

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 07.01.01 - Rules Governing Electrical Inspection Tags - Proposed Rule (Docket No.  
07-0101-1801);

IDAPA 07.01.08 - Rules Governing Electrical Inspection Tag Appeals - Proposed Rule (Docket  
No. 07-0108-1801);

IDAPA 07.01.11 - Rules Governing Civil Penalties - Proposed Rule (Docket No. 07-0111-1801);

IDAPA 07.10.01 - Rules Governing the Damage Prevention Board, Division of Building Safety -  
Proposed Rule (Docket No. 07-1001-1801).

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 09/28/2018. 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 10/29/2018.

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 334-4854, 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 11, 2018

**SUBJECT:** Division of Building Safety

IDAPA 07.01.01 - Rules Governing Electrical Inspection Tags - Proposed Rule (Docket No. 07-0101-1801)

IDAPA 07.01.08 - Rules Governing Electrical Inspection Tag Appeals - Proposed Rule (Docket No. 07-0108-1801)

IDAPA 07.01.11 - Rules Governing Civil Penalties - Proposed Rule (Docket No. 07-0111-1801)

IDAPA 07.10.01 - Rules Governing the Damage Prevention Board, Division of Building Safety - Proposed Rule (Docket No. 07-1001-1801)

#### **1. 07.01.01 - Rules Governing Electrical Inspection Tags - Proposed Rule (Docket No. 07-0101-1801)**

##### **Summary and Stated Reasons for the Rule**

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.01.01 - Rules Governing Electrical Inspection Tags. The proposed rule updates the procedures and terminology for electrical facility accounts and issuing electrical permits in order to align the procedures and terminology with recent statutory changes and changes in technology.

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

#### **2. 07.01.08 - Rules Governing Electrical Inspection Tag Appeals - Proposed Rule (Docket No. 07-0108-1801)**

##### **Summary and Stated Reasons for the Rule**

Kristin Ford, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.01.08 - Rules Governing Electrical Inspection Tag Appeals. The proposed rule updates the procedures and terminology for electrical inspection tag appeals in order to align the procedures and terminology with recent statutory changes. The proposed rule also updates the mailing address of the Division.

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

### **3. 07.01.11 - Rules Governing Civil Penalties - Proposed Rule (Docket No. 07-0111-1801)**

#### **Summary and Stated Reasons for the Rule**

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.01.11 - Rules Governing Civil Penalties. The proposed rule updates the procedures and terminology for electrical facility accounts and electrical licensing and registration in order to align the procedures and terminology with recent statutory changes.

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

### **4. 07.10.01 - Rules Governing the Damage Prevention Board, Division of Building Safety - Proposed Rule (Docket No. 07-1001-1801)**

#### **Summary and Stated Reasons for the Rule**

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.10.01 - Rules Governing the Damage Prevention Board, Division of Building Safety. The proposed rule defines the term "locator," updates terminology for an underground facility owner, and provides that an owner's agent or a locator who fails to locate or mark underground facilities when responsible to do so shall be subject to a civil penalty.

#### **Negotiated Rulemaking / Fiscal Impact**

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

#### **Statutory Authority**

The proposed rule appears to be within the statutory authority granted to the Division in Section 54-2203, 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.

**IDAPA 07 – DIVISION OF BUILDING SAFETY**  
**07.01.01 – RULES GOVERNING ELECTRICAL INSPECTION TAGS**  
**DOCKET NO. 07-0101-1801**  
**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 07.01.01 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 electrical facility accounts and issuing electrical permits.

This rulemaking updates procedures and terminology for electrical facility accounts and issuing electrical permits in IDAPA 07.01.01. These updates align IDAPA 07.01.01 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.

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

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(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 30-31](#).

**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. 07-0101-1801  
(Only Those Sections With Amendments Are Shown.)

07.01.01 – RULES GOVERNING ELECTRICAL PERMITS AND INSPECTIONS ~~T~~AGS

000. LEGAL AUTHORITY.

The Idaho Electrical Board is authorized under Sections 54-1005, and 54-1006, Idaho Code, to adopt rules concerning the issuance of electrical permits and inspections ~~tags~~ covering electrical installations referred to in Section 54-1001, Idaho Code. (2-26-93)( )

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 07.01.01, “Rules Governing Electrical Permits and Inspections ~~T~~ags,” Division of Building Safety. These rules include criteria for the use of electrical ~~inspection tags~~ permits for electrical installations. (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. **Associated Buildings.** All buildings, structures, and fixtures used for domestic purposes and in connection with the primary or secondary residence, such as garages, sheds, barns, or shops. (2-23-94)

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

008. -- 010. (RESERVED)

011. ELECTRICAL ~~INSPECTION TAGS~~ PERMITS.

Electrical ~~inspection tags~~ permits as authorized by Section 54-1005, Idaho Code, shall each bear a serial number. (4-2-08)

~~012. ELECTRICAL CONTRACTORS' INSPECTION TAGS.~~

~~E~~Permits for electrical ~~contractors' inspection tags~~ installations shall be ~~furnished by~~ available for purchase online or at the Division of Building Safety by those legally authorized to ~~licensed~~ make electrical ~~contractors upon request~~ installations under Title 54, Chapter 10, Idaho Code. The serial numbers of ~~such tags~~ electrical permits shall be registered in the name of the ~~electrical contractor~~ permit holder to whom they are issued and ~~they shall not be~~ are

transferable only as provided in IDAPA 07.01.02, "Rules Governing Fees for Electrical Permits and Inspections," Subsection 011.16. Electrical inspection tags issued to an electrical contractor permits shall be used only for the electrical installations made by said electrical contractor identified in the permit application and for which said electrical contractor permit holder shall assume full responsibility. (4-2-08)(\_\_\_\_)

**01. Completion of Electrical Inspection-Tag Installation.** For each electrical installation made by ~~an electrical contractor~~ a permit holder and coming under the provisions of Section 54-1001, Idaho Code, said contractor permit holder or his authorized representative shall complete request an electrical inspection tag application, ~~issued by from~~ the Division of Building Safety, ~~giving all pertinent information. The name of the electrical contractor shall be stated and the tag shall be signed by the electrical contractor or his authorized agent.~~ (4-2-08)(\_\_\_\_)

**02. Posting Purchase of Electrical Inspection-Tag Permit.** ~~B~~All electrical permits shall be purchased before work is commenced, ~~the electrical contractor or his authorized representative shall place a copy of the electrical inspection tag at the location of the service switch and mail or deliver a copy to the power supplier. An application, together with the proper inspection fee as herein provided, shall be received by the Division of Building Safety within seven (7) calendar days from the time the electrical work is started.~~ Where the total cost of installation is unknown, the minimum inspection permit fee as listed in IDAPA 07.01.02, "Rules Governing Fees ~~F~~for Electrical Permits and Inspections," Subsection 011.06 of the fee schedule shall ~~accompany the tag and arrangements shall be made, in writing, with the Division of Building Safety or its authorized agent for payment of the balance of the fee paid.~~ In all cases, payment of the total inspection permit fee shall be made prior to completion of the installation and a final inspection. (4-2-08)(\_\_\_\_)

a. The Division of Building Safety may refuse to extend credit to any ~~electrical contractor for late payment~~ person with outstanding fines, violations or ~~non-payment of any electrical inspection~~ unpaid permit fees when due. ~~In such instance, the contractor shall return all unused permits to recorded with the Division of Building Safety forthwith. No further permits will be issued to the contractor unless prepaid in cash or cash equivalent. Such contractor Permit holders~~ will not be allowed to purchase further electrical permits unless and until all ~~such unused permits have been returned to the Division of Building Safety, Meridian, and all~~ outstanding fees due have been paid in full. (4-2-08)(\_\_\_\_)

b. ~~Failure to post a copy of the electrical inspection tag at the required location, or failure to submit an application of such tag and the proper inspection fee to the Division of Building Safety within seven (7) calendar days from the time the electrical installation work is commenced will result in the imposition of a double inspection fee.~~ (4-2-08)

~~e-~~ No electrical inspections shall be provided ~~without the Division of Building Safety receiving an application for a tag along with the proper fee~~ prior to the purchase of an electrical permit. (4-2-08)(\_\_\_\_)

**03. Power Supply Company.** Pursuant to Section 54-1005, Idaho Code, a power supply company may connect and energize an electrical installation made by an electrical contractor without delay and before the installation has passed inspection if the contractor submits to the power supply company a copy of an electrical permit purchased by the contractor and the power supply company deems the connection and energization necessary to preserve life or property. The contractor shall request that the Division of Building Safety conduct an inspection on the next business day. (\_\_\_\_)

**0132. ELECTRICAL LICENSING PERMITTING AND INSPECTION REQUIREMENTS FOR PERSONS EXEMPTION FOR HOME OWNERS AND MAINTENANCE ELECTRICIANS; INSPECTION TAG REQUIREMENTS FROM LICENSING.**

~~The licensing provisions of Title 54, Chapter 10, Idaho Code, and IDAPA 07.01.03, "Rules Governing Electrical Licensing," do not apply to the following pursuant to Section 54-1016, Idaho Code:~~ (7-1-98)

**01- Home Owner Installations.** ~~Home owners making installations on their own primary residence, secondary residence, and buildings associated with these residences that are not used for commercial purposes.~~ (4-2-08)

**02- Maintenance Electricians.** ~~Maintenance electricians employed full-time only to service, maintain,~~

~~assemble, or repair EXISTING electrical installations located on their employers' premises. (2-23-94)~~

~~03. **Procedures for Inspection Tags for Exempt Home Owners.** Persons exempt from licensing pursuant to Subsection 013.01 of this rule must still Section 54-1016, Idaho Code, shall secure all electrical inspection tags permits required by Section 54-1005, Idaho Code, before making any electrical installation. No electrical wiring or equipment may be concealed in any manner from access or sight until the work has been inspected and approved for cover by the electrical inspector. A final inspection shall be made upon the completion of all electrical work. The procedure for obtaining inspection tags electrical permits follows: (4-2-08)(\_\_\_\_)~~

~~a01. **Electrical Permit.** Any exempt person shall obtain an application form electrical permit from the Division of Building Safety, either online or at its Meridian main office or at designated locations. The application form shall be properly completed, signed, and forwarded to the Division of Building Safety, 1090 E. Watertower Street, Meridian, Idaho 83642, Pocatello or Coeur d'Alene satellite offices with the proper inspection permit fee as provided for in these rules. (4-2-08)(\_\_\_\_)~~

~~b. Upon receipt of the properly completed application together with the proper inspection fee, the Division of Building Safety shall immediately issue an electrical inspection tag for the electrical installation designated in the application. (4-2-08)~~

~~e. A copy of an electrical inspection tag shall be retained by the Division of Building Safety. A copy of an electrical inspection tag shall be forwarded to the applicant and shall be placed on the location of the service, and a copy of an electrical inspection tag shall be forwarded to the state electrical inspector who will make the electrical inspection as provided by Sections 54-1004 and 54-1005, Idaho Code. (4-2-08)~~

~~d02. **Notice to Power Supplier.** A copy of an electrical inspection tag shall be forwarded or delivered to the power supplier by the Division of Building Safety shall provide notice to the power supplier to connect installations requiring energization once an installation has passed inspection. (4-2-08)(\_\_\_\_)~~

**0143. ELECTRICAL PERMIT AND INSPECTION TAG REQUIREMENTS FOR INDUSTRIAL FACILITY ACCOUNTS.**

~~Companies, firms, associations, or corporations An electrical facility employer licensee, as defined by Section 54-1003A, Idaho Code, who uses licensed or registered employees to make electrical installations coming under the provisions of Section 54-1001, Idaho Code, on the licensee's own premises, must establish an Industrial Account with shall obtain a facility account license and purchase electrical permits from the Division of Building Safety and secure electrical inspection tags by making application to the Division of Building Safety with the proper permit fee as provided in IDAPA 07.01.02, "Rules Governing Fees for Electrical Permits and Inspections, Section 011. Employees performing non-maintenance electrical installations on an Industrial Account must under a facility account shall be licensed electrical journeymen or master electricians or registered electrical apprentices under the constant on-the-job supervision of a licensed journeyman or master electrician as provided by Section 54-1002(2) in Title 54, Chapter 10, Idaho Code. One (1) properly licensed employee journeyman or master electrician shall be designated the supervising journeyman electrician for the Industrial facility Account with the Division of Building Safety. Individuals employed as maintenance electricians may only perform maintenance electrical installations in accordance with Section 54-1016, Idaho Code. (4-2-08)(\_\_\_\_)~~

~~01. **Application Forms.** The application form shall be properly completed, signed by the property owner or agent of the company, firm, association, or corporation, and forwarded to the Division of Building Safety, 1090 E. Watertower Street, Meridian, Idaho 83642, with the proper inspection fee as hereinafter provided. (4-2-08)~~

~~02. **Posting of Electrical Inspection Tag.** Upon receipt of a properly completed application from a property owner, company, firm, association, or corporation for an electrical inspection tag, together with the proper inspection fee, the Division of Building Safety shall immediately issue an electrical inspection tag for the electrical installations designated in the application. A copy of an electrical inspection tag shall be retained by the Division of Building Safety. A copy of an electrical inspection tag shall be forwarded to the applicant and shall be placed at the location of the service switch. A copy of an electrical inspection tag shall be forwarded or delivered to the power supplier, and a copy shall be forwarded to the state electrical inspector who will make the electrical inspection as provided by Sections 54-1004 and 54-1005, Idaho Code. (4-2-08)~~



~~03. **Power Supply Company.** In the event the power supplier deems it necessary to energize an electrical installation without delay to preserve life or property, the power supply company may accept the application properly completed and signed, with the proper inspection fee attached, in lieu of the electrical inspection tag required by Section 54-1004, Idaho Code, provided the power supply company or its authorized agent shall assume the responsibility of forwarding the application and inspection fee to the Division of Building Safety, 1090 E. Watertower Street, Meridian, Idaho 83642. The Division of Building Safety shall, upon request, furnish application forms and self-addressed envelopes to power supply companies operating within the state of Idaho. (4-2-08)~~

**0154. TEMPORARIES INSTALLATIONS CONNECTED PRIOR TO INSPECTION.**

~~Temporaries~~ Only a licensed electrical contractor may have a power supply company connect and energize a temporary service for construction ~~may be energized by power suppliers~~ prior to an inspection being performed. Any contractor energizing a temporary service prior to inspection shall assume full responsibility for the installation of the temporary service. A power supply company may only connect and energize a temporary service upon receipt of a copy of an ~~inspection tag~~ electrical permit purchased from the Division of Building Safety. (4-2-08)(    )

**0165. -- 999. (RESERVED)**

## **IDAPA 07 – DIVISION OF BUILDING SAFETY**

### **07.01.08 – RULES GOVERNING ELECTRICAL INSPECTION TAG APPEALS**

**DOCKET NO. 07-0108-1801**

#### **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 07.01.08 have not been updated to account for changes in technology, terminology and procedures used by the Division of Building Safety in issuing electrical permits and conducting electrical inspections. Further, recent amendments to Title 54, Chapter 10, Idaho Code, updated terminology for conducting electrical inspections and issuing electrical permits.

This rulemaking updates procedures and terminology for and conducting electrical inspection appeals in IDAPA 07.01.08. These updates align IDAPA 07.01.08 with technology, terminology and procedures currently used by the Division of Building Safety in issuing electrical permits and conducting electrical inspections and with recently passed amendments to Title 54, Chapter 10, Idaho Code.

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

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(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 44-45](#).

**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. 07-0108-1801**  
**(Only Those Sections With Amendments Are Shown.)**

**IDAPA 07**  
**TITLE 01**  
**CHAPTER 08**

**07.01.08 – RULES GOVERNING ELECTRICAL INSPECTION ~~TAG~~ APPEALS**

**000. LEGAL AUTHORITY.**

The Idaho Electrical Board is authorized under Sections 54-1005 and 54-1006(5), Idaho Code, to adopt rules concerning the administrative appeals of electrical inspections ~~s tags~~ to the administrator of the Division of Building Safety. (7-1-98)( )

**001. TITLE AND SCOPE.**

These rules shall be cited as IDAPA 07.01.08, “Rules Governing Electrical Inspection ~~Tag~~ Appeals,” Division of Building Safety. The rules contained in this chapter govern the appeal of electrical inspections ~~performed tags issued~~ by the ~~Electrical Bureau~~ Division of Building Safety on electrical installations that do not meet the requirements of state law, the administrative rules promulgated by the Electrical Board, or the National Electrical Code NEPA 70 as adopted by Idaho law. (7-1-98)( )

**002. WRITTEN INTERPRETATIONS.**

This agency has no written interpretations of this chapter. The referenced code ~~may be obtained from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101~~ is available at all Division of Building Safety offices. (7-1-98)( )

**003. EXEMPTION FROM ATTORNEY GENERAL’S ADMINISTRATIVE PROCEDURE RULES FOR CONTESTED CASES.**

Pursuant to Section 67-5206(5), Idaho Code, the procedures contained in Subchapter B, “Contested Cases,” of IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General,” Sections 100 through 799 do not apply to electrical inspections ~~s tag~~ appeals. (7-1-98)( )

**004. REASONS FOR EXEMPTION FROM ATTORNEY GENERAL’S ADMINISTRATIVE PROCEDURE RULES.**

In order to protect consumers from unsafe electrical installations and to prevent unnecessary delays and increased costs in construction projects, the rules of procedure in this chapter are adopted to promote the ~~speedy~~ expedited resolution of contested cases involving electrical inspections ~~s tags~~. (7-1-98)( )

**005. INCORPORATION BY REFERENCE.**

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

**006. 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. ( )

**007. 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. ( )

~~0058~~ -- 010. (RESERVED)

**011. APPEALS.**

In order to determine the suitability of materials and methods of wiring and to provide for interpretations of the provisions of the National Electrical Code NFPA 70, the creation of an electrical appeals board is hereby authorized by the administrator of the Division of Building Safety, to be composed of three (3) members of the Idaho Electrical Board, or an electrical supervisor and two (2) members of the Idaho Electrical Board, as determined and selected by the administrator upon receipt of a written notice of appeal as set forth below. (7-1-98)( )

**01. Notice of Appeal.** A person, firm, or corporation making an electrical installation subject to the provisions of Title 54, Chapter 10, Idaho Code, may appeal, to the administrator, a decision by the Electrical ~~Bureau chief, chief electrical inspector,~~ Program Manager or other electrical inspector, that a particular electrical installation is not in conformance with Idaho Code, these rules, or the National Electrical Code as adopted by Idaho law. An appeal must be lodged by filing a written notice of appeal with the administrator within ten (10) days of the date of issuance of a notice of defects correction issued pursuant to Section 54-1004, Idaho Code. The notice of appeal shall state in particular the reasons why the appellant contends that the notice of defects is incorrect. (7-1-98)( )

**02. Filing Date.** If mailed, the notice of appeal shall be considered filed as of the date of postmark. The mailing address for filing such notice of appeal shall be to the administrator, Division of Building Safety, P.O. Box 83720, Boise 1090 W. Watertower Street, Suite 150, Meridian, Idaho, 83720-0028 83642. (7-1-98)( )

**03. Appeals Board.** The members of the Idaho Electrical Board and other persons appointed by the administrator to act as the appeals board, are authorized to hold hearings at the Division of Building Safety in Boise Meridian, Idaho, to determine the merits of an appeal filed pursuant to this rule. (7-1-98)( )

**04. Function of Appeals Board.** The members of the Idaho Electrical Board, acting as an appeals board, shall not have the authority to grant variances from the National Electrical Code; its sole function as an appeals board shall be to determine whether the materials or method of wiring utilized by the appellant meets the requirements of the National Electrical Code. (11-5-81)

**05. Appeals Hearing Fee.** An appeals hearing fee of one hundred dollars (\$100) shall be charged to an appellant for each appeal brought before the appeals board. The appeals hearing fee shall accompany the notice of appeal. When the appeal is found in favor of the appellant, the appeals hearing fee shall be returned to the appellant. (11-5-81)

**06. Conditions Disqualifying Board Member.** No Idaho Electrical Board member shall sit on an appeals board in which he or his employer, employee, business partner or any person related to him, is the appellant in the matter. or where he has a pecuniary interest in the outcome of the matter to be decided by the appeals board. (7-1-98)

**07. Rules of Evidence.** The rules of evidence for the hearing are governed by the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code. (11-5-81)

**08. Limitations of Appeal.** The filing of an appeal does not stay or discontinue a red tag, disconnect order, or notification to the power company not to connect or energize, in situations where the defect is of a nature so as to be an imminent threat to life or property. (11-5-81)( )

**09. Preliminary Order.** Within five (5) days of the conclusion of the administrative hearing, the appeals board shall issue a preliminary order. The preliminary order will become a final order without further notice unless reviewed by the administrator, or review is requested by any party to the inspection ~~tag~~ appeal, pursuant to the provisions of Section 67-5245, Idaho Code. When a preliminary order is reviewed by the administrator, the administrator will issue a final order pursuant to the requirements of Sections 67-5245 and 67-5246, Idaho Code. (7-1-98)( )

**10. Motions for Reconsideration.** Motions for reconsideration of the appeal board's preliminary order or of the administrator's final order are not allowed. (7-1-98)

## **IDAPA 07 – DIVISION OF BUILDING SAFETY**

### **07.01.11 – RULES GOVERNING CIVIL PENALTIES**

**DOCKET NO. 07-0111-1801**

### **NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1006, 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:

Recent amendments to Title 54, Chapter 10, Idaho Code, updated terminology for electrical facility accounts and electrical licensing and registration.

This rulemaking updates terminology for electrical facility accounts and electrical licensing and registration in IDAPA 07.01.11. These updates align the terminology in IDAPA 07.01.11 with terminology in recently passed amendments to Title 54, Chapter 10, Idaho Code.

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

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(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 46-47](#).

**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. 07-0111-1801**  
**(Only Those Sections With Amendments Are Shown.)**

**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. ( )

**0047. -- 010. (RESERVED)**

**011. CIVIL PENALTIES.**

The following acts shall subject the violator to penalties based on the following schedule. (3-30-01)

**01. Electrical Contractor.** Except as provided by Section 54-1016, Idaho Code, any person who acts, or purports to act as an electrical contractor, as defined by Section 54-1003A, Idaho Code, without a valid Idaho state electrical contractor's license shall be subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-30-01)

**02. Employees.** Any person, who knowingly employs a person who does not hold a valid Idaho state electrical license or registration as required by Section 54-1010, Idaho Code, and IDAPA 07.01.03, "Rules of Electrical Licensing and Registration," to perform electrical installations, shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-30-01)

**03. License or Registration.** Except as provided by Section 54-1016, Idaho Code, any person performing electrical work as a journeyman electrician as defined by Section 54-1003A(2), Idaho Code, ~~specialty electrician~~ limited electrical installer as defined by Section 54-1003A(6), Idaho Code, apprentice electrician as defined by Section 54-1003A(3), Idaho Code, or a ~~specialty~~ limited electrical installer trainee as defined by Section 54-1003A(8), Idaho Code, without a valid license or registration shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (~~3-30-01~~)( )

**04. Journeyman to Apprentice Ratio.** Any electrical contractor or ~~industrial facility~~ account employing electricians in violation of the journeyman to apprentice ratio established by the Idaho Electrical Board shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (~~3-30-01~~)( )

**05. Supervision.** Any contractor failing to provide constant on-the-job supervision to apprentice electricians or trainees by a qualified journeyman electrician or limited electrical installer shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (~~3-30-01~~)( )

**06. Performance Outside Scope of License.** Any ~~specialty~~ limited electrical contractor or ~~specialty~~ limited electrical ~~journeyman~~ installer performing electrical installations, alterations or maintenance outside the scope of the ~~specialty~~ contractor's or installer's limited electrical license shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (~~3-30-01~~)( )

**07. Fees and Permits.** Any person failing to pay applicable fees or properly post an electrical permit shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-30-01)

**08. Corrections.** Any person who fails to make corrections in the time allotted in the notice on any

electrical installation as set forth in Section 54-1004, Idaho Code, shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-30-01)

**09. Failure to Disclose.** Any applicant for an electrical registration, license, or certificate of competency who upon request fails to disclose any required information including, but not limited to, their complete licensure history or the fact that they have been previously licensed as a journeyman or master electrician in any recognized jurisdiction, shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (4-11-15)

**10. Gross Violation.** In the case of continued, repeated or gross violation of Title 54, Chapter 10, Idaho Code, or IDAPA 07.01.03, a license revocation shall be initiated for licensees under this chapter and nonlicensees shall be subject to prosecution by the appropriate jurisdiction under Idaho law. (3-30-01)

**11. Judicial Review.** Any party aggrieved by the final action of the Idaho Electrical Board shall be entitled to a judicial review thereof in accordance with the provisions of Title 67, Chapter 52, Idaho Code. (3-30-01)

## IDAPA 07 – DIVISION OF BUILDING SAFETY

### 07.10.01 – RULES GOVERNING THE DAMAGE PREVENTION BOARD DIVISION OF BUILDING SAFETY

DOCKET NO. 07-1001-1801

#### 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 55-2203 and 55-2211, 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:

The Damage Prevention Board has authority under Idaho Code sections 55-2203 and 55-2211 to hear contested case appeals. The parties requesting these appeals often do not attend the appeal hearings or pay penalties imposed at significant cost to the Board and Division of Building Safety.

Idaho Code section 55-2203 requires the Board to “review complaints alleging violations . . . including, . . . inaccurate location of facilities [and] untimely location of facilities.” However, locators are not subject to civil penalties under IDAPA 07.10.01.

IDAPA 07.10.01.008 refers to underground “utility” owners in several places. However, Title 55, Chapter 22, Idaho Code, only refers to underground “facility” owners.

This rulemaking will require parties requesting appeals to pay an appeal bond of \$200 to appeal. This rulemaking will also change any reference to “underground utility owners” in IDAPA 07.10.01.008 to “underground facility owners.” Finally, this rulemaking will define locators and subject them to civil penalties.

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

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the May 2, 2018 Idaho Administrative Bulletin, [Vol. 18-5, pages 51-52](#).

**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 Ron Whitney, Deputy Administrator - Administration, at (208) 332-7150.

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 3rd 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. 07-1001-1801  
(Only Those Sections With Amendments Are Shown.)**

**003. ADMINISTRATIVE APPEALS.**

**01. Governing Procedural Requirements.** IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General,” Section 100, et seq., shall apply to contested cases, in addition to the provisions of Title 55, Chapter 22, Idaho Code. ~~(3-24-17)~~( )

**02. Appeal Bond.** Upon notice of the imposition of training or a civil penalty, the notified party may contest the imposition of such before the Damage Prevention Board in accordance with Section 018 of these rules. An appeal bond in the amount of two hundred dollars (\$200) shall accompany the request for hearing to contest the matter. In the case of training, the Division of Building Safety shall refund the bond if the contesting party appears at the hearing. In the case of a civil penalty, the Division shall refund any portion of the bond not used to satisfy the penalty imposed by the Board or the entire bond if the contesting party prevails at the hearing. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**007. DEFINITIONS.**

**01. Hand Digging.** Any excavation involving non-mechanized tools or equipment that when used properly will not damage underground facilities. Hand digging includes but is not limited to hand shovel digging, manual post hole digging, vacuum excavation, or soft digging. (3-28-18)

**02. Locator.** A person who identifies and marks the location of an underground facility owned or operated by an underground facility owner. ( )

**023. Soft Digging.** Any excavation using tools or equipment that utilize air or water pressure as the direct means to break up soil or earth for removal by vacuum excavation. (3-28-18)

**008. FUNDING OF BOARD ACTIVITIES.**

Each owner of an underground facility shall pay a fee of ten cents (\$.10) each time such owner receives notice from a one-number notification service as required by Section 55-2205, Idaho Code. The fee assessed upon the underground facility owner shall be collected by the one-number notification service, and shall be payable to the board in accord with the following schedule: (3-24-17)

**01. Fee Assessed.** The fee shall be assessed on an underground facility owner for each notification issued by the one-number notification service to the underground facility owner, with the one-number notification service required to submit a summary of the number of notices issued in a given month to the board no later than fifteen (15) days following the end of the month in which the notices were issued. (3-24-17)

**02. Payment Submission.** The one-number notification service shall submit payment to the board for

all payments received from underground facility owners no later than seventy (70) days following the end of the month in which the notices were issued to the facility owners. In those cases where the payment from the underground ~~utility~~ facility owner is received after the seventy-day (70) period, the one-number service shall include late payments in its next payment to the board. (3-24-17)(    )

**03. Notices Issued.** The one-number notification service shall also submit a detailed list of notices issued, including the facility owner's contact information, for which payment has not been received within the seventy (70) day period following the end of the month in which the notices were issued. Such list shall be updated on a monthly basis to reflect the status of all past-due payments due from underground ~~utility~~ facility owners that have not been received. (3-24-17)(    )

**(BREAK IN CONTINUITY OF SECTIONS)**

**020. CIVIL PENALTIES.**

The Idaho Damage Prevention Board is authorized under Section 55-2203(17), Idaho Code, to establish by administrative rule the fines to be paid for civil penalties issued for violations of Title 55, Chapter 22, Idaho Code. To the extent authorized by Section 55-2211, Idaho Code, the acts described in this section shall subject the violator to a civil penalty of not more than one thousand dollars (\$1,000) for a second offense and a civil penalty of not more than five thousand dollars (\$5,000) for each offense that occurs thereafter within eighteen (18) months from an earlier violation, and where facility damage has occurred. (3-28-18)

**01. Violations of Title 55, Chapter 22, Idaho Code.** The following acts shall subject a person to civil penalties: (3-28-18)

**a. Pre-marking Excavation Site.** Any person who fails to adequately pre-mark onsite the path of proposed excavation as reasonably required under the circumstances in accordance with Section 55-2205(1)(b), Idaho Code, shall be subject to a civil penalty. (3-28-18)

**b. Notice of Excavation.** Any person who fails to provide notice of the scheduled commencement of excavation to any underground facility owner through a one-number notification service, or directly to a facility owner, as applicable within the prescribed time as required by Section 55-2205(1)(c), Idaho Code, shall be subject to a civil penalty. (3-28-18)

**c. One-Number Notification to Facility Owner.** A one-number notification service that fails to provide notice of a scheduled excavation upon notification from an excavator shall be subject to a civil penalty. (3-28-18)

**d. Failure to Locate or Mark.** An underground facility owner, owner's agent, or locator who fails to locate or mark ~~its~~ underground facilities when responsible to do so in accordance with Section 55-2205(2), Idaho Code, or within the prescribed time provided therein, shall be subject to a civil penalty. (3-28-18)(    )

**e. Failure to Wait for Locate or Maintain Markings.** An excavator who commences excavation prior to waiting the time prescribed by Section 55-2205(2), Idaho Code, for all known facilities to be located and marked, or an excavator who fails to maintain the markings of underground facilities previously so marked subsequent to the commencement of excavation in accordance with Section 55-2205(2), Idaho Code, shall be subject to a civil penalty. (3-28-18)

**f. Failure to Cease Excavation or Report Unidentified Facilities.** An excavator who does not cease excavation in the immediate vicinity upon the discovery of underground facilities therein, whether such facilities be active or abandoned, which were not previously identified or located with reasonable accuracy, or does not notify the owner or operator of the facilities, or a one-number notification service in accordance with Section 55-2205(4), Idaho Code, shall be subject to a civil penalty. (3-28-18)

**g. Failure to Identify Facilities in Contract Documents.** Project owners who fail to indicate in bid or contract documents the existence of underground facilities known by the owner to be located within the proposed area of excavation in accordance with Section 55-2207, Idaho Code, shall be subject to a civil penalty. (3-28-18)

**h.** Precautions to Avoid Damage. An excavator who does not engage in any of the activities required by Section 55-2207(2), Idaho Code, or use reasonable care to avoid damage to underground facilities shall be subject to a civil penalty. (3-28-18)

**i.** Reporting of Damage to Facility. An excavator who fails to report to a facility owner and a one-number notification service any contact or damage to an underground facility caused by such excavator in the course of excavation, or fails to alert an appropriate authority upon an actual breach of a facility which causes the release of gas or hazardous liquids as required by Section 55-2208(1), Idaho Code, shall be subject to a civil penalty. (3-28-18)

**j.** Reporting to the Board. An excavator or underground facility owner who observes, suffers or causes damage to an underground facility or excavator downtime related to the failure of one (1) or more stakeholders to comply with the damage prevention regulations and fails to report such information to the board as required by Section 55-2208(5), Idaho Code, shall be subject to a civil penalty. (3-28-18)

**k.** Failure to Participate. Any person who fails to participate or cooperate with a one-number notification service as required by Section 55-2206, Idaho Code, shall be subject to a civil penalty. (3-28-18)

**02. Second Offense.** For the purpose of this section, a second offense shall be deemed to be any violation of Title 55, Chapter 22, Idaho Code, for which a civil penalty may be imposed in accordance with this section which occurs within eighteen (18) months of a previous violation of any provision. (3-28-18)

**03. Multiple Violations.** Each day that a violation of Title 55, Chapter 22, Idaho Code, occurs for which a civil penalty may be imposed as provided herein shall constitute a separate offense. (3-28-18)

**04. Judicial Review.** Any party aggrieved by the final action of the Idaho Damage Prevention Board shall be entitled to a judicial review thereof in accordance with the provisions of Title 67, Chapter 52, Idaho Code. (3-28-18)