

Dear Senators PATRICK, Guthrie, Ward-Engelking, and
Representatives BARBIERI, Clow, Smith:

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

IDAPA 07.01.02 - Rules Governing Fees for Electrical Inspections (Fee Rule) - Proposed Rule
(Docket No. 07-0102-1801).

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 09/24/2018. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 10/22/2018.

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 334-4834, or send a written request to the address on the
memorandum attached below.



Eric Milstead
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 - Ryan Bush

DATE: September 5, 2018

SUBJECT: Division of Building Safety

IDAPA 07.01.02 - Rules Governing Fees for Electrical Inspections (Fee Rule) - Proposed Rule (Docket No. 07-0102-1801)

Summary and Stated Reasons for the Rule

The Division of Building Safety submits notice of a proposed fee rule at IDAPA 07.01.02 - Rules Governing Fees for Electrical Inspections. This proposed fee rule updates the terminology and procedures used for electrical permits with those currently being used. The proposed updates are also to align the rule with recent statutory changes. The proposed fee rule also adds a fee of forty-five dollars (\$45) for transferring electrical permits.

Negotiated Rulemaking / Fiscal Impact

The Division states that negotiated rulemaking was conducted and that notice was published in the July edition of the Idaho Administrative Bulletin. There is no fiscal impact associated with this rulemaking.

Statutory Authority

The proposed fee rule appears to be within the statutory authority granted to the Division in Sections 54-1005 and 54-1006, Idaho Code.

cc: Division of Building Safety
Patrick Grace

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules must be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

Statehouse, P.O. Box 83720
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IDAPA 07 – DIVISION OF BUILDING SAFETY
07.01.02 – RULES GOVERNING FEES FOR ELECTRICAL INSPECTIONS
DOCKET NO. 07-0102-1801 (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 54-1005 and 54-1006, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 19, 2018.

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:

Many provisions in IDAPA 07.01.02 have not been updated to account for changes in technology, terminology and procedures used by the Division of Building Safety in issuing electrical permits. Further, recent amendments to Title 54, Chapter 10, Idaho Code, updated terminology and procedures for issuing electrical permits.

This rulemaking updates procedures and terminology for issuing electrical permits in IDAPA 07.01.02. These updates align IDAPA 07.01.02 with technology, terminology and procedures currently used by the Division of Building Safety in issuing electrical permits and with recently passed amendments to Title 54, Chapter 10, Idaho Code. This rulemaking also allows and adds a fee for transferring electrical permits.

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

This rulemaking allows for and adds a fee of forty-five dollars (\$45) for transferring electrical permits. The imposition of this fee is authorized by Section 54-1006, Idaho Code.

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(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the July 4, 2018 Idaho Administrative Bulletin, [Vol. 18-7, pages 32-33](#).

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 Warren Wing, Electrical Program Manager, at (208) 332-7147.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 26, 2018.

Dated this 1st day of August, 2018.

Ron Whitney, Deputy Administrator – Administration
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-7150 / Fax: (877) 810-2840

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0102-1801
(Only Those Sections With Amendments Are Shown.)

IDAPA 07
TITLE 01
CHAPTER 02

07.01.02 – RULES GOVERNING FEES FOR ELECTRICAL PERMITS AND INSPECTIONS

(BREAK IN CONTINUITY OF SECTIONS)

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 07.01.02, “Rules Governing Fees for Electrical Permits and Inspections,” Division of Building Safety. These rules include criteria for the fees to be charged for permits and inspections of electrical systems. ~~(2-26-93)~~()

(BREAK IN CONTINUITY OF SECTIONS)

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into this rule. ()

005. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Division of Building Safety, Electrical Bureau, is in Meridian, Idaho. The office is located at 1090 E. Watertower Street, Meridian, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: Division of Building Safety, Electrical Bureau, 1090 E. Watertower Street, Meridian, Idaho 83642. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. ()

007. DEFINITIONS.

01. Person. Includes an individual, company, firm, partnership, corporation, association, or other organization. ()

0048. -- 010. (RESERVED)

011. FEES FOR ELECTRICAL PERMITS AND INSPECTIONS.

Electrical ~~inspection permit~~ fees are to cover the cost of electrical inspections as provided by Section 54-1005, Idaho Code; any person, ~~partnership, company, firm, association, or corporation~~ making an electrical installation coming under the provisions of Section 54-1001, Idaho Code, shall pay to the ~~Electrical Bureau an inspection~~ Division of Building Safety a permit fee as provided in the following schedule. The type of electrical permit a person may purchase shall be limited to the scope of work for which the person is licensed ~~(1-14-87)~~()

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

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

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

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

| New <u>Residential</u> - <u>Single One-Family Dwellings</u> | |
|--|--|
| Up to 1,500 square feet of living space | - \$130 |
| 1,501 to 2,500 square feet of living space | - \$195 |
| 2,501 to 3,500 square feet of living space | - \$260 |
| 3,501 to 4,500 square feet of living space | - \$325 |
| Over 4,500 square feet of living space | - \$325 plus \$65 for each additional 1,000 square feet or portion thereof |
| New <u>Residential</u> - <u>Two- and Multi-Family Dwellings</u> | |
| Duplex Apartment <u>Two-family dwellings</u> | - \$260 |
| Three (3) or more m <u>Multi-family units dwellings</u> | - \$130 per building plus \$65 per unit |

~~(4-9-09)~~()

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

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

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

04. Domestic Water Pumps* Permit. See Subsection 011.07~~6~~ - Pumps* (Water, Domestic Water, Irrigation, Sewage) -- Each Motor Permit, of these rules. ~~(3-18-99)~~()

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

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

06. Other Installations* (Including Industrial and Commercial) Permit. The inspection permit fees listed in this section shall apply to any and all electrical installations not specifically mentioned elsewhere in this schedule. The electrical cost shall be the cost to the owner of all labor charges and all other costs that are incurred in

order to complete the installation of any and all electrical wiring and equipment installed as part of the electrical system, factory assembled industrial machinery to be operated by electrical energy shall not be included in calculating these fees. ~~(3-26-08)~~()

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

b. Wiring cost over ten thousand dollars (\$10,000) but not exceeding one hundred thousand dollars (\$100,000): two hundred sixty dollars (\$260) plus one percent (1%) of wiring cost in excess of ten thousand dollars (\$10,000). (3-26-08)

c. Wiring cost over one hundred thousand dollars (\$100,000): one thousand one hundred sixty dollars (\$1,160) plus one-half of one percent (.5%) of the portion of wiring costs exceeding one hundred thousand dollars (\$100,000). (3-26-08)

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

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

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

| | | |
|--|---|-------|
| To 25 HP | - | \$65 |
| 26 to 200 HP | - | \$95 |
| Over 200 HP | - | \$130 |
| <u>For P</u> phase inverters and roto phase equipment, use Subsection 011.06, in addition to the pump motor fee. | | |

~~(3-26-08)~~()

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

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

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

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

a. Trips to inspect when the ~~submitter of the~~ permit holder had given notice to the inspector that the work is ready for inspection when it was not, ~~or if~~. (1-14-87)()

b. Trips to inspect when the ~~submitter~~ permit holder has not clearly or correctly given the location of the installation either by directions, ~~or~~ maps, coordinates, or correct address and posting a copy of the permit at the service or other conspicuous location on the property or ~~if~~ the inspector cannot gain access to make the inspection. (1-14-87)()

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

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

d.e. ~~When~~ Trips to conduct a reinspection because corrections have not been made in the prescribed time, unless an extension has been requested and granted. (1-14-87)()

e12. No ~~p~~Permit. —~~f~~Failure to ~~post or send~~ purchase an electrical permit ~~and required fee in the prescribed time will, at the discretion of the Division of Building Safety~~ before work is commenced, may result in the assessment imposition of a double permit fee. (3-18-99)()

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

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

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

16. **Transferring a Permit.** An electrical permit may be transferred to another eligible party if such party provides to the Division of Building Safety written authorization signed and notarized by the original permit holder consenting to the transfer itself and assignment of all the responsibilities and conditions incorporated into the original permit issuance. A permit may be transferred to the owner of the property on which the electrical work is to be performed and for which the permit was issued, or such owner's designated legal agent, in cases where such owner has terminated his legal relationship with the electrical contractor who originally obtained the permit. An administrative fee in the amount of forty-five dollars (\$45) for the transfer of the permit shall be assessed by the Division of Building Safety. ()

17. **Refunds of Permits.** The administrator of the Division of Building Safety may authorize a refund for any permit fee paid on the following bases: ()

a. The administrator may authorize a refund of the entire permit fee paid when no work has been performed related to the installations or electrical work covered by a permit issued by the Division. A lesser amount up to fifty percent (50%) of the permit fee amount may be refunded if work has commenced and the project is less than fifty percent (50%) complete as determined by the Division; and ()

b. The administrator shall not authorize a refund of any permit fee paid except upon written application for such filed by the original permit holder or the property owner's representative not less than one hundred eighty (180) days after the date the permit was issued. ()

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Division of Building Safety

Agency Contact: Warren Wing, Electrical Program Manager **Phone:** 208-332-7147

Date: July 26, 2018

IDAPA, Chapter and Title Number and Chapter Name: IDAPA 07.01.02 – Rules Governing Fees for Electrical Inspections

Fee Rule Status: **Proposed** **Temporary**

Rulemaking Docket Number: 07-0102-1801

STATEMENT OF ECONOMIC IMPACT:

The proposed rule imposes a fee for transferring an electrical permit. This rule will have no fiscal impact on the state general fund. The Division of Building Safety does not expect the fee itself to have any impact on the Electrical Board fund because the fee only covers the administrative costs of processing the transfer of an electrical permit to a new permit holder. The actual rule will have a negligible negative fiscal impact on the Electrical Board fund. The Division currently retains fees for permits that cannot be transferred. Further, a person who cannot receive a transferred permit must instead purchase a whole new permit. Although the rule requires a person transferring a permit to pay a one-time fee of forty-five dollars (\$45), that fee is significantly less expensive than the price of an entirely new electrical permit.