of the required experience in the field of this specialty. (7-1-99)()

06. Examinations for Specialty Licenses. Written examinations for specialty plumbing licenses shall be formulated from the practical application of the sections of the Uniform Plumbing Code as adopted by the Idaho Plumbing Board under Section 54-2601, Idaho Code. (7-1-99)

07. Fees. Fees for certificates shall be required in accordance with Section 54-2616, Idaho Code. (7-1-99)

08. Scope of Work Permitted. Permitted to install and connect water service piping from pump to storage expansion pressure tank in one (1) and two (2) family residences only. Does not include installation, testing or certifying of backflow prevention devices. Must comply with all Idaho plumbing laws and rules and the requirements of the Uniform Plumbing Code. (7-1-99)

IDAPA 07 - DIVISION OF BUILDING SAFETY

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

DOCKET NO. 07-0402-1101

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 19, 2011.

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

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

This rule will adopt the 2010 edition of A17.1 allowing installation of elevators to the current code, including utilization of the latest manufacturing practices, technologies, and systems. Adoption of the elevator suspension standard A17.6 is necessary because this information was previously located in A17.1 but now has its own independent standard. A17.7 provides for alternative systems to be evaluated per this standard with equivalent "performance based safety guidelines." Previously, it has been the responsibility of DBS to evaluate these alternative systems or methods for installation approval in Idaho. Without the benefit of an engineering department or testing laboratory, it is an extremely difficult decision. This standard provides a basis for approved organizations (such as UL) to evaluate the system and provides documentation of their results to the authority having jurisdiction. The proposed rule would adopt the most recent (2010) edition of the Safety Code for Elevators and Escalators with several amendments thereto. It would also adopt several other more specific installation standards in the form of the Standard for Elevator Suspension and Governor Systems Performance-based Safety Code for Elevators and Escalators. The rule would also require an accredited Elevator/Escalator certification organization (AECO) approval in accordance with ANSI standard A17.7 in any request for alternate technology or construction from the Division.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: 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 resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rulemaking and the need to adopt the most recent safety code and installation standards.

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

The incorporated materials consist of the latest editions of the respective codes which will allow elevators and escalators to be installed utilizing the safest and most current manufacturing practices and products, technologies, and systems. Additionally, the incorporated materials contain one code previously located as a section within the larger elevator code that has been newly created as its own independent standard, and another provides flexibility to the industry by allowing for alternate systems to be installed and evaluated based on performance.

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 26, 2011.

DATED this 29th day of August, 2011.

Steve Keys
Deputy Administrator - Operations
Division of Building Safety

1090 E. Watertower St., Ste. 150
P. O. Box 83720, Meridian, ID 83542
Phone: (208) 332-8986; Fax: (877) 810-2840

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0402-1101

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 ~~2007~~10, Safety Code for Elevators and Escalators with ~~2008 Addenda with~~ the following exceptions: ~~(3-29-10)~~()

i. Compliance with section 2.8.3.3.2 shall require that the means for disconnecting the main power as required by this section to be within sight of controller. (3-29-10)

ii. Compliance with section ~~8.11.2.3.3, Category 5 Periodic Testing of oil buffers~~ 8.11.2.1.5(c) Car and Counterweight Buffer testing shall be conducted at slow speed in accordance with Item 5.9.2.1(a) in ANSI/ASME A17.2 2007. ~~(3-29-10)~~()

iii. Compliance with Section 2.2.2.5, which requires a sump pump or drain in the elevator pit, shall be optional. If a sump pump or drain is installed, it shall meet the requirements of this section. A sump with a cover shall be provided in each elevator pit. ()

b. ANSI/ASME A17.2 2007 Guide for Inspection of Elevators, Escalators, and Moving Walks. (3-29-10)

c. ANSI/ASME A17.3 2008 Safety Code for Existing Elevators and Escalators. (3-29-10)

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. ANSI/ASME A17.6 2010 Standard for Elevator Suspension, and Governor Systems. ()

g. ANSI/ASME A17.7 2007 Performance-based Safety Code for Elevators and Escalators. ()

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

i. ANSI/ASME A18.1 2008 Safety Standards for Platform Lifts and Chairlifts. (3-29-10)

h.j. ASME QE-1 ~~2007~~10 Standard for the Qualification of Elevator Inspectors. ~~(3-29-10)~~()

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., Suite 150,

Meridian, Idaho 83642-~~and~~ 1250 Ironwood Dr., ~~Suite-~~ 220, Coeur d'Alene, Idaho 83814; and 2055 Garrett Way, Suite 7, Pocatello, Idaho 83201. ~~(4-2-08)()~~

005. DIVISION OFFICE INFORMATION.

- 01. Office Hours.** The office is open from 8 a.m. until 5 p.m. daily, except Saturday, Sunday, and legal holidays. (4-6-05)
- 02. Street Address.** The office is located at 1090 E. Watertower Street, Suite 150, Meridian, Idaho. ~~(4-6-05)()~~
- 03. Mailing Address.** The office mailing address is Division of Building Safety, 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. ~~(4-6-05)()~~
- 04. Telephone Number.** The office telephone number is ~~(208) 334-3950~~ (800) 955-3044. ~~(4-6-05)()~~
- 05. Facsimile Number.** The office facsimile number is ~~(208) 855-9494~~ (877) 810-2840. ~~(4-6-05)()~~
- 06. Internet Address.** The Division's Internet website at <http://dbs.idaho.gov/>. (4-6-05)

(BREAK IN CONTINUITY OF SECTIONS)

012. APPROVAL OF NEW OR ALTERNATIVE TECHNOLOGY.

- 01. Administrator Approval Required.** If, due to construction or technological impediments, an elevator or conveyance cannot comply with applicable code requirements, approval of new or alternative construction or technology may be requested from the administrator. (4-6-05)
- 02. Approval Required Prior to Construction.** Approval of new or alternative technology must be obtained from the administrator before construction is commenced. (4-6-05)
- 03. Submission Deadline.** Details of the proposed construction or technology, including design, material specifications and calculations, and such other information as may be requested, shall be submitted to the administrator at least thirty (30) days in advance of the anticipated construction start date. (4-6-05)
- a.** The manufacturer of the new product or system shall provide the administrator with an Accredited Elevator/Escalator Certification Organization (AECO) approval and certification in accordance with ANSI/ASME A17.7 Performance-based Safety Code for Elevators and Escalators or engineering and test data demonstrating that the proposed technology is safe for the intended purpose. ~~(4-6-05)()~~
- b.** The owner of the new product or system shall provide the administrator with a document in which the owner acknowledges that the proposed technology is not governed by the applicable safety code and assures the administrator that, at such time as the code is revised to include the product or system, the owner shall modify the product or system to bring it into compliance. The owner shall assure the administrator that if the product or system cannot be modified or altered to bring it into compliance with the applicable code it will be removed and replaced with code-compliant equipment. (4-6-05)
- c.** The manufacturer of the new product or system shall provide Division personnel with training about the proposed technology and any related products or systems at no cost to the Division. (4-6-05)
- 04. Engineer Approval.** The information provided in compliance with the foregoing requirements shall be approved by an Accredited Elevator/Escalator Certification Organization (AECO) or a registered professional engineer experienced in elevator or conveyance design prior to submission to the administrator. ~~(4-6-05)()~~

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.05.01 - RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

DOCKET NO. 07-0501-1101 (FEE RULE)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1907, 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 19, 2011.

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:

Applicants for public works contractor licenses often request an extension of time from the Division to submit an application for renewal of their license. Existing administrative rule already provides for the procedures for such a request; however the current procedure locks the applicant into an annual recurring request usually coinciding with the fiscal year and lag in receiving the accountant's report. By initiating a separate fee and moving the renewal date of the license it is hoped that the bulk of the annual recurring requests will be eliminated. Applicants also often request that their application for licensure be expedited, and the Division facilitates such requests when resources are available. By instituting a separate surcharge for this service, DBS assures that all license applicants are treated fairly, and that no applicant's application is negatively impacted by moving another applicant's application ahead. The extra fee will allow the Division to pay existing staff on an overtime basis to handle requests for expediting. The proposed rule would provide for an additional fee for those public works contractor license applicants who make request to the Division for an extension of time in which to submit an application, as well as a provision to expedite a public works contractor license application along with a commensurate fee for providing such service.

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

The proposed rule establishes a fee for a petition filed for an extension of time in which to renew a license in the amount of the prorated portion of the annual license fee for the class of license applied for, with a minimum fee of at least fifty dollars (\$50). The proposed rule also establishes a fee for a request to the Division to expedite its review and determination of a license application in the amount of one hundred dollars (\$100).

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:

Negligible impact to the Public Works Contractor Licensing Board fund, as the total licensing receipts will be unchanged except for those limited cases where an applicant needs to expedite the licensing process. Anticipated increase in revenue due to expediting fees is five thousand dollars (\$5,000).

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the proposed rule changes.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact 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 26, 2011.

DATED this 29th day of August, 2011.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83542
Phone: (208) 332-8986
Fax: (877) 810-2840

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 07-0501-1101

105. LICENSE RENEWAL -- FILING DEADLINES; PETITIONS FOR EXTENSION OF TIME TO FILE; LAPSED LICENSES.

01. Filing Deadline. Applications for renewal of a license shall be filed by the last working day of the month in which the license expires. (3-20-04)

02. Extension of Time. A petition for an extension of time in which to renew shall be filed by the last working day of the month in which the license expires. The petition shall be accompanied by ~~the required a fees in~~ the amount of the prorated portion of the annual license fee for the class of license applied for, with a minimum fee of at least fifty dollars (\$50). The fee for this service is required in addition to the licensing and renewal fees provided for in Section 201 of these rules and shall be paid to the Division at the time of application for licensure. Petitions not accompanied by the required fees or filed after the license has expired will not be honored. ~~(3-20-04)~~()

- i. The petition shall specify the number of days for which the extension is being requested. (3-20-04)
- ii. Under no circumstances shall an extension exceed sixty (60) days. Petitions for more than sixty (60) days will not be honored. (3-20-04)

03. Approval of Petition. Approval of a petition for an extension of time shall authorize operation as a contractor until actual issuance of such renewal license for the ensuing licensing period, provided the application for renewal is filed with the Board within the extended time specified. (3-19-99)

04. Failure to File. If the licensee fails to file a timely application for renewal or petition for extension, the license shall lapse and expire on the last day of the license period. Licenses not renewed in a timely manner shall be considered delinquent for a period of one (1) year from the last day of the license period and may be renewed at any time during that year. Licenses delinquent for more than a period of one (1) year must be reinstated and the applicant for reinstatement must apply as if for a new license. (3-20-04)

05. Expedited Licensure. Upon an applicant's request and payment of a fee of one hundred dollars (\$100), the Division shall expedite its review and determination of a license application. The fee for this service is required in addition to the licensing and renewal fees provided for in Section 201 of these rules and shall be paid to the Division at the time of application for licensure. ()

IDAPA 07 - DIVISION OF BUILDING SAFETY

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

DOCKET NO. 07-0701-1101

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-5005(2), 54-5007 and 54-5019, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2011.

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:

HVAC contractors and specialty contractors are required to secure a compliance bond as a condition of obtaining an HVAC contractor and specialty contractor license from DBS. The compliance bond may be utilized by the Division for the protection of the public to ensure that HVAC installations the contractor may make are done so in compliance with the adopted HVAC codes. The bond is required to be active for the entire duration of the licensing period (3 years). DBS has learned that often a bond is purchased by a contractor only for the purpose of obtaining the license from the Division and is not effective for the full licensure period. DBS is also required to provide a notice in the form of an inspection tag on each HVAC installation that is unacceptable as not installed to code, and that corrections are required. The proposed rule would clarify that HVAC contractors and specialty contractors must obtain a compliance bond in lieu of a performance bond, and that the bond must be effective for the entire duration of the licensing period. The rulemaking would also eliminate the need to have different colored inspection tags and clarify that unacceptable HVAC installations will receive a Notice of Correction tag.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: 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 resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rulemaking in clarifying the requirements for compliance bonds and notification of required corrections to HVAC installations.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact 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 26, 2011.

DATED this 29th day of August 2011.

Steve Keys
Deputy Administrator - Operations
Division of Building Safety

1090 E. Watertower St., Ste. 150
P. O. Box 83720, Meridian, ID 83542
Phone: (208) 332-8986; Fax: (877) 810-2840

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0701-1101

021. HVAC CONTRACTOR CERTIFICATE OF COMPETENCY - REQUIREMENTS.

01. Bond. Applicants shall provide a *performance compliance* bond in the amount of two thousand dollars (\$2,000). *Any such bond is required to be effective for the duration of the contractor licensing period.* (3-16-04)()

02. Qualification. Applicants shall provide proof, satisfactory to the board, of having legally acted as an HVAC journeyman for a period of not less than twenty-four (24) months. (3-16-04)

03. Examination. Applicants for certification as HVAC contractors must successfully complete the examination designated by the board. (3-16-04)

022. HVAC SPECIALTY CONTRACTOR CERTIFICATE OF COMPETENCY - REQUIREMENTS.

01. Bond. Applicants shall provide a *performance compliance* bond in the amount of two thousand dollars (\$2,000). *Any such bond is required to be effective for the duration of the contractor licensing period.* (3-16-04)()

02. Qualification. Applicants shall provide proof, satisfactory to the board, of having legally acted as an HVAC specialty journeyman for a period of not less than twenty four (24) months. (3-16-04)

03. Examination. Applicants for certification as HVAC specialty contractors must successfully complete the examination designated by the board. (3-16-04)

(BREAK IN CONTINUITY OF SECTIONS)

060. REQUIRED INSPECTIONS.

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

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

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

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

02. Inspection Tags. Inspectors certify to the permit holder that an inspection has been done by securely attaching the inspection tag in a prominent location. (5-8-09)

a. Final Inspection Tags. An inspection tag indicating that a final inspection has been performed is attached when the HVAC installation as specified on the permit is complete and conforms to the requirements of the code and rules. (5-8-09)

b. Inspection Tags for Unacceptable HVAC Installations. *Red-colored "unacceptable" "Notice of Correction"* inspection tags are attached to indicate that the HVAC installation is not acceptable and that corrections

are required.

~~(3-16-04)~~()

c. Work-in-Progress Tag. An inspection tag indicating that a work-in-progress inspection has been performed is attached following inspection of ground work, rough-in work, or any portion of the installation that is to be covered or otherwise concealed before completion of the entire HVAC installation as specified on the permit.

(5-8-09)

IDAPA 07 - DIVISION OF BUILDING SAFETY

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

DOCKET NO. 07-0701-1102

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 54-5001 and 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 19, 2011.

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 location and protection of the gas regulator, meter, and associated gas piping are the responsibility of the utility company and not within the jurisdiction of the Division of Building Safety. There are no provisions in either the Fuel Gas Code or the Mechanical Code which address the protection of these installations; however, it is addressed in the LP Gas Code Handbook. Additionally, enforcement of these requirements is difficult given the ambiguity of what is considered to be adequate protection of this equipment, as well as the lack of clarity as to where the termination point is of the piping installed inside the structure which connects out to this equipment – the Division's authority terminates at such point. The proposed rule would eliminate the requirements related to the location and protection of the gas piping, regulators, and meters.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: 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 resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rulemaking in eliminating certain requirements related to gas stub outs which are not within the jurisdiction of the Division of Building Safety.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact 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 26, 2011.

DATED this 29th day of August, 2011.

Steve Keys
Deputy Administrator - Operations
Division of Building Safety

1090 E. Watertower St., Ste. 150
P. O. Box 83720, Meridian, ID 83542
Phone: (208) 332-8986; Fax: (877) 810-2840

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0701-1102

005. ADOPTION AND INCORPORATION BY REFERENCE OF THE INTERNATIONAL FUEL GAS CODE, 2009 EDITION.

01. International Fuel Gas Code. The 2009 Edition, including appendixes “A, B, C, and D,” (herein IFGC) is adopted and incorporated by reference with the following amendments: (4-7-11)

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 109. Delete. (7-1-10)

~~**e.** 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. (7-1-10)~~

~~**f.** 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. (7-1-10)~~

~~**g.** 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)~~

~~**h.** 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)~~

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

~~**j.** Section 408.4. Sediment Trap. Delete the last sentence and replace it with the following: Illuminating appliances, ranges, clothes dryers, outdoor grills, decorative vented appliances for installation in vented fireplaces, and gas fireplaces need not be so equipped. (4-7-11)~~

~~**k.** 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. Availability of the International Fuel Gas Code. The 2009 Edition is available at the Division of Building Safety offices located at 1090 E. Watertower St., Meridian, Idaho 83642, 1250 Ironwood Dr., Ste. 220, Coeur d’Alene, Idaho 83814, and 2055 Garrett Way, Ste. 7, Pocatello, Idaho 83201. (4-7-11)