

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 256

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO PLUMBING AND PLUMBERS; AMENDING SECTION 54-2601, IDAHO CODE, TO
2 PROVIDE THAT ALL PLUMBING AND PLUMBING SYSTEMS SHALL BE DESIGNED, CON-
3 STRUCTED, INSTALLED, IMPROVED, EXTENDED AND ALTERED IN SUBSTANTIAL AC-
4 CORD WITH THE IDAHO STATE PLUMBING CODE, TO REVISE PROVISIONS RELATING
5 TO THE DECLARATION OF POLICY AND PURPOSE OF THE ACT, TO PROVIDE FOR NE-
6 GOTIATED RULEMAKING, TO PROVIDE FOR PUBLIC HEARINGS, TO PROVIDE FOR NO-
7 TICE, TO PROVIDE PROVISIONS RELATING TO CITIES ELECTING TO IMPLEMENT A
8 PLUMBING CODE ENFORCEMENT PROGRAM, TO PROVIDE PROVISIONS RELATING TO
9 CITIES AMENDING THE IDAHO STATE PLUMBING CODE AND TO MAKE TECHNICAL COR-
10 RECTIONS; AND AMENDING SECTION 54-2620, IDAHO CODE, TO PROVIDE A COR-
11 RECT REFERENCE.
12

13 Be It Enacted by the Legislature of the State of Idaho:

14 SECTION 1. That Section 54-2601, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 54-2601. DECLARATION OF POLICY AND PURPOSE OF ACT. (1) The purpose of
17 this act is to provide certain minimum standards and requirements for the use
18 of and the design, construction, installation, improvement, extension and
19 alteration of materials, piping, venting, fixtures, appliances and appurten-
20 nances in relation to plumbing and plumbing systems hereinafter defined, and
21 to provide that all plumbing and plumbing systems in the state shall be de-
22 signed, constructed, installed, improved, extended and altered in substan-
23 tial accord with the Uniform Idaho state pPlumbing Ccode published by the
24 Iinternational Aassociation of Pplumbing and Mmechanical Oofficials, and as
25 it shall be amended, revised, compiled and published from time to time and as
26 such amendments or revisions thereto shall be adopted by the Idaho plumbing
27 board, through the negotiated rulemaking process. The board shall conduct a
28 minimum of two (2) public hearings with express written notice of such public
29 hearings not less than thirty (30) days prior to such hearings to the enti-
30 ties as prescribed by the board in rule.

31 (2) Cities electing to implement a plumbing code enforcement program
32 shall do so only in compliance with the provisions of this section. Cities
33 may elect to implement a plumbing enforcement program by passing an ordi-
34 nance or code evidencing the intent to do so. Cities that perform plumbing
35 code enforcement activities shall, by ordinance adopt the Idaho state plumb-
36 ing code together with any amendments thereto made by the board.

37 (3) Cities may further amend the Idaho state plumbing code as adopted
38 and amended by the board to address local concerns provided that such amend-
39 ments prescribe at least an equivalent level of protection to that contained
40 in the Idaho state plumbing code; and further provided however, that no code
41 other than the Idaho state plumbing code may in name or function serve as
42 the minimum standard for plumbing installations in such city. A city shall

1 not adopt any amendment to the Idaho state plumbing code that has not been
 2 adopted, or that has been expressly rejected, or that directly conflicts
 3 with an amendment made by the board; provided however, that after a finding
 4 by the city that good cause exists for such an amendment to such plumbing
 5 code, and that such amendment is reasonably necessary, a city may adopt such
 6 provision by ordinance in accordance with the provisions of chapter 9, title
 7 50, Idaho Code, and provided further that such city shall conduct a public
 8 hearing, and that notice of the time and place of the public hearing shall
 9 be published in the official newspaper or newspaper of general circulation
 10 within the city, and written notice of such public hearing and the text of the
 11 proposed amendment shall be given by the city to the board and the entities
 12 as prescribed by the board in subsection (1) of this section not less than
 13 thirty (30) days prior to such hearing.

14 (4) ~~provided that t~~The remaining provisions of this act shall not ap-
 15 ply, except as hereinafter provided, to cities if such cities ~~have or~~ enact
 16 ordinances or codes prescribing the Idaho state plumbing code and amendments
 17 thereto made in accordance with this section for all plumbing installations
 18 which shall be considered the equal minimum standards and requirements in-
 19 cluding the enforcement thereof as provided by this act.

20 SECTION 2. That Section 54-2620, Idaho Code, be, and the same is hereby
 21 amended to read as follows:

22 54-2620. PERMITS REQUIRED -- EXCEPTIONS. It shall be unlawful for any
 23 person, firm, copartnership, association or corporation to do, or cause or
 24 permit to be done, after the adoption of this act, whether acting as prin-
 25 cipal, agent or employee, any construction, installation, improvement,
 26 extension or alteration of any plumbing system in any building, residence
 27 or structure, or service lines thereto, in the state of Idaho, without first
 28 procuring a permit from the division of building safety authorizing such
 29 work to be done, except:

30 (1) Within the boundaries of incorporated cities, including those spe-
 31 cially chartered, where such work is regulated and enforced by an ordinance
 32 or code equivalent to this chapter;

33 (2) Within such additional area within five (5) miles of the city limits
 34 over which such city has elected to exercise jurisdiction relative to build-
 35 ing drains and building sewers pursuant to section 50-606, Idaho Code, on
 36 buildings, residences and structures being converted from an on-site sewage
 37 disposal system to a sewage disposal system supplied by the city, where such
 38 work is regulated and enforced by an ordinance or code equivalent to this
 39 chapter. Cities shall provide the division of building safety written no-
 40 tice of the area over which such jurisdiction will be exercised. No city
 41 may exercise such jurisdiction within the limits of another city unless both
 42 cities have agreed by ordinance to allow such jurisdiction. For purposes of
 43 this chapter building drain and building sewer will be defined according to
 44 the definition found in the uniform Idaho state plumbing code or as adopted
 45 by the board, pursuant to section 54-2601, Idaho Code.

46 Permits shall be issued only to a person, or to a firm, copartnership,
 47 association or corporation represented by a person holding a valid certifi-
 48 cate of competency, or to a person who does his own work in a family dwelling
 49 as defined in section 54-2602(1)(a), Idaho Code, except that permits shall

1 not be required for plumbing work as defined in section 54-2602(1)(b),
2 (1)(c) and (1)(d), Idaho Code.

3 Provided, a licensed plumber is hereby authorized, after making appli-
4 cation for permit and pending receipt of permit, to proceed and complete
5 improvements or alterations to plumbing systems, when the cost of said im-
6 provement or alteration does not exceed the sum of five hundred dollars
7 (\$500). Inspection of such work shall be the responsibility of the permit
8 holder pending an official inspection, which shall be made within sixty (60)
9 days after notification of inspection.