

Dear Senators PATRICK, Agenbroad, Ward-Engelking, and  
Representatives DIXON, DeMordaunt, Smith:

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

IDAPA 07.00.00 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking  
(Docket No. 07-0000-1900F).

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 07/16/2019. 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 08/13/2019.

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 Drafting Attorney - Ryan Bush

**DATE:** June 26, 2019

**SUBJECT:** Division of Building Safety

IDAPA 07.00.00 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking (Docket No. 07-0000-1900F)

The Division of Building Safety has submitted temporary and proposed rules that reauthorize and re-publish, in full, the following previously approved chapters under IDAPA 07:

07.01.02, Rules Governing Fees for Electrical Permits and Inspections  
07.01.03, Rules of Electrical Licensing and Registration - General  
07.01.11, Rules Governing Civil Penalties  
07.02.02, Rules Governing Plumbing Permits  
07.02.03, Rules Governing Permit Fee Schedule  
07.02.07, Rules Governing Civil Penalties  
07.03.03, Rules for Modular Buildings  
07.03.11, Rules Governing Manufactured/Mobile Home Industry Licensing  
07.03.12, Rules Governing Manufactured or Mobile Home Installations  
07.04.02, Safety Rules for Elevators, Escalators, and Moving Walks  
07.07.01, Rules Governing Installation of Heating, Ventilation and Air Conditioning Systems  
07.10.01, Rules Governing the Damage Prevention Board

These rules were previously analyzed and reviewed by the Legislative Services Office upon their initial promulgation. **However, changes from the previously approved rules are noted as follows:**

07.03.01, Rules of Building Safety - The Division struck section 029 relating to fees because it was printed in duplicate.  
07.05.01, Rules of the Public Works Contractors License Board - The Division changed the format of section 111 relating to financial requirements and section 201 relating to fees. The format was changed from text to a table with no substantive changes.

Additional changes of a nonsubstantive nature have been made.

The rule changes appear to be within the Division's statutory authority to promulgate rules.

Kristin Ford, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

These are fee rules. No new fees or charges, or changes to existing fees or charges, are noted in this docket.

No other changes from the existing rules have been noted.

cc: Division of Building Safety  
Chris Jensen

**\*\*\* PLEASE NOTE \*\*\***

Per the Idaho Constitution, all administrative rules may 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

DOCKET NO. 07-0000-1900F

## NOTICE OF OMNIBUS RULEMAKING – TEMPORARY AND PROPOSED FEE RULEMAKING

**EFFECTIVE DATE:** The effective date of the temporary rules listed in the descriptive summary of this notice is June 30, 2019.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to the following Sections of Idaho Code:

I.C. § 39-4112	I.C. § 44-2107	I.C. § 54-2607	I.C. § 55-2203
I.C. § 39-4113	I.C. § 54-1005	I.C. § 54-1907	I.C. § 55-2211
I.C. § 39-4303	I.C. § 54-1006	I.C. § 54-4510	I.C. § 67-2601A
I.C. § 39-8605	I.C. § 54-2605	I.C. § 54-5017	
I.C. § 44-2103	I.C. § 54-2606	I.C. § 54-5022	

**PUBLIC HEARING SCHEDULE:** Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This temporary and proposed rulemaking adopts and re-publishes the following existing and previously approved and codified chapters under IDAPA 07, rules of the (Division of Building Safety):

### **IDAPA 07**

- 07.01.02, *Rules Governing Fees for Electrical Permits and Inspections*
- 07.01.03, *Rules of Electrical Licensing and Registration – General*
- 07.01.11, *Rules Governing Civil Penalties*
- 07.02.02, *Rules Governing Plumbing Permits*
- 07.02.03, *Rules Governing Permit Fee Schedule*
- 07.02.07, *Rules Governing Civil Penalties*
- 07.03.01, *Rules of Building Safety*
- 07.03.03, *Rules for Modular Buildings*
- 07.03.11, *Rules Governing Manufactured/Mobile Home Industry Licensing*
- 07.03.12, *Rules Governing Manufactured or Mobile Home Installations*
- 07.04.02, *Safety Rules for Elevators, Escalators, and Moving Walks*
- 07.05.01, *Rules of the Public Works Contractors License Board*
- 07.07.01, *Rules Governing Installation of Heating, Ventilation and Air Conditioning Systems*
- 07.10.01, *Rules Governing the Damage Prevention Board*

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. The Division of Building Safety Rules are necessary to ensure that properly qualified persons continue to practice in the professions over which the Division exercises regulatory authority, and that the installations made in the various trades and professions related thereto, and other applicable construction work is performed safely and in accordance with laws, codes, standards, and processes that protect the safety and welfare of the public.

The fee or charge imposed by the rules is necessary to avoid immediate danger. The fees or charges reauthorized in this rulemaking are currently existing and have been previously promulgated by the agency and reviewed and approved by the Legislature. These fees and charges are part of the dedicated fund portion of the state budget, which makes up a material portion of the FY2020 budget. The FY2020 budget has already been set by the Legislature and passed into law. That budget relies upon the existence of these fees and charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these fee rules would create immediate danger to the state budget, immediate danger to necessary state functions and services, and immediate danger of a violation of Idaho's constitutional requirement that it balance its budget. All Division programs that are covered by this notice operate from statutorily created dedicated funds that provide for the licensing of persons within the respective professions, as well as the inspection of such installations and/or administration of such programs by the Division. All of these operations require the collection of certain fees to ensure compliance with applicable standards and to protect the health and safety of the public.

**FEE SUMMARY:** The preceding section and the attached rules provide a specific description of the fee or charge imposed or increased by this rulemaking. This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously approved and codified in the prior rules. All fees contained in rules covered by this notice relate to licensing and related administrative fees, fees to perform inspections on various types of construction installations, or the assessment of civil penalties for non-compliance with applicable statutes.

**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: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because of the need to adopt the rules as temporary, and because these existing chapters of IDAPA are being re-published and re-authorized. Negotiated rulemaking also is not feasible because of the need to implement these rules before they expire; the rules form the regulatory framework of the laws of this state and have been previously promulgated and reviewed by the legislature pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code; and because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the temporary and proposed rules attached hereto.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Patrick Grace, Regional Manager at (208) 332-7120.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

Dated this 19th day of June, 2019.

Chris Jensen, Administrator  
Division of Building Safety  
1090 E. Watertower Street, Ste. 150  
Meridian, ID 83642  
(208) 332-7100

**IDAPA 07  
TITLE 01  
CHAPTER 02**

**07.01.02 – RULES GOVERNING FEES FOR ELECTRICAL PERMITS AND INSPECTIONS**

**000. LEGAL AUTHORITY.**

The Idaho Electrical Board is authorized under Section 54-1006(5), Idaho Code, to adopt rules concerning the fees to be charged for permits and inspections of electrical systems. (2-26-93)

**001. TITLE AND SCOPE.**

These rules are titled 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. (4-1-19)

**002. WRITTEN INTERPRETATIONS.**

This agency has no written interpretations of this chapter. (2-26-93)

**003. ADMINISTRATIVE APPEALS.**

This chapter does not allow administrative relief of the provisions outlined herein. (2-26-93)

**004. INCORPORATION BY REFERENCE.**

There are no documents that have been incorporated by reference into this rule. (4-1-19)

**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. (4-1-19)

**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. (4-1-19)

**007. DEFINITIONS.**

**01. Person.** Includes an individual, company, firm, partnership, corporation, association, or other organization. (4-1-19)

**008. -- 010. (RESERVED)**

**011. FEES FOR ELECTRICAL PERMITS AND INSPECTIONS.**

Electrical permit fees are to cover the cost of electrical inspections as provided by Section 54-1005, Idaho Code; any person making an electrical installation coming under the provisions of Section 54-1001, Idaho Code, shall pay to the 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 (4-1-19)

**01. Temporary Construction Service (Temporary Power) Permit.** To be installed for construction purposes only, for a period not to exceed one (1) year: (4-1-19)

**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 Installation (Including Industrial and Commercial) Permit, of these rules. (4-1-19)

**02. New Residential.** (Includes associated buildings with wiring being constructed on each property.)

<b>New – One-Family Dwellings</b>	
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
<b>New – Two- and Multi-Family Dwellings</b>	
Two-family dwellings	- \$260
Multi-family dwellings	- \$130 per building plus \$65 per unit

(4-1-19)

**a.** Existing 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 dwelling unit. (4-1-19)

**b.** Residential Dwelling unit spa, hot tub, hydro massage tub, and swimming pool permit: sixty-five dollars (\$65) for each trip to inspect. (For all other installations of spas, hot tubs, hydro massage tubs, and swimming pools, use Subsection 011.06, Other Installation (Including Industrial and Commercial) Permit, of these rules.) (4-1-19)

**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 Pump Permit.** See Subsection 011.06 - Pump (Water, Domestic Water, Irrigation, Sewage) -- Each Motor Permit, of these rules. (4-1-19)

**05. Mobile/Manufactured Home Permit.** Sixty-five dollars (\$65) basic fee plus ten dollars (\$10) for each additional circuit. Mobile home and RV parks for distribution wiring including pedestal, service conductors and lot supply to individual units come under Subsection 011.06, Other Installation (Including Industrial and Commercial) Permit, of these rules. (4-1-19)

**06. Other Installation (Including Industrial and Commercial) Permit.** The 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. (4-1-19)

**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 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. (4-1-19)

**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. Pump (Water, Domestic Water, Irrigation, Sewage) -- Each Motor Permit.**

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

(4-1-19)

**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). (4-1-19)

**09. Electric Sign and Outline Lighting Permit.** Electric signs: sixty-five dollars (\$65) per sign; Outline lighting: sixty-five dollars (\$65) per each occupancy. (4-1-19)

**10. Requested Inspection 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. (4-1-19)

**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 permit holder had given notice to the inspector that the work is ready for inspection when it was not. (4-1-19)

**b.** Trips to inspect when the permit holder has not clearly or correctly given the location of the installation either by directions, maps, coordinates, or correct address and posting a copy of the permit at the service or other conspicuous location on the property or the inspector cannot gain access to make the inspection. (4-1-19)

**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)

**e.** Trips to conduct a reinspection because corrections have not been made in the prescribed time, unless an extension has been requested and granted. (4-1-19)



**12. No Permit.** Failure to purchase an electrical permit before work is commenced, may result in the imposition of a double permit fee. (4-1-19)

**13. 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)

**14. 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)

**15. 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. (4-1-19)

**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: (4-1-19)

**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 (4-1-19)

**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. (4-1-19)

**012. -- 999. (RESERVED)**

**IDAPA 07  
TITLE 01  
CHAPTER 03**

**07.01.03 – RULES OF ELECTRICAL LICENSING AND REGISTRATION – GENERAL**

**000. LEGAL AUTHORITY.**

The Idaho Electrical Board is authorized under Section 54-1006(5), Idaho Code, to adopt rules concerning the issuance of electrician licenses and apprentice registrations referred to in Sections 54-1007 and 54-1010, Idaho Code. (2-26-93)

**001. TITLE AND SCOPE.**

These rules are titled IDAPA 07.01.03, “Rules of Electrical Licensing and Registration – General,” Division of Building Safety. These rules include criteria for issuance of electrical licenses and registrations. (2-26-93)

**002. WRITTEN INTERPRETATIONS.**

This agency has written interpretations of this chapter in the form of legal memoranda. (2-26-93)

**003. ADMINISTRATIVE APPEALS.**

IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General,” govern license revocation/suspension proceedings. (2-26-93)

**004. INCORPORATION BY REFERENCE.**

There are no documents that have been incorporated by reference into this rule. (4-11-19)

**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. (4-11-19)

**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. (4-11-19)

**007. -- 009. (RESERVED)**

**010. LICENSURE HISTORY.**

An applicant for any electrical registration or license who has been previously licensed as a journeyman or master electrician 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 electrical registration, license, or certificate of competency who has been previously licensed as a journeyman or master electrician in any recognized jurisdiction shall not be issued an electrical apprentice registration. (4-11-19)

**011. LICENSE APPLICATION FORMS/APPRENTICE REGISTRATION FORMS.**

Application forms for electrical contractor, master electrician, journeyman electrician and limited electrical installer licenses, and registration forms for apprentice electricians and limited electrical installer trainees shall be printed and made available by the Division of Building Safety, state of Idaho. (4-11-19)

**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 limited electrical installer trainee registration forms shall be accompanied by the ten dollar (\$10) registration fee as provided by Section 54-1014, Idaho Code. (4-11-19)

**03. Application Submission.** An application for license shall be submitted to the Division of Building Safety and shall be approved by an authorized representative of the Division before any examination is given and

before any license is issued. (3-29-12)

**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. (3-29-12)

**f.** 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 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. (3-29-12)

**02. Direct Supervision.** It shall be the responsibility of the employing electrical contractor to ensure that apprentices perform electrical work only under the constant on-the-job supervision of a journeyman electrician. (4-11-19)

**a.** Journeyman to Apprentice Ratio. One (1) journeyman shall not supervise more than two (2) apprentices. (4-11-19)

**b.** Any contractor violating the journeyman to apprentice ratio is presumed to be in violation of the direct supervision requirement of Section 54-1010, Idaho Code, and of the constant on-the-job supervision requirement of Section 54-1003A, Idaho Code. The journeyman to apprentice ratio may be adjusted on a case-by-case basis by a showing by a contractor of special circumstances, which are peculiar to the work done by that contractor and which allow for effective supervision by each journeyman electrician. A contractor must obtain permission from the Division of Building Safety to adjust the journeyman to apprentice ratio. Failure to comply with this requirement will be grounds for suspension or revocation of the electrical contractor's license. (4-11-19)

**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 Division of Building Safety. (3-29-12)

**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 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 Division of Building Safety. (3-29-12)

**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 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. (3-29-12)

**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 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. (3-29-12)

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 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. (3-29-12)

v. Applicant shall provide proof of liability insurance to the 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. (3-29-12)

vi. Applicant shall provide to the Division proof of Idaho's worker's compensation insurance unless specifically exempt from Idaho law. The Division will provide written confirmation of exemption status. (3-29-12)

b. Any person designated under Paragraph 015.01.a. of these rules, and the contractor he represents, shall each notify the Division in writing if the supervising master's working relationship with the contractor has been terminated. Each notice must be filed with the 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 Division. (3-29-12)

**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 Division. (3-29-12)

**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 Division of Building Safety shall have the power to suspend or revoke said master's license pursuant to Section 54-1009, Idaho Code. (3-29-12)

**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, and the fee remitted by the contractor to the Division is less than the fee actually charged and collected by him. (3-29-12)

**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 Division in writing if the supervising master's working relationship with the contractor has been terminated. Each notice must be filed with the 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 Division. (3-29-12)

**b.** Any person designated under Paragraph 015.01.a. of these rules, and the contractor he represents, shall each notify the Division in writing if the designee's working relationship with the contractor has been terminated. Each notice must be filed with the 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. (3-29-12)

**016. -- 999. (RESERVED)**

**IDAPA 07  
TITLE 01  
CHAPTER 11**

**07.01.11 – RULES GOVERNING CIVIL PENALTIES**

**000. LEGAL AUTHORITY.**

The Idaho Electrical Board is authorized under Section 54-1006(5), Idaho Code, to establish by administrative rule the civil penalty to be paid for citations issued. (3-30-01)

**001. TITLE AND SCOPE.**

**01. Title.** These rules are titled IDAPA 07.01.11, “Rules Governing Civil Penalties,” Division of Building Safety. (3-30-01)

**02. Scope.** These rules establish the criteria and amount of civil penalties to be levied for violations of Title 54, Chapter 10, Idaho Code, and IDAPA 07.01.03, “Rules of Electrical Licensing and Registration.” (3-30-01)

**002. WRITTEN INTERPRETATIONS.**

This agency has no written interpretations of this chapter. (3-30-01)

**003. ADMINISTRATIVE APPEALS.**

Upon notice of a civil penalty, the notified party shall within ten (10) days comply with the penalty or file a written request for a hearing for appeal with the Idaho Electrical Board. Bond in the amount of the penalty shall accompany the request for hearing. (3-30-01)

**004. INCORPORATION BY REFERENCE.**

There are no documents that have been incorporated by reference into this rule. (3-30-01)

**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. (3-30-01)

**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. (4-11-19)

**007. -- 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, 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 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.

(4-11-19)

**04. Journeyman to Apprentice Ratio.** Any electrical contractor or 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.

(4-11-19)

**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.

(4-11-19)

**06. Performance Outside Scope of License.** Any limited electrical contractor or limited electrical installer performing electrical installations, alterations or maintenance outside the scope of the 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.

(4-11-19)

**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)

**012. -- 999. (RESERVED)**

**IDAPA 07  
TITLE 02  
CHAPTER 02**

**07.02.02 – RULES GOVERNING PLUMBING PERMITS**

**000. LEGAL AUTHORITY.**

In accordance with Section 54-2605(1), Idaho Code, the Idaho Plumbing Board is authorized to make, promulgate, and publish such rules as may be necessary for carrying out the provisions of this act in order to effectuate the purposes thereof and for the orderly and efficient administration thereof, and except as may be limited or prohibited by law and the provisions of this act, such rules so made and promulgated have the force of statute. (2-26-93)

**001. TITLE AND SCOPE.**

**01. Title.** These rules are titled IDAPA 07.02.02, “Rules Governing Plumbing Permits,” Division of Building Safety. (2-26-93)

**02. Scope.** These rules prescribe the criteria for plumbing permits issued under the provisions of Title 54, Chapter 26, Idaho Code. (2-26-93)

**002. WRITTEN INTERPRETATIONS.**

This agency has no written interpretations of this chapter. (2-26-93)

**003. ADMINISTRATIVE APPEALS.**

This chapter does not provide for administrative relief of the provisions contained herein. (2-26-93)

**004. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Division.** The Division of Building Safety of the state of Idaho. (1-22-82)

**02. Fixture.** Any water using or waste producing unit attached to the plumbing system, and includes sewers, water treatment equipment, solar systems, sprinkler systems, hot tubs and spas. (1-22-82)

**03. Board.** The Idaho State Plumbing Board, created under the provisions of Section 54-2605, Idaho Code. (11-14-85)

**011. PERMITS.**

**01. Serial Number.** Each permit must bear a serial number. (6-4-76)

**02. Plumbing Contractors.** Permits will be furnished by the Division to licensed plumbing contractors upon request. The serial numbers of such permits must be registered in the name of the plumbing contractor to whom they are issued and are transferable only as provided herein these rules. (3-24-17)

**03. Home Owners, Commercial, Industrial, and Others.** Home owners making plumbing installations on their own premises, coming under the provisions of Section 54-2602, Idaho Code, must secure a plumbing permit by making application to the Division as provided by Section 54-2620, Idaho Code. Application forms for commercial and industrial plumbing installations must be printed by the Division and made available at the office of the Division in Meridian. The application form must be properly completed, signed by the contractor and mailed to the Division at 1090 E. Watertower Street, Suite 150, Meridian, Idaho, 83642, together with a verified copy of bid acceptance and the proper permit fee as hereinafter provided. Persons, companies, firms, associations, or corporations making plumbing installations, other than on their own property, must be licensed as a contractor by the state of Idaho as provided by Section 54-2610, Idaho Code. (11-14-85)

**04. Expiration of Permit.** Every permit issued by the administrative authority under the provisions of Idaho Code expires by limitation and becomes null and void if the work authorized by such permit is not commenced

within one hundred twenty (120) days from the date of issuance of such permit, or if work authorized by such permit is suspended or abandoned at any time after work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced, a new permit must first be obtained, and the fee is one-half (1/2) the amount required for a new permit for such work; provided, no changes have been made, or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one (1) year. All plumbing fixtures must be listed on the application for permit. (11-14-84)

**05. Transferring a Permit.** A plumbing permit may be transferred to another eligible party if such party provides to the Division written authorization signed and notarized by the original permit holder consenting to the transfer itself, as well as assignment of all responsibilities and conditions incorporated into the original permit issuance. A permit may be transferred to the owner of the property on which the plumbing work is to be performed and for which the permit was issued, or such owner's designated legal agent in cases where the property owner has terminated their legal relationship with the plumbing contractor who originally obtained the permit. An administrative fee in the amount of forty-five dollars (\$45) for the transfer of a permit will be assessed by the Division. (3-24-17)

**06. Refunds of Permits.** The administrator may authorize a refund for any permit fee paid on the following bases: (3-24-17)

**a.** The administrator may authorize a refund of the entire permit fee paid when no work has been performed related to the installation of plumbing 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 (3-24-17)

**b.** The administrator will 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. (3-24-17)

**012. -- 999. (RESERVED)**

**IDAPA 07  
TITLE 02  
CHAPTER 03**

**07.02.03 – RULES GOVERNING PERMIT FEE SCHEDULE**

**000. LEGAL AUTHORITY.**

In accordance with Section 54-2605(1), Idaho Code, the Idaho Plumbing Board is authorized to make, promulgate, and publish such rules as may be necessary for carrying out the provisions of this act in order to effectuate the purposes thereof and for the orderly and efficient administration thereof, and except as may be limited or prohibited by law and the provisions of this act, such rules so made and promulgated have the force of statute. (2-26-93)

**001. TITLE AND SCOPE.**

These rules are titled IDAPA 07.02.03, "Rules Governing Permit Fee Schedule," Division of Building Safety. These rules prescribe the criteria for fee schedules for plumbing permits. (2-26-93)

**002. WRITTEN INTERPRETATIONS.**

This agency has no written interpretations of this chapter. (2-26-93)

**003. ADMINISTRATIVE APPEALS.**

This chapter does not provide for administrative relief of the provisions outlined herein. (2-26-93)

**004. -- 010. (RESERVED)**

**011. FEE SCHEDULE.**

**01. New Residential - Single Family Dwelling.** Includes all buildings with plumbing systems being constructed on each property.

<b>New Residential - Single-Family Dwelling</b>	
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

(4-9-09)

**02. New Residential - Multi-Family Dwellings.**

<b>New Residential - Multi-Family Dwellings</b>	
Duplex Apartment	- \$260
Three (3) or more Multi-family Units	- \$130 per Building plus \$65 per Unit

(3-26-08)

**03. Existing Residential.** Sixty-five dollars (\$65) plus ten dollars (\$10) for each additional plumbing fixture being installed up to a maximum of the corresponding square footage of the residential building. (3-26-08)

**04. Other Installations Including Industrial and Commercial.** The inspection fees listed in this Section apply to any and all plumbing installations not specifically mentioned elsewhere in this schedule. The plumbing cost is 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 plumbing equipment and materials installed as part of the plumbing system. (3-26-08)

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

**b.** Plumbing system 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 the plumbing system cost exceeding ten thousand dollars (\$10,000). (3-26-08)

**c.** Plumbing system 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 plumbing system cost exceeding one hundred thousand dollars (\$100,000). (3-26-08)

**d.** All fees calculated under this schedule must be calculated on the total plumbing cost of the job and this figure must be shown on the permit. (3-26-08)

**05. Requested Inspections.** A fee of sixty-five dollars (\$65) per hour or portion of an hour applies, with the requesting party responsible for all costs incurred in out-of-state travel. (3-26-08)

**06. Additional Fees and Re-Inspection Fees.** A fee of sixty-five dollars (\$65) per hour or portion of an hour applies to: (3-26-08)

**a.** Trips to inspect when: (3-26-08)

**i.** The submitter of the permit has given notice to the Division of Building Safety that the work is ready for inspection and it is not; or (3-26-08)

**ii.** If the submitter has not accurately identified the work location; or (3-26-08)

**iii.** If the inspector cannot gain access to make the inspection. (3-26-08)

**b.** Trips to inspect corrections required by the inspector as a result of the submitter improperly responding to a corrective notice. (3-26-08)

**c.** When corrections have not been made in the prescribed time, unless an extension has been requested and granted. (3-26-08)

**d.** No permit - failure to post or send permit and required fee in the prescribed time will, at the discretion of the Division, result in the assessment of a double fee. (3-26-08)

**07. Plan Checking Fee.** Sixty-five dollars (\$65) per hour or portion thereof. (3-26-08)

**08. Mobile Homes.** Each connection or re-connection to existing sewer and water stubs is sixty-five dollars (\$65). (3-26-08)

**09. Mobile Home Parks and/or RV Parks.** Sewer and water service lines in mobile home parks and RV parks are classed as commercial. NOTE: This does not include or permit the connection of the mobile home. See Subsection 011.04, of these rules. (7-11-89)

**10. Residential.** Lawn sprinklers: sixty-five dollars (\$65). (3-26-08)

**11. Water Conditioners.** Water conditioners: sixty-five dollars (\$65). (3-26-08)

**12. Sewer and Water Permit Fees.** Sewer and water service line fees apply to all new construction

and installations, as well as replacements. (3-24-16)

**a.** Nonresidential sewer and water service line permit fees are assessed in accordance with Subsection 011.04 of these rules. (3-24-16)

**b.** Residential sewer and water service line installation permit fees are assessed at the rate of sixty-five dollars (\$65) each, or sixty-five dollars (\$65) for a combination of both if only one (1) inspection is required and the work is performed by the same contractor or homeowner. (3-24-16)

**13. Non-Residential.** Lawn sprinkler permit fees are calculated at the same rate as industrial and commercial plumbing installations. (3-26-08)

**14. Nonresidential Sewer and Water Service Lines Permit Fees.** If installed by someone other than the plumbing contractor of the building, fees are calculated at the same rate as industrial and commercial plumbing installations. (3-26-08)

**15. Technical Service Fee.** Sixty-five dollars (\$65) per hour for each hour or portion thereof. (3-26-08)

**16. Multipurpose Residential Fire Sprinkler and Domestic Water Supply System Fee.** The inspection fee for the installation of the fire sprinkler portion of a multipurpose residential fire sprinkler and domestic water supply system in a one (1)-family or two (2)-family residence is a minimum of sixty-five dollars (\$65) or four dollars (\$4) per fire sprinkler head, whichever is greater. (3-26-08)

**17. Gray Water Systems.** Gray water systems in residential occupancies is permitted at one hundred thirty dollars (\$130). (4-9-09)

**18. Reclaimed Water Systems.** Reclaimed water systems are calculated at the same rate as industrial and commercial installations in the same manner provided for in Subsection 011.04 of these rules. (4-9-09)

**012. -- 999. (RESERVED)**

**IDAPA 07  
TITLE 02  
CHAPTER 07**

**07.02.07 – RULES GOVERNING CIVIL PENALTIES**

**000. LEGAL AUTHORITY.**

The Idaho Plumbing Board is authorized under Section 54-2606(3)(e), Idaho Code, to establish by administrative rule the civil penalty to be paid for citations issued. (3-24-05)

**001. TITLE AND SCOPE.**

**01. Title.** These rules are titled IDAPA 07.02.07, “Rules Governing Civil Penalties,” Division of Building Safety. (3-24-05)

**02. Scope.** These rules establish the criteria and amount of civil penalties to be levied for violations of Title 54, Chapter 26, Idaho Code, and IDAPA 07.02.07, “Rules Governing Civil Penalties,” Division of Building Safety. (3-24-05)

**002. WRITTEN INTERPRETATIONS.**

This agency has no written interpretations of this chapter. (3-24-05)

**003. ADMINISTRATIVE APPEALS.**

Upon notice of a civil penalty, the notified party must within ten (10) days comply with the penalty or file a written request for a hearing for appeal with the Idaho Plumbing Board. Bond in the amount of the penalty must accompany the request for hearing. (3-24-05)

**004. INCORPORATION BY REFERENCE.**

There are no documents that have been incorporated by reference into this rule. (3-24-05)

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**

The principal place of business of the Division of Building Safety, Plumbing Program is at the Division office located at 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. The Plumbing Program may also be contacted at 1250 Ironwood Drive, Suite 220, Coeur d’Alene, Idaho 83814, and at 2055 Garrett Way, Suite 7, Pocatello, Idaho 83201. All locations are open from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday and legal holidays. The central mailing address is: Division of Building Safety, 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. (3-29-12)

**006. -- 010. (RESERVED)**

**011. CIVIL PENALTIES.**

The following acts subject the violator to penalties based on the following schedule. (3-24-05)

**01. Plumbing Contractor.** Except as provided by Section 54-2602, Idaho Code, any person who acts, or purports to act as a plumbing contractor, as defined by Section 54-2611(a), Idaho Code, without a valid Idaho state certificate of competency authorizing him to do so is 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. (3-24-05)

**02. Certification or Registration.** Except as provided by Section 54-2602, Idaho Code, any person performing plumbing as defined in Section 54-2603, Idaho Code, without an appropriate certificate of competency or registration is 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. (3-24-05)

**03. Failure to Disclose.** Any applicant for a plumbing registration 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 plumber in any recognized jurisdiction is 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. (3-29-12)

**04. Performance Outside Scope of Certificate.** Any specialty contractor or specialty journeyman performing plumbing installations, alterations or maintenance outside the scope of the specialty certificate of competency is 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. (3-24-05)

**05. Fees, Permits and Inspections.** Any person failing to obtain a required permit, pay applicable fees, properly post a plumbing permit, or request an inspection of all pipes, fittings, valves, vents, fixtures, appliances, appurtenances, and water treatment installations and repairs is 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 (\$1,000) for each offense thereafter. (3-29-17)

**06. Corrections.** Any person who fails to make corrections in the time allotted in the notice on any plumbing installation as set forth in Section 54-2625, Idaho Code, is 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. (3-29-17)

**07. Gross Violation.** In the case of continued, repeated or gross violation of Title 54, Chapter 26, Idaho Code, or IDAPA 07.02.07, disciplinary action will be initiated against certificate holders under this chapter or the matter will be referred for prosecution. (3-24-05)

**08. Judicial Review.** Any party aggrieved by the final action of the Idaho Plumbing Board is entitled to a judicial review thereof in accordance with the provisions of Title 67, Chapter 52, Idaho Code. (3-24-05)

**012. -- 999. (RESERVED)**



**IDAPA 07  
TITLE 03  
CHAPTER 01**

**07.03.01 – RULES OF BUILDING SAFETY**

**000. LEGAL AUTHORITY.**

The Idaho Building Code Board of the Division of Building Safety is authorized under Section 39-4107, Idaho Code, to promulgate rules concerning the enforcement and administration of the Idaho Building Code Act. (3-30-06)

**001. TITLE AND SCOPE.**

**01. Title.** These rules are titled IDAPA 07.03.01, “Rules of Building Safety,” Division of Building Safety. (3-30-06)

**02. Scope.** These rules prescribe the criteria for enforcement and administration of the Idaho Building Code Act by the Idaho Building Code Board and the Building Bureau of the Division of Building Safety. (3-30-06)

**002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency has statements that pertain to the interpretation of the rules of this chapter. These statements are available for review and copying at the offices of the Division of Building Safety. (3-30-06)

**003. ADMINISTRATIVE APPEALS.**

This chapter does not provide for administrative relief of the provisions contained herein. (3-30-06)

**004. ADOPTION AND INCORPORATION BY REFERENCE.**

Under the provisions of Section 39-4109, Idaho Code, the codes enumerated in this Section are hereby adopted and incorporated by reference into IDAPA 07.03.01, “Rules of Building Safety,” Division of Building Safety. Pursuant to Section 39-4109, Idaho Code, the effective date of any edition of the codes adopted in this Section, or any amendments identified thereto, shall be January 1 of the succeeding year following legislative approval of the rulemaking establishing the edition or amendment. Copies of these documents may be reviewed at the office of the Division of Building Safety. The referenced codes may be obtained from International Code Council, 5360 Workman Mill Road, Whittier, California 90601-2298 or the International Code Council at <http://www.iccsafe.org>. (3-20-14)

**01. International Building Code.** 2015 Edition with the following amendments: (3-29-17)

**a.** Delete section 305.2.3 and replace with the following: Twelve (12) or fewer children in a dwelling unit. A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. (3-20-14)

**b.** Delete section 308.6.4 and replace with the following: Persons receiving care in a dwelling unit. A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving day care or having five (5) or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. (3-20-14)

**c.** Delete section 310.5 and replace with the following: Residential Group R-3. Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4, E or I, including: (3-29-17)

**i.** Buildings that do not contain more than two (2) dwelling units; (3-20-14)

**ii.** Boarding houses (nontransient) with sixteen (16) or fewer occupants; (3-20-14)

**iii.** Boarding houses (transient) with ten (10) or fewer occupants; (3-20-14)

**iv.** Care facilities that provide accommodations for five (5) or fewer persons receiving care; (3-20-14)

- v. Congregate living facilities (nontransient) with sixteen (16) or fewer occupants; (3-20-14)
- vi. Congregate living facilities (transient) with ten (10) or fewer occupants; or (3-20-14)
- vii. Dwelling units providing day care for twelve (12) or fewer children. (3-20-14)
- viii. Lodging houses with five (5) or fewer guest rooms. (3-29-17)
- d.** Delete section 310.5.1 and replace with the following: Care facilities within a dwelling. Care facilities for twelve (12) or fewer children receiving day care or for five (5) or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code. (3-20-14)
- e.** Delete the last paragraph of section 2107.2.1 Lap Splices, and replace with the following: In regions of moment where the design tensile stresses in the reinforcement are greater than eighty percent (80%) of the allowable steel tension stress, FS, the lap length of splices shall be increased not less than fifty percent (50%) of the minimum required length, but need not be greater than 72 db. Other equivalent means of stress transfer to accomplish the same fifty percent (50%) increase shall be permitted. Where epoxy coated bars are used, lap length shall be increased by fifty percent (50%). (3-28-18)
- f.** Add footnote (f) in the header row of the table column labeled “Drinking Fountains” of Table 2902.1 Minimum Number of Required Plumbing Fixtures, and add footnote (f) under Table 2902.1 to state the following: Drinking fountains are not required for an occupant load of thirty (30) or fewer. (3-29-17)
- g.** Delete footnote (e) contained under Table 2902.1 Minimum Number of Required Plumbing Fixtures and replace with the following: For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required. (3-29-17)
- 02. International Residential Code.** 2012 Edition with the following amendments: (3-20-14)
  - a.** Delete exception No. 1 contained under IRC section R101.2 - Scope. (3-20-14)
  - b.** Delete exception No. 2 contained under IRC section R101.2 - Scope, and replace with the following: Owner-occupied lodging houses with five (5) or fewer guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-family Dwellings. (4-11-15)
  - c.** Delete item No. 7 contained under the “Building” subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: Prefabricated swimming pools that are not greater than four (4) feet (one thousand, two hundred nineteen (1219) mm) deep. (4-7-11)
  - d.** Add the following item No. 11 at the end of the “Building” subsection of IRC section R105.2 - Work exempt from permit: Flag poles. (3-20-14)
  - e.** Delete IRC section R109.1.3 and replace with the following: Floodplain inspections. For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, the building official is authorized to require submission of documentation of the elevation of the lowest floor, including basement, required in section R322. (3-29-10)
  - f.** IRC Table R302.1(1) Exterior Walls -- delete Table R302.1(1) and replace with the following:

**TABLE R302.1(1)**  
**EXTERIOR WALLS**

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour-tested in accordance with ASTM E 119 or UL263 with exposure from both sides	< 3 feet
	Not fire-resistance rated	0 hours	≥ 3 feet
Projections	Fire-resistance rated	1 hour on the underside	≥ 2 feet to < 3 feet
	Not fire-resistance rated	0 hours	≥ 3 feet
Openings in Walls	Not allowed	N/A	< 3 feet
	25% maximum of wall area	0 hours	≥ 3 feet to < 5 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	≥ 3 feet

For SI: 1 foot = 304.8 mm.  
 N/A = Not Applicable

(4-11-15)

**g.** Delete the exception contained under IRC section R302.2 -- Townhouses, and replace with the following two (2) exceptions: (3-25-16)

**i.** When provided with an automatic fire sprinkler system per section R313.1, a common one (1)-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts, or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides, and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4. (3-25-16)

**ii.** Two (2) one (1)-hour fire-resistance-rated wall assemblies (as specified in Section R302.1) or a common two (2)-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 are permitted for townhouses. If two (2) one (1)-hour fire-resistance-rated walls are used, plumbing and electrical installations within the wall cavity shall conform to fire-resistance penetration requirements in accordance with section R302.4 through R302.4.2 for each of the two (2) one (1)-hour rated walls penetrated. The two (2)-hour fire-resistance-rated common wall shall not contain plumbing or mechanical equipment, ducts or vents within its wall cavity. The wall shall be rated for fire exposure from both sides, and shall extend to and be tight against the exterior walls and the underside of the roof sheathing. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4. (3-25-16)

**h.** Delete IRC section R303.4 and replace with the following: R303.4 Mechanical Ventilation. Dwelling units shall be provided with whole-house mechanical ventilation in accordance with Section M1507.3

Exception: Where the air infiltration rate of a dwelling unit is equal to 5 air changes per hour or greater when tested with a blower door at a pressure of 0.2 inch w.c. (50 pa) in accordance with Section N1102.4.1.2. (4-11-15)

**i.** Delete the exception contained under IRC section R313.1 -- Townhouse automatic fire sprinkler systems, and replace with the following: Exception: Automatic residential fire sprinkler systems shall not be required in townhouses where either two (2) one (1)-hour fire-resistance-rated walls or a common two (2)-hour fire-resistance rated wall, as specified in exception 2 of section R302.2 is installed between dwelling units or when additions or

alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed. (3-25-16)

- j.** Delete IRC section R313.2. (3-29-10)
- k.** Add the following to IRC section R315.3 - Where required in existing dwellings: Exceptions: 1. Work involving the exterior surfaces of dwellings, such as, but not limited to, replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck or electrical permits, are exempt from the requirements of this section; and 2. Installation, alteration or repairs of noncombustion plumbing or mechanical systems are exempt from the requirements of this section. (3-20-14)
- l.** Delete IRC section R322.1.10. (3-29-10)
- m.** Delete IRC section R322.2.2 subparagraph 2.2, and replace with the following: The total net area of all openings shall be at least one (1) square inch (645 mm<sup>2</sup>) for each square foot (0.093 m<sup>2</sup>) of enclosed area, or the opening shall be designed and the construction documents shall include a statement that the design and installation of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing the automatic entry and exit of floodwaters. (3-20-14)
- n.** Delete IRC section R501.3 and its exceptions. (3-20-14)
- o.** Delete IRC section R602.10 and replace with the following: Wall bracing. Buildings shall be braced in accordance with this section or, when applicable section R602.12, or the most current edition of APA System Report SR-102 as an alternate method. Where a building, or portion thereof, does not comply with one (1) or more of the bracing requirements in this section, those portions shall be designated and constructed in accordance with section R301.1. (3-20-14)
- p.** Add an Appendix R, titled Tiny Homes to include the following provisions: (3-28-18)

  - i.** Section AR101 Scope. This appendix shall be applicable to tiny houses used as single dwelling units. Tiny houses shall comply with this code except as otherwise stated in this appendix. (3-28-18)
  - ii.** Section AR102 Definitions. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions. (3-28-18)

    - (1) Tiny House. A dwelling that is four hundred (400) square feet (thirty-seven (37) m) or less in floor area excluding lofts. (3-28-18)
    - (2) Escape and Rescue Roof Access Window. A skylight or roof window designed and installed to satisfy the emergency escape and rescue opening requirements in Section R310. (3-28-18)
    - (3) Landing Platform. A landing provided as the top step of a stairway accessing a loft. (3-28-18)
    - (4) Loft. A floor level located more than thirty (30) inches (762 mm) above the main floor and open to it on at least one (1) side with a ceiling height of less than six (6) feet eight (8) inches (2032 mm), used as a living or sleeping space. (3-28-18)
  - iii.** Section AR103 Minimum Ceiling Height. Habitable space and hallways in tiny houses shall have a ceiling height of not less than six (6) feet eight (8) inches (2032 mm). Bathrooms, toilet rooms, and kitchens shall have a ceiling height of not less than six (6) feet four (4) inches (1930 mm). Obstructions shall not extend below these minimum ceiling heights including beams, girders, ducts, lighting and other obstructions. Exception: Ceiling heights in lofts are permitted to be less than six (6) feet eight (8) inches (2032 mm) (3-28-18)
  - iv.** Section AR104 Lofts. (3-28-18)

    - (1) AR104.1 Minimum loft area and dimensions. Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AR104.1.1 through AR104.1.3. (3-28-18)

- (a) AR104.1.1 Minimum area. Lofts shall have a floor area of not less than thirty-five (35) square feet (3.25 m). (3-28-18)
- (b) AR104.1.2 Minimum dimensions. Lofts shall be not less than five (5) feet (1524 mm) in any horizontal dimension. (3-28-18)
- (c) AR104.1.3 Height effect on loft area. Portions of a loft with a sloping ceiling measuring less than three (3) feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft. Exception: Under gable roofs with a minimum slope of 6:12, portions of a loft with a sloping ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft. (3-28-18)
- (2) AR104.2 Loft Access. The access to and primary egress from lofts shall be any type described in Sections AR104.3 through AR104.6. (3-28-18)
- (3) AR104.3. Stairways. Stairways accessing lofts shall comply with this code or with Sections AR104.3.1 through AR104.3.5. (3-28-18)
- (a) AR104.3.1 Width. Stairways accessing a loft shall not be less than seventeen (17) inches (432 mm) in clear width at or above the handrail. The minimum width below the handrail shall be not less than twenty (20) inches (508 mm). (3-28-18)
- (b) AR104.3.2 Headroom. The headroom in stairways accessing a loft shall be not less than six (6) feet two (2) inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width. Exception: The headroom for a landing platform, where stairways access lofts, shall be not less than four (4) feet six (6) inches (1372 mm). (3-28-18)
- (c) AR104.3.3 Treads and Risers. Risers for stairs accessing a loft shall be not less than seven (7) inches (178 mm) and not more than twelve (12) inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas: (3-28-18)
- (i) The tread depth shall be twenty (20) inches (508 mm) minus 4/3 of the riser height, or (3-28-18)
- (ii) The riser height shall be fifteen (15) inches (381 mm) minus 3/4 of the tread depth. (3-28-18)
- (d) AR104.3.4 Landing Platforms. The top tread and riser of stairways accessing lofts shall be constructed as a landing platform where the loft ceiling height is less than six (6) feet two (2) inches (1880 mm) where the stairway meets the loft. The landing platform shall be eighteen (18) inches to twenty-two (22) inches (457 to 559 mm) in depth measured from the nosing of the landing platform to the edge of the loft, and sixteen (16) to eighteen (18) inches (406 to 457 mm) in height measured from the landing platform to the loft floor. (3-28-18)
- (e) AR104.3.5 Stairway Handrails. Handrails shall comply with Section R311.7.8. (3-28-18)
- (f) AR104.3.6 Stairway Guards. Guards at open sides of stairways shall comply with Section R312.1. (3-28-18)
- (4) AR104.4 Ladders. Ladders accessing lofts shall comply with Sections AR104.4.1 and AR104.4.2. (3-28-18)
- (a) AR104.4.1 Ladder Size and Capacity. Ladders accessing lofts shall have a rung width of not less than twelve (12) inches (305 mm) and ten (10) inches (254 mm) to fourteen (14) inches (356 mm) spacing between rungs. Ladders shall be capable of supporting a two hundred (200) pound (75 kg) load on any rung. Rung spacing shall be uniform within 3/8-inch (9.5 mm). (3-28-18)
- (b) AR104.4.2 Ladder Incline. Ladders shall be installed at seventy (70) to eighty (80) degrees from horizontal. (3-28-18)

(5) AR104.5 Alternating Tread Devices. Alternating tread devices accessing lofts, and handrails of alternating tread devices shall comply with sections 1011.14.1 and 1011.14.2 of the International Building Code, excluding the exception. The clear width at and below the handrails shall be not less than twenty (20) inches (508 mm). (3-28-18)

(6) AR104.6. Ships Ladders. Ships ladders accessing lofts, and treads and handrails of ships ladders shall comply with sections 1011.15.1 and 1011.15.2 of the International Building Code. The clear width at and below handrails shall be not less than twenty (20) inches (508 mm). (3-28-18)

(7) AR104.7 Loft Guards. Loft guards shall be located along the open side of lofts. Loft guards shall not be less than thirty-six (36) inches (914 mm) in height or one (1)-half of the clear height to the ceiling, whichever is less. (3-28-18)

v. SECTION AR105. Emergency Escape and Rescue Openings. Tiny houses shall meet the requirements of Section R310 for emergency escape and rescue openings. Exception: Escape and rescue roof access windows in lofts used as sleeping rooms shall be deemed to meet three (3) requirements of Section R310 where installed such that the bottom of the opening is not more than forty-four (44) inches (1118 mm) above the loft floor, provided the escape and rescue roof access window complies with the minimum opening area requirements of Section R310. (3-28-18)

**03. International Existing Building Code.** 2015 Edition. (3-29-17)

**04. International Energy Conservation Code.** 2015 Edition with the following amendments: (3-29-17)

a. Delete the Residential Provisions of the 2015 International Energy Conservation Code (IECC) set forth in chapters 1 [RE] through 6 [RE], including Appendix RA (pages R-1 through R-57), and replace with the Residential Provisions of the 2012 IECC set forth therein in chapters 1 [RE] through 5 [RE] (pages R-1 through R-47) and as such provisions may be further amended herein these rules. (3-29-17)

b. Add the following as new subsection C101.5.3: Industrial, electronic, and manufacturing equipment. Buildings or portions thereof that are heated or cooled exclusively to maintain the required operating temperature of industrial, electronic, or manufacturing equipment shall be exempt from the provisions of this code. Such buildings or portions thereof shall be separated from connected conditioned space by building thermal envelope assemblies complying with this code. (3-25-16)

c. Add the following exception No. (10) under section C403.3 Economizers (Prescriptive): Unusual outdoor air contaminate conditions – Systems where special outside air filtration and treatment for the reduction and treatment of unusual outdoor contaminants, makes an air economizer infeasible. (3-29-17)

d. Delete Table C404.5.1 and replace with the following:

<b>TABLE C404.5.1</b>			
<b>PIPING VOLUME AND MAXIMUM PIPING LENGTHS</b>			
<b>NOMINAL PIPE SIZE (inches)</b>	<b>VOLUME (liquid ounces per foot length)</b>	<b>MAXIMUM PIPING LENGTH (feet)</b>	
		<b>Public lavatory faucets</b>	<b>Other fixtures and appliances</b>
1/4	0.33	31	50

TABLE C404.5.1 PIPING VOLUME AND MAXIMUM PIPING LENGTHS			
NOMINAL PIPE SIZE (inches)	VOLUME (liquid ounces per foot length)	MAXIMUM PIPING LENGTH (feet)	
		Public lavatory faucets	Other fixtures and appliances
5/16	0.5	N/A - non-standard size	50
3/8	0.75	17	50
1/2	1.5	10	43
5/8	2	7	32
3/4	3	5	21
7/8	4	N/A - non-standard size	16
1	5	3	13
1 1/4	8	2	8
1 1/2	11	1	6
2 or larger	18	1	4

For SI: 1 inch = 25.4 mm; 1 foot = 304.8 mm; 1 liquid ounce = 0.030 L; 1 gallon = 128 ounces. (4-11-19)

e. Delete the values contained in Table R402.1.1 for climate zone “5 and Marine 4” and climate zone “6” and replace with the following:

TABLE R402.1.1 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT										
Climate Zone	Fenestration U-Factor	Skylight U-factor	Glazed Fenestration SHGC	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value	Floor R-Value	Basement Wall R-Value	Slab R-Value	Crawlspace Wall R-Value
5 and Marine 4	0.35	0.60	NR	38	20 or 13+5 <sup>h</sup>	13/17	30 <sup>g</sup>	10/13	10, 2 ft	10/13

TABLE R402.1.1 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT										
Climate Zone	Fenestration U-Factor	Skylight U-factor	Glazed Fenestration SHGC	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value	Floor R-Value	Basement Wall R-Value	Slab R-Value	Crawlspace Wall R-Value
6	0.35	0.60	NR	49	20 or 13+5 <sup>h</sup>	15/19	30 <sup>g</sup>	15/19	10, 4 ft	10/13

(4-11-19)

f. Add the following footnote to the title of Table R402.1.1 - Insulation and Fenestration Requirements by Component: <sup>k</sup> For residential log home building thermal envelope construction requirements see section R402.6. (3-25-16)

g. Delete the values contained in Table R402.1.3 for climate zone “5 and Marine 4” and climate zone “6” and replace with the following:

TABLE R402.1.3 EQUIVALENT U-FACTORS								
Climate Zone	Fenestration U-factor	Skylight U-factor	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value	Floor R-Value	Basement Wall R-Value	Crawlspace Wall R-Value
5 and Marine 4	0.35	0.60	0.030	0.057	0.082	0.033	0.059	0.065
6	0.35	0.60	0.026	0.057	0.060	0.033	0.050	0.065

(4-11-19)

h. Delete Table R402.2.6 and replace with the following:

TABLE R402.2.6 STEEL-FRAME CEILING, WALL AND FLOOR INSULATION (R-VALUE)	
Wood Frame R-value Requirement	Cold-formed Steel Equivalent R-value <sup>a</sup>
<b>Steel Truss Ceilings<sup>b</sup></b>	
R-30	R-38 or R-30 + 3 or R-26 + 5
R-38	R-49 or R-38 + 3
R-49	R-38 + 5
<b>Steel Joist Ceilings<sup>b</sup></b>	
R-30	R-38 in 2 x 4 or 2 x 6 or 2 x 8 R-49 in any framing
a. Cavity insulation R-value is listed first, followed by continuous insulation R-value.	
b. Insulation exceeding the height of the framing shall cover the framing.	



<b>TABLE R402.2.6</b>	
<b>STEEL-FRAME CEILING, WALL AND FLOOR INSULATION</b>	
<b>(R-VALUE)</b>	
<b>Wood Frame R-value Requirement</b>	<b>Cold-formed Steel Equivalent R-value<sup>a</sup></b>
R-38	R-49 in 2 x 4 or 2 x 6 or 2 x 8 or 2 x 10
<b>Steel-Framed Wall</b>	
R-13	R-13 + 5 or R-15 + 4 or R-21 + 3 or R-0 + 10
R-19	R-13 + 9 or R-19 + 8 or R-25 + 7
R-21	R-13 + 10 or R-19 + 9 or R-25 + 8
<b>Steel Joist Floor</b>	
R-13	R-19 in 2 x 6 R-19 + 6 in 2 x 8 or 2 x 10
R-19	R-19 + 6 in 2 x 6 R-19 + 12 in 2 x 8 or 2 x 10
a. Cavity insulation R-value is listed first, followed by continuous insulation R-value. b. Insulation exceeding the height of the framing shall cover the framing.	

(4-11-19)

**i.** Delete section R402.4.1 and replace with the following: Building thermal envelope. The building thermal envelope shall comply with sections R402.1.1 and either section R402.4.1.2 or R402.4.1.3. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. (4-11-19)

**j.** Delete section R402.4.1.1 and replace with the following: Installation. The components of the building thermal envelope as listed in Table R402.4.1.1 shall be installed in accordance with the manufacturer’s instructions and the criteria listed in Table R402.4.1.1, as applicable to the method of construction. (4-11-19)

**k.** Delete the criteria requirement for the “Fireplace” component of Table R402.4.1.1 - Air Barrier and Insulation Installation, and replace with the following: An air barrier shall be installed on fireplace walls. (4-11-19)

**l.** Delete section R402.4.1.2 and replace with the following: Testing option, Building envelope tightness and insulation installation shall be considered acceptable when tested air leakage is less than seven (7) air changes per hour (ACH) when tested with a blower door at a pressure of 33.5 psf (50 Pa). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances. During testing: (4-11-19)

- i. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed; (3-20-14)
- ii. Dampers shall be closed, but not sealed, including exhaust, intake, makeup air, backdraft and flue dampers; (3-20-14)
- iii. Interior doors shall be open; (3-20-14)
- iv. Exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed; (3-20-14)
- v. Heating and cooling system(s) shall be turned off; (3-20-14)
- vi. HVAC ducts shall not be sealed; and (3-20-14)

vii. Supply and return registers shall not be sealed. (3-20-14)

**m.** Add the following as section R402.4.1.3: Visual inspection option, Building envelope tightness and insulation installation shall be considered acceptable when the items listed in Table R402.4.1.1, applicable to the method of construction, are field verified. Where required by code official an approved party independent from the installer of the insulation shall inspect the air barrier and insulation. (4-11-19)

**n.** Add the following section: R402.6 Residential Log Home Thermal Envelope. Residential log home construction shall comply with sections R401 (General), R402.4 (Air Leakage), R402.5 (Maximum Fenestration U-Factor and SHGC), R403.1 (Controls), R403.2.2 (Sealing), R403.2.3 (Building Cavities), sections R403.3 through R403.9 (referred to as the mandatory provisions), Section R404 (Electrical Power and Lighting Systems), and either i., ii., or iii. as follows: (4-11-19)

i. Sections R402.2 through R402.3, R403.2.1, R404.1 and Table R402.6; (3-25-16)

ii. Section R405 Simulated Performance Alternative (Performance); or (3-25-16)

iii. REScheck (U.S. Department of Energy Building Codes Program). (4-7-11)

**o.** Add Table R402.6 Log Home Prescriptive Thermal Envelope Requirements By Component to be used only in accordance with item i. of section R402.6 above to appear as follows:

<b>TABLE R402.6</b>									
<b>LOG HOME PRESCRIPTIVE THERMAL ENVELOPE REQUIREMENTS BY COMPONENT</b>									
For SI: 1 foot = 304.8 mm.									
Climate Zone	Fenestration U-factor <sup>a</sup>	Skylight U-factor	Glazed Fenestration SHGC	Ceiling R-value	Min. Average Log Size In Inches	Floor R-value	Basement Wall R-value <sup>d</sup>	Slab R-value & Depth <sup>b</sup>	Crawl Space Wall R-value <sup>d</sup>
5, 6 - High efficiency equipment path <sup>c</sup>	0.32	0.60	NR	49	5	30	15/19	10, 4 ft.	10/13
5	0.32	0.60	NR	49	8	30	10/13	10, 2 ft.	10/13
6	0.30	0.60	NR	49	8	30	15/19	10, 4 ft.	10/13

a. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

b. R-5 shall be added to the required slab edge R-values for heated slabs.

c. 90% AFUE natural gas or propane, 84% AFUE oil, or 15 SEER heat pump heating equipment (zonal electric resistance heating equipment such as electric base board electric resistance heating equipment as the sole source for heating is considered compliant with the high efficiency equipment path).

d. "15/19" means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. "10/13" means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.

(4-11-19)

**p.** Delete section R404.1 and replace with the following: Lighting equipment (Mandatory). A minimum of fifty percent (50%) of the lamps in permanently installed lighting fixtures shall be high-efficacy lamps or a minimum of fifty percent (50%) of the permanently installed lighting fixtures shall contain only high efficacy lamps. (4-11-19)

**05. References to Other Codes.** Where any provisions of the codes that are adopted in this Section make reference to other construction and safety-related model codes or standards which have not been adopted by the involved authority having jurisdiction, to the extent possible, such reference should be construed as pertaining to the equivalent code or standard that has been duly adopted by such jurisdiction. (3-29-10)

**005. OFFICE – OFFICE HOURS – STREET ADDRESS – MAILING ADDRESS – TELEPHONE, FACSIMILE AND WEB ADDRESS.**

The principal place of business of the Division of Building Safety is in Meridian, Idaho. The office is located at 1090 E. Watertower St., 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, 1090 E. Watertower St., Meridian, Idaho 83642. The telephone number of the office is (208) 334-3896. The facsimile number of the office is (208) 855-9399. The Department website at <http://dbs.idaho.gov>. (3-30-06)

**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. (3-30-06)

**007. -- 025. (RESERVED)**

**026. DEFINITIONS.**

The terms defined in this section shall have the following meaning for all parts of this chapter, unless the context clearly indicates another meaning: (3-30-06)

**01. Act.** The Idaho Building Code Act, Title 39, Chapter 41, Idaho Code. (3-30-06)

**02. Administrator.** The administrator of the Division of Building Safety for the state of Idaho. (3-30-06)

**03. Alterations or Conversions of Modular Buildings.** Any change from the approved plans or installation instructions which would affect the structural, mechanical, electrical or plumbing systems of modular buildings bearing a Division insignia of approval and shall include the replacement, addition, modification or removal of any structural member, plumbing, heat-producing or electrical equipment, or installation which may affect such systems prior to first occupancy. Any such alteration or conversion shall first be approved by testing and inspection in the same manner as original systems or component parts. The following shall not constitute alteration or conversion: (3-30-06)

**a.** Repairs with approved replacement parts; (3-30-06)

**b.** Conversion of listed fuel-burning appliances in accordance with the terms of their listing;(3-30-06)

**c.** Replacement of equipment and appliances in kind; (3-30-06)

**d.** Adjustment and maintenance of equipment. (3-30-06)

**04. Alterations to Manufactured Homes.** The replacement, addition, and modification, or removal of any equipment or installation after sale by a manufacturer to a dealer but prior to sale by a dealer to a purchaser which may affect the construction, fire safety, occupancy, plumbing, heat-producing or electrical system. It includes any modification made in a manufactured home which may affect the compliance of the home with the standards, but it does not include the repair or replacement of a component or appliance “plug-in” to an electrical receptacle where the replaced item is of the same configuration and rating as the one being replaced. It also does not include the addition of an appliance requiring “plug-in” to an electrical receptacle, which appliance was not provided with the manufactured

home by the manufacturer, if the rating of the appliance does not exceed the rating of the receptacle to which it is connected. (3-30-06)

**05. Alterations or Conversions of Commercial Coaches.** Any change from the approved plans or installation instructions which would affect the structural, mechanical, electrical or plumbing systems of commercial coaches bearing a Division insignia of approval and shall include the replacement, addition, modification or removal of any structural member; plumbing, heat-producing or electrical equipment; or installation which may affect such systems prior to first occupancy. Any such alteration or conversion shall first be approved by testing and inspection in the same manner as original systems or component parts. The following shall not constitute alteration or conversion: (3-30-06)

- a. Repairs with approved replacement parts; (3-30-06)
- b. Conversion of listed fuel-burning appliances in accordance with the terms of their listing;(3-30-06)
- c. Replacement of equipment and appliances in kind; (3-30-06)
- d. Adjustment and maintenance of equipment. (3-30-06)

**06. Board.** The Idaho Building Code Board created under the provisions of Title 39, Chapter 41, Idaho Code. (3-30-06)

**07. Bureau.** The Building Bureau of the Division of Building Safety. (3-30-06)

**08. Commercial Coach.** In order to further clarify the definition of “commercial coach” as cited in Section 39-4105(5), Idaho Code, the phrase “made so as to be readily movable as a unit on its own running gear” shall mean that the running gear shall be a permanent part of the unit and not intended to be removed or replaced, and such modular structure is used for commercial purposes. (3-30-06)

**09. Division.** The Division of Building Safety of the state of Idaho. (3-30-06)

**10. Equipment.** All equipment, materials, appliances, devices, fixtures, fittings or accessories installed in the manufacture and assembly of modular buildings. (3-30-06)

**11. Field Technical Service.** Interpretation and clarification of the technical data relating to the application of these rules, but not including inspection. (3-30-06)

**12. First Purchaser.** The first purchaser of a commercial coach for other than resale. (3-30-06)

**13. Insignia.** A label, tab or tag issued by the Division to indicate compliance with the codes, standards, rules and regulations established for manufactured building systems, subsystems, or building elements, modular buildings, and commercial coaches. (3-30-06)

**14. Labeled.** Equipment or other building components bearing a label or other approved marking authorized or issued for use by a recognized testing/listing or evaluation agency. (3-30-06)

**15. Listed.** Equipment or other building components included within a current list published by a recognized testing/listing agency that maintains periodic inspection on current production of listed equipment or other building components and whose listing states either that the equipment or component complies with recognized standards or has been tested and determined to be suitable for the use intended. (3-30-06)

**16. Listing Agency.** A person, firm, association, partnership or corporation which is in the business of listing or labeling and which maintains a periodic inspection program on current production of listed materials, and which makes available, not less frequently than annually, a published report of such listing in which specific information is included that the product has been tested to nationally approved standards and found safe for use in a specified manner. (3-30-06)

17. **Minor Alteration.** The following definition shall be used for the purpose of administering annual permits. (3-24-16)
- a.** Minor alterations shall include, but are not limited to, the following: partition walls constructed within a defined room; relocation of or existing openings or installation of new doors and windows in non-load bearing walls and not in construction meant to compartmentalize fire; window replacement in unaltered existing openings; roof repairs involving installation of less than one hundred (100) square feet of new roof covering; and new suspended ceilings that are not part of a required fire resistive assembly. (3-24-16)
- b.** Minor alterations shall not include: work that alters the fire resistive characteristics of the building or fire suppression systems; work that creates new openings in construction meant to compartmentalize fire such as fire walls, fire barriers, fire partitions, smoke barriers, smoke partitions, horizontal assemblies, shaft enclosures, stair enclosures; work that increases the floor area or height of the building; work that changes the structural load path of the building for gravity or horizontal loads; work that reduces the thermal resistant capacity of the building envelop; changes in the occupancy classification of the building or space; increases in the floor loads. (3-24-16)
18. **Model.** As referred to in Section 39-4113(3), Idaho Code, for modular buildings and commercial coaches shall mean a specific outside dimension and floor plan with specific structural, plumbing, electrical, and mechanical systems as designated by the manufacturer to be the standard for imitation reproduction. (3-30-06)
19. **Testing/Listing Agency.** A person, firm, association, partnership or corporation that is: (3-30-06)
- a.** In the business of testing equipment or other building components; and (3-30-06)
- b.** Recognized by the Division as being qualified and equipped to conduct experimental testing in accordance with recognized standards; and (3-30-06)
- c.** Not under the jurisdiction or control of any single manufacturer or supplier for an affected industry; and (3-30-06)
- d.** Making available, not less frequently than annually, a published report in which specific information is included stating that the equipment and systems have been tested and found safe for use in a specified manner. (3-30-06)
20. **Transit Damage.** Application to manufactured home means that damage encountered en route from the place of manufacture to the dealer or first owner involving structural integrity or any repair that does not result in return to the same construction or assembly as specified in the manufacturer's design approval without additional reinforcement or change. (3-30-06)
21. **State Buildings.** All buildings to be constructed, altered, or repaired by or for any state of Idaho agency or entity, without regard to purpose, occupancy, or the source of funding for such construction, alteration, or repair. (3-30-06)
22. **Running Gear.** Springs, spring hangers, axles, bearings, wheels, brakes, rims and tires and their related hardware. (3-30-06)
23. **Substantially Prefabricated or Assembled.** The module or major portion of modular buildings assembled in such manner that all portions may not be inspected without disassembly or destruction of the part. (3-30-06)
24. **Substantially Prefabricated or Assembled.** The module or major portion of commercial coaches is assembled in such manner that all portions may not be inspected without disassembly or destruction of the part. (3-30-06)
25. **Systems Plan.** A design plan concept that allows the interchanging of various approved construction systems to include structural, electrical, plumbing, and mechanical aspects of the system. (3-30-06)

**26. Technical Service.** Conducting research, evaluation, consultation, model and systems plan reviews, interpretation and clarification by the Division of technical data relating to the application of these rules, and shall also include special field inspections that are not covered in other portions of these rules. (3-30-06)

**027. PERMITS.**

**01. Building Permits.** Building permits shall be obtained from the Division prior to the construction of structures governed by the act or rules promulgated by the Board. (3-24-16)

**02. Annual Permit.** In lieu of an individual permit for each minor alteration to an already approved building, the Division may issue an annual permit upon application therefor to any state agency or state governmental organization regularly employing one (1) or more qualified trade persons in the building, structure or on the premises or campus owned or operated by the applicant for the permit. The agency to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The Division shall be allowed access to such records at all times or such records shall be filed with the Division as designated. The permit holder shall request inspections and make the work accessible for inspection as required by the adopted codes and this rule. (3-24-16)

**028. PLAN REVIEW.**

**01. Jurisdiction.** The Division shall have exclusive jurisdiction and authority to conduct plan reviews of the construction, additions, repairs, and occupancy of all state buildings regardless of the source of funding for such construction, addition, repair, or occupancy. (3-30-06)

**02. Plans Specifications.** Construction documents shall be dimensioned and drawn upon suitable material. Plans may be submitted electronically or in digital format as approved by the Division. Drawing format shall be equivalent to the paper format. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that the installations will conform to the provisions of the building code and applicable laws, rules, and policies of the Division. (4-7-11)

**03. Plans Not Required.** Plans shall not be required for group U occupancies of Type V conventional light-frame wood construction. (3-30-06)

**04. Addenda and Change Orders.** (3-30-06)

**a.** Documents enforcing changes or modifications. Addenda, contract change orders, changes-in-work requests, and other similar written documents enforcing changes or modifications to plans or specifications, already approved by the Division, which addenda, change orders, or change-in-work requests deal with structural or fire resistance changes, or such other changes affecting code conformance, shall be submitted to the Bureau for approval. The use of the terms “addenda,” “change orders,” and “changes-in-work requests” shall not be limited exclusively to such phraseology, but shall be inclusive of such other language used in the professions which essentially have the same meaning. (3-30-06)

**b.** Application provisions. The provisions of this Section shall apply to that work which will be accomplished. (3-30-06)

**029. FEES.**  
The following fee schedule shall be applicable for the functions cited: (3-30-06)

**01. Document Fees.** (3-30-06)

**a.** The administrator shall charge such reasonable and suitable fees necessary for copies of any record, plan approval, permit, map, sketch, drawing or other instrument. (3-30-06)

**b.** Charges for copies of separate published documents shall be actual cost to the Division plus postage. (3-30-06)

**02. Technical Service Fee.** One hundred dollars (\$100) per hour. (4-7-11)

**03. Modular Building Fees.** Other than as herein specified in this Section, the fee schedule for modular buildings shall be as provided herein in Table 1-A, and such fees shall be based on the Freight On Board (FOB) cost to the dealer at the point of manufacture. (3-30-06)

**04. Insignia Tag Fee.** In instances where building permit fees are not charged for modular buildings, a one hundred dollar (\$100) fee will be charged for an insignia. (3-30-06)

**05. Payment of Fees.** Fees shall be paid to and collected by the Division. (3-30-06)

**06. Commercial Coaches.** Other than as herein specified in this Section, the fee schedule for commercial coaches shall be as provided in Table 1-A, and such fees shall be based on the Freight On Board (FOB) cost to the dealer at the point of manufacture. (3-30-06)

**07. Building Permit Fees.** The building permit fee for each permit shall be as set forth in the following table. The determination of value or valuation shall be made by the administrator and shall be the total value of all construction work for which a permit is issued.

<b>TABLE 1-A - BUILDING PERMIT FEES</b>	
<b>Total Valuation</b>	<b>Fee</b>
\$1 to \$500	= \$23.50
\$501 to \$2,000	= \$23.50 for the first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	= \$69.25 for the first \$2,000 plus \$14 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	= \$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	= \$643.75 for the first \$50,000 plus \$7 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	= \$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	= \$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 to \$5,000,000	= \$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000, or fraction thereof, to and including \$5,000,000
\$5,000,001 to \$10,000,000	= \$20,208.75 for the first \$5,000,000 plus \$2.75 for each additional \$1,000, or fraction thereof, to and including \$10,000,000
\$10,000,001 and up	= \$33,958.75 for the first \$10,000,000 plus \$2 for each additional \$1,000, or fraction thereof

(4-7-11)

**08. Fees for Annual Permits.** A fee for inspections performed on annual permits shall be charged at the rate of one hundred dollars (\$100) per hour. The Division shall bill the applicant for annual permits and failure of the applicant to pay the fee within sixty (60) days may result in cancellation of the annual permit. (3-24-16)

**09. Plan Review Fees.** Plan review fees shall be charged at an hourly rate of one hundred dollars (\$100) per hour up to a maximum of sixty-five percent (65%) of the calculated building permit fee with a minimum required fee of forty percent (40%) of the calculated building permit fee. All requests for plan review services shall at

such time be accompanied by a payment in the amount of at least forty percent (40%) of the calculated building permit fee. Upon completion of the plan review, any additional fees, above the minimum required, shall be due to the Division by the requesting party. (4-7-11)

**10. Refund of Plan Review Fees.** There shall be no refund of plan review fees. (3-30-06)

**11. Refund of Permit Fees.** The Administrator may authorize a refund of any permit fee paid which was erroneously paid or collected. The Administrator may authorize a refund of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with these rules. The Administrator shall not authorize a refund of any permit fee paid except upon written application filed by the original applicant not later than one hundred eighty (180) days after the date of permit issuance. (4-7-11)

**030. RIGHT OF ENTRY.**

Whenever necessary to make an inspection to enforce any of the provisions of Title 39, Chapters 40 and 41, Idaho Code, or whenever the administrator or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises unsafe, the administrator or his authorized representative shall enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Division by Title 39, Chapters 40 and 41, Idaho Code; provided that if such building or premises is occupied, he shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the administrator shall have recourse to every remedy provided by law to secure entry. (3-30-06)

**031. WORK PROCEEDING WITHOUT PERMIT OR APPROVAL.**

Where any work for which a permit or approval, to include plan or system approval, is required by these rules, or by the codes enumerated in Title 39, Chapter 41, Idaho Code, is started or proceeded prior to obtaining said approval or permit, and after notice to such person doing or causing such work to be done, and such person continues or causes to continue such work, the fees specified in these rules shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of Title 39, Chapters 40 or 41, or both, Idaho Code, or these rules in the execution of the work nor from any other penalties prescribed by law. (3-30-06)

**032. STOP WORK ORDERS.**

Whenever any work is being done contrary to any provisions of the codes enumerated in Title 39, Chapters 40 or 41, or both, Idaho Code, or contrary to these rules, the administrator or his authorized representative may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the administrator or his representative to proceed with the work. Stop work orders shall be accompanied by a notice of violation which shall state the specific violation and code reference. Stop work notices shall be red in color. (3-30-06)

**033. PROHIBITED SALE OR OCCUPANCY NOTICE.**

Whenever any mobile/manufactured home, commercial coach or other modular building is in violation of any of the provisions of Title 39, Chapter 40 or 41, or both, Idaho Code, or these rules, the administrator or his authorized representative may prohibit the sale or occupancy of such building, and any and all persons shall be forthwith prohibited from selling or occupying such building. Prohibited sale or occupancy notices shall be removed only on authority of the administrator or his authorized representative. Prohibited sale or occupancy notices shall be orange in color. (3-30-06)

**034. REMOVAL OF ORDERS AND NOTICES; SALE, RENT, LEASE OR OCCUPANCY OF A UNIT BEARING SUCH ORDER OR NOTICE.**

Removal of stop work orders, prohibited sale or occupancy notices, or the sale, rent, lease or occupancy of a building or structure, bearing such order or notice by any person not authorized by the administrator or his authorized representative, shall constitute a violation under the provisions of Section 39-4126, Idaho Code, and shall fall under the provisions of Section 18-317, Idaho Code. (3-30-06)

**035. MODULAR BUILDINGS.**

**01. Enforcement and Administration.** The administrator shall administer and enforce all the



provisions of these rules. Any officer, agent or employee of the Division is authorized to enter any premises during any normal or operational hours where modular buildings are manufactured, leased, sold or offered for sale for the purpose of examining any records pertaining to quality control and inspection and may inspect any such units, equipment or installations to insure compliance with the provisions of these rules and codes enumerated in Title 39, Chapter 41, Idaho Code. When it becomes necessary, he may require that a portion of such modular building units be removed in order that an inspection may be made to determine compliance. Every manufacturer of modular buildings shall obtain prior approval and an insignia for each modular building unit to be installed in the state of Idaho.

(3-30-06)

**02. Alternates and Equivalents.**

(3-30-06)

**a. Alternatives Acceptable.** The provisions of these rules are not intended to prevent the use of alternate designs, materials, appliances, systems, devices, arrangements, or methods of construction not specifically prescribed by Title 39, Chapter 41, Idaho Code, or of these rules; provided, any such alternate has first been recognized by the Division.

(3-30-06)

**b. Satisfactory Alternatives.** The Division shall recognize any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, device, arrangement, method, system or method of construction is at least the equivalent in performance in quality, strength, effectiveness, fire resistance, durability and adequate for the protection of the health, safety and general welfare of the people of the state of Idaho.

(3-30-06)

**c. Unsatisfactory Alternatives.** Recognition by the Division shall not be given if there is substantial evidence that any design, material, appliance, device, arrangement, system or method of construction does not conform to the provisions or requirements of prescribed standards or these rules; provided, however, the Division may, in order to substantiate claims for alternates, upon written request cause tests or proof of compliance to be made at the expense of the manufacturer, his agent, or the seller.

(3-30-06)

**d. Test Methods.** Test methods shall be as specified in the standards of the codes listed in Title 39, Chapter 41, Idaho Code, or by other nationally recognized standards recognized by the Division. If there are no appropriate test methods specified in the standards listed above, the Division shall determine the test procedure.

(3-30-06)

**03. Permits.** Prior to construction of modular buildings, appropriate building permits shall first be obtained from the Division.

(3-30-06)

**04. Plans.**

(3-30-06)

**a. Specifications for Submittal.** Plans shall be submitted in accordance with Subsection 028.03 of these rules.

(3-30-06)

**b. Nonconformance.** Should the plan submittal not conform to the requirements of these rules, the applicant shall be notified in writing within fifteen (15) work days of the date they are received by the Division. Should the applicant fail to submit a completely corrected plan submittal in accordance with the information supplied by the Division within ninety (90) days of such notice, the plan submittal will be deemed abandoned and all fees submitted shall be forfeited to the Division. Subsequent submission thereafter shall be processed as a new plan submittal.

(3-30-06)

**c. Distribution of Approved Copies.** An approved copy of the plan submittal shall be returned to the manufacturer. An approved copy shall be retained at each place of manufacture, and a copy shall be retained by the Division.

(3-30-06)

**d. Proprietary Information.** All material submitted by the manufacturer in the form of design plans, engineering data, test results, and other design information relating to their application will be considered proprietary information and will not be released for public scrutiny except when so ordered by a court of competent jurisdiction.

(3-30-06)

**e. Changes to Approved Modular Building Plans.** Where the manufacturer proposes to change his

submitted designs or the Division rule is amended to necessitate such a change, the manufacturer shall submit changed plans for examination and approval. (3-30-06)

**05. Inspections.** (3-30-06)

**a.** Inspections at Manufacturing Plants. The Division shall conduct inspections at the manufacturing plant to determine compliance with the provisions of these rules and with Title 39, Chapter 41, Idaho Code. (3-30-06)

**b.** In-Plant Inspections. Due to the repetitive nature of the manufacturing process, the required inspections outlined in the International Building Code or International Residential Code may not be required if, in the opinion of the Division, compliance can be obtained by periodic inspections. The Division shall conduct periodic unannounced inspections at any manufacturing site to review any or all aspects of a manufacturer's production and inspectional control procedures. Each unit, however, shall be inspected at least once during the course of production for compliance with the adopted standards. No unit manufactured to be installed in the state of Idaho will be shipped from the point of manufacture without inspection and attached insignia. (3-30-06)

**c.** Field Inspections. All existing modular buildings to be installed in the state of Idaho not bearing the Division's insignia shall not be used or occupied until required Idaho insignia has been issued by the Division and properly affixed in accordance with these rules. Applicants for insignia shall obtain permits, plan approvals and inspections as required by these rules. (3-30-06)

**d.** Field Inspection for Alterations and Conversions. Any alteration or conversion of Division approved modular buildings after leaving the manufacturing facility shall be field inspected in accordance with this section by the local unit of government having jurisdiction. (3-30-06)

**06. Installation Inspection.** In order to complete the installation of the modular building, approval and inspection of said installation by the enforcement agency having jurisdiction over the site location shall be required. (3-30-06)

**a.** In-Plant Inspection in Sister States. Where there is evidence that the in-plant inspectional controls in out-of-state plants in states having reciprocal agreements with the state of Idaho are not being maintained for units to be sold or placed in Idaho, the Division reserves the right to make out-of-state inspections, and fees for such inspection as set forth in these rules shall be paid by the manufacturer. (3-30-06)

**b.** Field Technical Service. Any person may request field technical service and requests for such service shall be submitted to the Division in writing. (3-30-06)

**07. Local Enforcement Agencies.** (3-30-06)

**a.** Rights of Local Enforcement Agency. A local enforcement agency shall have the right to require a complete set of plans and specifications approved by the Division for each modular building to be installed within its jurisdiction, to require that all permits be obtained before delivery of any unit to a building site and to require permits for alterations, repairs or conversions of existing Division approved modular buildings. (3-30-06)

**b.** Limitations of Rights of Local Enforcement Agency. A local enforcement agency shall not have the right to: open for inspection any modular building or component bearing an insignia to determine compliance with any codes or ordinances; require by ordinance or otherwise that modular buildings meet any requirements not equally applicable to on-site construction; or require or charge fees for any portion of the structure completed in a construction facility remote from the building installation site. (3-30-06)

**08. Insignia.** (3-30-06)

**a.** Required Insignia. Each modular building section substantially prefabricated and assembled shall bear a Division insignia prior to leaving the manufacturing facility. Assigned insignia are not transferable and are void when not affixed as assigned. All such voided insignia shall be returned to, or may be confiscated by the Division. Insignia remain the property of the Division and may be reappropriated by the Division in the event of

violation of conditions of approval. Assigned insignia affixed in the field shall be under the direction of the Division's authorized agent. (3-30-06)

**b.** Insignia Location. Single units shall have the insignia permanently attached below the electrical service entrance. Multiple section units shall have the insignia permanently attached on all perimeter sections to the outside wall next to the major access opening. For interior units and second story units the insignia shall be permanently attached on the interior wall next to the major access opening. (3-30-06)

**c.** Application for Insignia. The manufacturer shall make application for an insignia for each unit to be manufactured as required by Subsection 035.03 of this rule. The permit/insignia application shall be submitted to the Division in accordance with this section and shall include the appropriate fees. Applications shall include the serial number of each unit for which an insignia is requested. (3-30-06)

**d.** Alteration or Conversion. Factory alterations or conversions of an approved modular building prior to first occupancy shall NOT take place until a permit under the provisions of this section has been obtained. The jurisdiction for non-factory produced additions, repairs or alterations to modular buildings and commercial coaches built in conformance with and as prescribed in the Idaho Building Code Act, Section 39-4109, Idaho Code, once such unit has left the manufacturing facility or a dealer's lot, and bears an appropriate insignia of compliance, rests with the local unit of government having the jurisdiction for the administration and enforcement of locally adopted codes prescribed within the Idaho Building Code Act. (3-30-06)

**e.** Denial of Insignia. Should inspection reveal that a manufacturer is not manufacturing units according to the codes specified in Title 39, Chapter 41, Idaho Code, and these rules, and such manufacturer after having been served with a notice setting forth in what respect the provisions of the codes or rules have been violated continues to manufacture units in violation of the codes or rules, applications for new insignia shall be denied and insignia issued for units in noncompliance such manufacturer may resubmit an application for insignia. (3-30-06)

**f.** Removal of Insignia. In the event any unit bearing an insignia is found to be in violation of the codes enumerated in Title 39, Chapter 41, Idaho Code, or these rules, the Division may remove the insignia and shall furnish the owner or his agent with a written statement of violations. The owner or his agent shall request an inspection after making corrections to bring the unit into compliance before the Division will issue a replacement insignia. (3-30-06)

**g.** Serial Number. Each commercial coach rented, leased or sold, or offered for rent, lease or sale in Idaho shall bear a legible identifying serial number in accordance with the provisions of this section which shall include the state of manufacture. Each section of a multiple modular building shall have the same identifying serial number followed by a numerical sequence identifier and letter suffix. (3-30-06)

**h.** Stamp of Serial Number and State of Manufacture. The unit serial number and the state of manufacture shall be stamped into the foremost cross member of all commercial coaches. Letters and numbers shall be three-eighths (3/8) inch minimum height. Numbers shall not be stamped into a hitch assembly or draw bar. The insignia shall be made of etched brass, stainless steel, anodized or alclad aluminum, or other approved material, not less than two hundredths (0.02) inches thick, and three (3) inches by one and three-fourths (1 3/4) inches minimum size, with lettering not less than one-eighth (1/8) inch high. (3-30-06)

**i.** Multiple Commercial Coaches. Each section of multiple commercial coaches shall have the same identifying serial number followed by a numerical sequence identifier and letter suffix. (3-30-06)

**j.** Data on Insignia. The date of manufacture, showing month, week and year will be shown on the insignia. Such data will be provided by the manufacturer on the application for insignia. (3-30-06)

**09. Reciprocal Agreements.** The provisions for insignia of compliance as specified in a written and signed reciprocal agreement between the Division and any other state shall take precedence over the provisions of these rules. (3-30-06)

**036. MANUFACTURED HOMES.**

**01. Construction and Safety Standards.** Effective June 15, 1976, the latest published edition of the Federal Manufactured Home Construction and Safety Standards and Manufactured Home Procedural and Enforcement Regulations shall be in effect for all manufactured homes manufactured within the state of Idaho, and for all new manufactured homes for sale within the state of Idaho. All new manufactured homes offered for sale within Idaho after the effective date of this section shall bear the Housing and Urban Development (H.U.D.) label as authorized in the Federal Manufactured Home procedural and enforcement regulations. Mobile homes manufactured between March 8, 1971 and June 15, 1976 offered for rent, lease, or sale within Idaho shall bear an Idaho insignia of approval. (3-30-06)

**02. Inspections.** (3-30-06)

**a. Special Inspection.** Whenever there is a transit damage or any alteration made to a certified manufactured home, or both, a special inspection shall be required of any person offering for rent, lease, or sale said manufactured home. The purpose of the inspection is to insure that the repairs or alteration, or both, do not result in the failure of the manufactured home to comply with the standards. (3-30-06)

**b. Installation Inspection.** Installation inspections shall be conducted by local jurisdictions in accordance with Title 44, Chapter 22, Idaho Code and the state adopted Idaho Manufactured Home Installation Standard as incorporated by reference in IDAPA 07.03.12, "Rules Governing Manufactured Home Installations," Section 004. (3-30-06)

**03. Fees.** (3-30-06)

**a. Payment of Fees.** Fees shall be paid to and collected by the Division. (3-30-06)

**b. In-Plant Inspections.** The charge for routine in-plant inspections shall be equal to the latest fees approved by the Department of Housing and Urban Development-Office of Manufactured Home Standards: Forty-five dollars (\$45) per floor. (4-9-09)

**c. Other Inspections.** For all inspections other than routine whether they be in-plant or in the field (for models produced after June 15, 1976): Seventy dollars (\$70) per hour minimum for inspection and travel time, prorated to the nearest quarter hour, per diem and lodging where applicable, plus the current state rate for mileage, as approved by the State Board of Examiners and listed in the Idaho State Travel Policies and Procedures, Appendix "A," based on the round-trip distance from point of inspection and the inspector's office location. (4-9-09)

**037. JURISDICTION FOR PLAN REVIEW OF STATE BUILDINGS.**

Jurisdiction of the requirements for plan review for construction, additions, repairs, and occupancy of all state buildings within the state of Idaho shall remain exclusively with the Division. State buildings, for the purposes of this section, shall mean all buildings to be constructed for or by any agency of government at the state level for any purposes or occupancy, regardless of the source of funding for such construction, addition, repair, or occupancy. (3-30-06)

**038. INTEGRATED DESIGN AND FUNDAMENTAL COMMISSIONING OF PUBLIC SCHOOL FACILITIES.**

**01. Definitions.** The following definitions are intended to supplement, and should be read in conjunction with the definitions contained in Section 33-356, Idaho Code. (3-29-10)

**a. Fundamental Commissioning.** A quality-focused process for enhancing the delivery of a project. It makes use of a qualified third party employed directly by the building owner. (3-29-10)

**b. Integrated Design.** Integrated design refers to a collaborative design effort in which each of the individual architectural or engineering professionals focuses on the whole building approach, with an emphasis on optimizing the building's performance, environmental sustainability, and cost-savings, to include climate, use, loads and systems resulting in a more comfortable and productive environment, and a building that is more energy-efficient than would be realized using current best practices. (3-29-10)

**02. Technical and Educational Information.** Technical and educational information related to integrated design and fundamental commissioning in the form of the American Institute of Architects Integrated Project Delivery Guide; Portland Energy Conservation, Inc. (PECI) Commissioning Guides; ASHRAE Guideline 0-2005-The Commissioning Process; and the Northwest Energy Efficiency Alliance Integrated Design Special Focus on Energy Performance Guide is available at the Division office locations including 1090 E. Watertower St., Meridian, Idaho 83642, and 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814. A building commissioned under the prescriptive approaches defined by any of the above-named national organizations is deemed to have completed the Fundamental Commissioning process. (3-29-10)

**03. Commissioning Agents.** The Division has compiled and made available for public examination a list of all known third party building commissioning agents in Idaho and its contiguous states. The Division has ensured that all such commissioning agents appearing on this list have been certified by the Building Commissioning Association (BCA) or other similar certifying entity. (3-29-10)

**04. Annual Optimization Review.** (3-29-10)

**a.** A public school building which qualifies for the school building replacement value calculation pursuant to Section 33-356(5)(a), Idaho Code, shall undergo an annual optimization review each year following the first year of operations that the involved school district seeks to qualify such building for the building replacement value calculation. (3-29-10)

**b.** The systems within a building required to undergo annual optimization review, as well as any relevant measuring criteria for such systems, shall be formulated by the third party commissioning agent that performs the initial fundamental commissioning. The school district shall be provided with a written report from the commissioning agent identifying the systems which will be subject to the annual optimization review along with any other requirements. (3-29-10)

**c.** The report required above in Paragraph 038.03.b. of these rules shall include, but is not limited to, at least the following: (3-29-10)

**i.** Verification that the heating, ventilation, and air conditioning (HVAC) controls, dampers, valves, sensors and other equipment used to control the system are functioning as they were at the commissioning of the building. (3-29-10)

**ii.** Verification that the lighting controls are functioning as they were at the commissioning of the building. (3-29-10)

**iii.** The requirement that any changes made to any of the controls contained on the agent's list after the initial commissioning be re-set back to the commissioned settings unless it can be demonstrated that the new settings result in greater energy efficiency. (3-29-10)

**d.** The annual optimization review shall be performed by persons qualified to make the required determinations and adjustments. (3-29-10)

**e.** The school district shall submit to the Division written verification indicating that the systems identified by the commissioning agent, including those identified in this Section are functioning as they were at the initial commissioning. Such written verification shall also identify the persons performing the optimization and their qualifications. (3-29-10)

**05. Commissioning Anniversary Date.** The date upon which the commissioning agent provides the school district with the required written report described in Paragraph 038.03.b. of these rules shall be the commissioning anniversary date for purposes of this Section. If a school district seeks to qualify a building for the building replacement value calculation, the annual optimization review shall be performed within thirty (30) days of the annual commissioning anniversary date following the first year the building is in operation. The written verification required by Paragraph 038.03.e. of these rules shall be received by the Division not later than sixty (60) days after the annual commissioning anniversary date. (3-29-10)

**06. Fundamental Building Commissioning Requirements. (3-29-10)**

**a.** School districts seeking to qualify a building for the building replacement value calculation shall engage a building commissioning agent. (3-29-10)

**b.** The commissioning agent must document the owner's requirements for each commissioned system in the facility. All HVAC and controls systems, duct work and piping, renewable and alternative technologies, lighting controls and day lighting, waste heat recovery, and any other advanced technologies incorporated in the building must be commissioned. Building envelope systems must also be verified. The owner's requirements for these systems may include efficiency targets and other performance criteria such as temperature and lighting levels that will define the performance criteria for the functional performance testing that occurs prior to acceptance. (3-29-10)

**c.** The commissioning agent shall include commissioning requirements in the project construction documents. This includes the scope of commissioning for the project, the systems to be commissioned, and the various requirements related to schedule, submittal reviews, testing, training, O & M manuals, and warranty reviews. (3-29-10)

**d.** The commissioning agent shall develop and utilize a commissioning plan. This plan must include an overview of the commissioning process for the project, a list of commissioned systems, primary commissioning participants and their roles, a communication and management plan, an outline of the scope of commissioning tasks, a list of work products, a schedule, and a description of any commissioning testing activities. (3-29-10)

**e.** The commissioning agent must submit a report to the owner once the commissioning plan has been executed. (3-29-10)

**039. -- 999. (RESERVED)**

**IDAPA 07  
TITLE 03  
CHAPTER 03**

**07.03.03 – RULES FOR MODULAR BUILDINGS**

**000. LEGAL AUTHORITY.**

The Modular Building Advisory Board of the Division of Building Safety is authorized under Section 39-4302, Idaho Code, to promulgate rules concerning the enforcement and administration of Title 39, Chapter 43, Idaho Code, for Modular Buildings. (3-26-08)

**001. TITLE AND SCOPE.**

**01. Title.** These rules are titled IDAPA 07.03.03, “Rules for Modular Buildings,” Division of Building Safety. (3-26-08)

**02. Scope.** These rules prescribe the criteria for enforcement and administration of the Idaho Modular Buildings Act by the Modular Building Advisory Board and the Building Bureau of the Division of Building Safety. (3-26-08)

**002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency has statements that pertain to the interpretation of the rules of this chapter. These statements are available for review and copying at the offices of the Division of Building Safety. (3-26-08)

**003. ADMINISTRATIVE APPEALS.**

This chapter does not provide for administrative relief of the provisions contained herein. (3-26-08)

**004. OFFICE -- OFFICE HOURS -- STREET ADDRESS -- MAILING ADDRESS -- TELEPHONE, FACSIMILE AND WEB ADDRESS.**

The principal place of business of the Division of Building Safety 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, 1090 E. Watertower Street, Meridian, Idaho 83642. The telephone number of the office is (208) 334-3896. The facsimile number of the office is (208) 855-9399. The Department website at <http://dbs.idaho.gov/>. (3-26-08)

**005. 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. (3-26-08)

**006. -- 009. (RESERVED)**

**010. DEFINITIONS.**

The terms defined in this section have the following meaning for all parts of IDAPA 07.03.03, unless the context clearly indicates another meaning. (3-26-08)

**01. Administrator.** The Administrator of the Division of Building Safety for the state of Idaho. (3-26-08)

**02. Alterations or Conversions of Modular Buildings.** Any change from the approved plans or installation instructions that would affect the structural, mechanical, electrical or plumbing systems of Modular Buildings bearing a Division Insignia of approval, including the replacement, addition, modification, or removal of any structural member; plumbing, heat-producing or electrical equipment, or installation that may effect such systems prior to first occupancy. Any such alteration or conversion must first be approved by testing and inspection in the same manner as original systems or component parts. The following do not constitute alteration or conversion: (3-26-08)

**a.** Repairs with approved replacement parts; (3-26-08)

- b. Conversion of listed fuel-burning appliances in accordance with the terms of their listing;(3-26-08)
- c. Replacement of equipment and appliances in kind; (3-26-08)
- d. Adjustment and maintenance of equipment. (3-26-08)
- 03. Board.** The Modular Building Advisory Board, as created in Section 39-4302, Idaho Code. (3-26-08)
- 04. Building Site.** Any tract, parcel, or subdivision of land upon which a Modular Building is installed or is to be installed. (3-26-08)
- 05. Closed Construction.** Any manufactured building or building component that may enclose factory installed structural, mechanical, electrical, or plumbing systems and is not open for visual inspection at the Building Site. (3-26-08)
- 06. Commercial Coach.** A Modular Building with permanent running gear and a hitch assembly that is designed and constructed for nonresidential occupancy classifications only. Permanent running gear includes springs, spring hangers, axles, bearings, wheels, brakes, rims and tires and their related hardware. (3-26-08)
- 07. Division.** The Idaho Division of Building Safety. (3-26-08)
- 08. Insignia.** A label or tag issued by the Division to indicate compliance with the codes, standards, rules, and regulations established for manufactured building systems, subsystems, or building elements, Modular Buildings, and Commercial Coaches. (3-26-08)
- 09. Modular Building.** Any building or building component, other than a manufactured or mobile home, that is of Closed Construction and is either entirely or substantially prefabricated or assembled at a place other than the Building Site. (3-26-08)
- 10. Technical Service.** Conducting research, evaluation, consultation, interpretation, and clarification by the Division of technical data relating to the application of these rules, and also include special field inspections that are not covered in other portions of these rules. (3-26-08)
- 011. -- 026. (RESERVED)**
- 027. PERMITS.**  
Building permits must be obtained from the Division prior to the construction of structures governed by Title 39, Chapter 43, Idaho Code, or rules promulgated by the Board. (3-26-08)
- 028. PLAN REVIEW.**
  - 01. Jurisdiction.** The Division has exclusive jurisdiction and authority to conduct plan reviews of the in-plant construction of Modular Buildings. (3-26-08)
  - 02. Plans Specifications.** Plans must be drawn to scale and must be on uniformly sized standard stock drawing sheets not to exceed thirty-six (36) inches by sixty (60) inches or in digital PDF format. (3-26-08)
  - 03. Plans Not Required.** Plans are not required for group U occupancies of Type V conventional light-frame wood construction. (3-26-08)
  - 04. Non-conformance.** Should the plan submittal not conform to the requirements of these rules, the applicant will be notified in writing within fifteen (15) work days of the date they are received by the Division. Should the applicant fail to submit a completely corrected plan submittal in accordance with the information supplied by the Division within ninety (90) days of such notice, the plan submittal will be deemed abandoned. Subsequent submission thereafter will be processed as a new plan submittal. (3-26-08)



**05. Distribution of Approved Copies.** An approved copy of the plan submittal will be returned to and retained by the manufacturer and a copy will be retained by the Division. When necessary, an additional copy may be distributed for use by third party or contract inspectors. (3-26-08)

**06. Proprietary Information.** All material submitted by the manufacturer in the form of design plans, engineering data, test results, and other design information relating to their application will be considered proprietary information and will not be released for public scrutiny except when so ordered by a court of competent jurisdiction. (3-26-08)

**07. Revisions to Approved Modular Building Plans.** Where the manufacturer proposes to revise his submitted designs, or Division adopted rules or codes are amended to necessitate such a change, the manufacturer must submit revised plans for examination and approval. (3-26-08)

**08. Application Provisions.** The provisions of this section applies only to plans for work that will be accomplished at the place of manufacture. (3-26-08)

**029. FEES.**  
 The following fee schedule is applicable for the functions cited: (3-26-08)

**01. Modular Building Permit Fees.** Other than as herein specified in this section, the permit fee schedule for Modular Buildings is as provided herein in Table 1-A plus ninety dollars (\$90) and two and one-half percent (2.5%) of the plumbing, electrical, and HVAC installation costs. The determination of value or valuation is based on the total value of all construction work for which a permit is issued.

<b>1997 UNIFORM BUILDING CODE - TABLE 1-A – MODULAR BUILDING PERMIT FEES</b>		
<b>TOTAL VALUATION</b>	<b>=</b>	<b>FEE</b>
\$1 to \$500	=	\$23.50
\$501 to \$2,000	=	\$23.50 for the first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	=	\$69.25 for the first \$2,000 plus \$14 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	=	\$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	=	\$643.75 for the first \$50,000 plus \$7 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	=	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	=	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	=	\$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000, or fraction thereof

(3-26-08)

**02. Other Inspections and Fees.** (3-26-08)

- a. Inspections outside of normal business hours: sixty-five dollars (\$65) per hour (minimum charge - two (2) hours). (3-26-08)
  - b. Re-inspection fees: sixty-five dollars (\$65) per hour. (3-26-08)
  - c. Inspections for which no fee is specifically indicated: sixty-five dollars (\$65) per hour (minimum charge - one half (1/2) hour). (3-26-08)
  - d. Additional plan review required by changes, additions, or revisions to plans: sixty-five dollars (\$65) per hour (minimum charge - one-half (1/2) hour). (3-26-08)
  - e. For use of outside consultants for plan checking and inspections or both: actual costs. (3-26-08)
- 03. Insignia Tag Fee.** In instances where building permit fees are not charged for Modular Buildings, a one hundred dollar (\$100) fee will be charged for an Insignia. (3-26-08)
- 04. Investigation Fee.** Whenever any work for which a permit is required by these rules has been commenced without first obtaining said permit, a special investigation must be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, must be collected whether or not a permit is then or subsequently issued. The investigation fee is equal to the amount of the permit fee required by these rules. The minimum investigation fee is the same as the minimum fee set forth in Table 1-A. The payment of such investigation fee does not exempt any person from compliance with all other provisions of these rules nor from any penalty prescribed by law. (3-26-08)
- 05. Payment of Fees.** Fees are paid to and collected by the Division. (3-26-08)
- 06. Plan Review.** Where the Modular Building plans have not been previously approved, the Modular Building fee includes an additional amount equal to sixty-five percent (65%) of the permit fee calculated in accordance with Table 1-A. (3-26-08)
- 07. Refund of Permit Fees.** The Administrator may authorize refunding of any permit fee paid that was erroneously paid or collected. The Administrator may authorize refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with these rules. The Administrator will not authorize refunding of any permit fee paid except on written application filed by the original applicant not later than one hundred eighty (180) days after the date of fee payment. (3-26-08)
- 08. Refund of Plan Review Fees.** There is no refund of plan review fees. (3-26-08)
- 030. RIGHT OF ENTRY.**  
Whenever necessary to make an inspection to enforce any of the provisions of Title 39, Chapter 43, Idaho Code, or whenever the Administrator or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition that makes such building or premises unsafe, the Administrator or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Division by Title 39, Chapter 43, Idaho Code; provided that if such building or premises is occupied, he must first present proper credentials and demand entry; and if such building or premises be unoccupied, he must first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Administrator has recourse to every remedy provided by law to secure entry. (3-26-08)
- 031. REMOVAL OF ORDERS AND NOTICES PROHIBITED.**  
Removal of stop work or prohibited occupancy orders or notices from a building or structure, bearing such order or notice by any person or persons not authorized by the Administrator or his authorized representative, constitute a violation under the provisions of Section 39-4126, Idaho Code, and falls under the provisions of Section 18-317, Idaho Code. (3-26-08)
- 032. MODULAR BUILDINGS.**

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

**02. Inspections.** (3-26-08)

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

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

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

**d. Qualifications of Inspectors.** All inspectors performing inspections of modular buildings must be properly certified for the type of inspection being conducted. The Modular Board recognizes certifications granted through the National Certification Program Construction Code Inspector program (NCPCCI), the National Inspection Testing Certification program (NITC), the International Association of Electrical Inspectors (IAEI), and the International Code Council (ICC). Certifications must be current and of the proper classification for the structure or subsystem being inspected. (3-29-10)

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

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

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

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

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

**06. Insignia.** (3-26-08)

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

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

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

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

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

**033. CIVIL PENALTIES.**

The following acts subject the violator to penalties based on the following schedule. (5-8-09)

**01. Installation.** Any person who transports a modular building to or installs a modular building on a building site in this state without first receiving approval and securing to the structure insignia evidencing such approval from the Division is subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and subject to a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (5-8-09)

**02. Modification.** Any person who in any way modifies or alters a modular building prior to its initial occupancy which has previously been approved by the Division without first having received approval to do so from the Division is subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and subject to a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (5-8-09)

**03. Removal of Orders.** Any person who removes a stop work or prohibited occupancy order or notice from a building or structure bearing such order or notice is subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and subject to a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (5-8-09)

**04. Lawful Orders.** Any person who fails, neglects, or refuses to obey any lawful order issued by the Administrator or his representative, or who refuses to perform any duty lawfully enjoined upon him by the Administrator or his representative, is subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and subject to a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (5-8-09)

**034. -- 999. (RESERVED)**

**IDAPA 07  
TITLE 03  
CHAPTER 11**

**07.03.11 – RULES GOVERNING MANUFACTURED/MOBILE HOME INDUSTRY LICENSING**

**000. LEGAL AUTHORITY.**

The administrator of the Idaho Division of Building Safety and the Idaho Factory Built Structures Board are authorized to promulgate rules necessary to implement the provisions of Title 44, Chapters 21 and 22, Idaho Code, including the establishment of a mandatory statewide manufactured home setup code, as well as to define and prohibit deceptive practices, and to establish administrative penalties. (3-28-18)

**001. TITLE AND SCOPE.**

**01. Title.** These rules are titled IDAPA 07.03.11, “Rules Governing Manufactured/Mobile Home Industry Licensing,” Division of Building Safety. (3-24-05)

**02. Scope.** These rules apply to persons engaged in the business of manufacturing, selling, or installing manufactured or mobile homes for purposes of human habitation (living and sleeping) in the state of Idaho. (3-20-14)

**002. WRITTEN INTERPRETATIONS.**

The Division may from time to time provide legal opinions regarding these rules. To the extent not privileged, these documents will be made available for inspection at the Division's main office, 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. (3-20-14)

**003. ADMINISTRATIVE APPEALS.**

Procedures for administrative relief of the provisions outlined herein are pursuant to Title 67, Chapter 52, Idaho Code, and the “Idaho Rules of Administrative Procedure of the Attorney General,” IDAPA 04.11.01.000, et seq. (5-25-94)

**004. -- 009. (RESERVED)**

**010. DEFINITIONS.**

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

**01. Administrator.** The administrator of the Division of Building Safety of the state of Idaho. (3-24-05)

**02. Board.** The Factory Built Structures Board. The composition and duties of the Board are set forth at Section 44-2104, Idaho Code. (3-28-18)

**03. Bond.** The performance bond required by Section 44-2103, Idaho Code. (5-25-94)

**04. Branch Office.** An enclosed structure accessible and open to the public, at which the business of the manufactured/mobile home retailer is conducted simultaneously with and physically separated from his principal place of business. There must be displayed on the exterior a sign permanently affixed to the land or building with letters clearly visible to the major avenue of traffic. The sign must provide the business name of the retailer. (3-29-10)

**05. Business.** Occupation, profession, or trade. (5-25-94)

**06. Deceptive Practice.** Intentionally publishing or circulating any advertising concerning mobile or manufactured homes which: (5-25-94)

**a.** Is misleading or inaccurate in any material respect; (3-29-10)

**b.** Misrepresents any of the products or services sold or provided by a manufacturer, manufactured/

mobile home retailer, salesman, or installation company. (3-20-14)

**07. Division.** The Division of Building Safety for the state of Idaho. (5-25-94)

**08. Installer.** A person who owns a business which installs manufactured/mobile homes at the sites where they are to be occupied by the consumer. The term does not include the purchaser of a manufactured/mobile home or a manufactured/mobile home retailer who does not install manufactured/mobile homes. A retailer who does install manufactured/mobile homes is an installer. The term also does not include concrete contractors or their employees. (3-29-10)

**09. Installation.** The term includes “setup” and is the complete operation of fixing in place a manufactured/mobile home for occupancy. (5-25-94)

**10. Manufactured Home.** A structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term must include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of Housing and Urban Development and complies with the standards established under 42 U.S.C. Section 5401, et seq. (3-20-14)

**11. Manufactured Home Retailer.** Except as otherwise provided in these rules: (3-29-10)

**a.** Any person engaged in the business of selling or exchanging new and used units; or (5-25-94)

**b.** Any person or who buys, sells, lists, or exchanges three (3) or more new and used units in any one (1) calendar year. (5-25-94)

**12. Manufactured/Mobile Home Salesman.** Any person employed by a manufactured/mobile home retailer or resale broker for a salary, commission, or compensation of any kind to sell, list, purchase, or exchange or to negotiate for the sale, listing, purchase, or exchange of new, used, brokered, or third-party owned units, except as otherwise provided in Title 44, Chapter 21, Idaho Code. (3-20-14)

**13. Manufacturer.** Any person engaged in the business of manufacturing manufactured homes that are offered for sale, lease, or exchange in the state of Idaho. (3-20-14)

**14. Mobile Home.** A factory-assembled structure or structures generally constructed prior to June 15, 1976, the date of enactment of the Federal Manufactured Housing and Safety Standards Act (HUD Code), and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. (3-20-14)

**15. Person.** A natural person, corporation, partnership, trust, society, club, association, or other organization. (5-25-94)

**16. Principal Place of Business.** The primary physical location at which the business of a manufactured home retailer or resale broker is lawfully conducted. Each of the following requirements must be met to qualify as the principal place of business: (3-20-14)

**a.** The business of the manufactured or mobile home retailer or resale broker is lawfully conducted here; (3-20-14)

**b.** The office or offices of the retailer or resale broker is or are located here; (3-20-14)

**c.** The public may contact the retailer, resale broker, or salesman here; (3-20-14)

- d. The offices are accessible and open to the public; and (3-20-14)
- e. The greatest portion of the retailer's business is conducted here. The books and other records of a retailer must be kept and maintained at the retailer's principal place of business and be open to inspection during normal business hours by any authorized agent of the Division. Moreover, there must be displayed on the exterior a sign permanently affixed to the land or building with letters clearly visible to the major avenue of traffic. The sign must provide the business name of the retailer. (3-29-10)
- 17. **Responsible Managing Employee (RME).** The person designated by the employer to supervise other employees, either personally or through others. (5-25-94)
- 18. **Unit.** A mobile or manufactured home. (5-25-94)
- 19. **Used Manufactured Home or Mobile Home.** A manufactured home or mobile home, respectively, which has been: (5-25-94)
  - a. Sold, rented, or leased and occupied prior to or after the sale, rental, or lease; or (5-25-94)
  - b. Registered with or been the subject of a certificate of title issued by the Idaho Department of Transportation or the appropriate authority of any state, the District of Columbia, or foreign state or country. (5-25-94)

**011. (RESERVED)**

**012. LICENSE REQUIRED.**

It is unlawful to engage in business as a manufacturer, manufactured/mobile home retailer, resale broker, manufactured/mobile home salesman, responsible managing employee, or installer without being duly licensed by the Division pursuant to Title 44, Chapter 21, Idaho Code, and these rules. No issued licenses are transferable. (3-20-14)

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

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

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

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

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

**03. Proof of License.** Proof of the existence of any license issued pursuant to these rules is carried upon the person of the responsible managing employee or supervisor of any installation at all times during the performance of the installation work. Such proof must be furnished upon demand of any person. Moreover, any license issued to a manufactured/mobile home retailer, resale broker, responsible managing employee, or salesman must be posted in a conspicuous place on the business premises of the employer for whom the holder of the license is licensed. The license of a manufacturing facility or branch office must also be posted in a conspicuous place at the

location licensed. (3-20-14)

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

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

**06. License for Branch Office of Manufactured/Mobile Home Retailer or Resale Broker.** (3-29-10)

**a.** The Division requires as a condition of licensing and bonding any information it deems necessary for each location where a manufactured/mobile home retailer or resale broker maintains a branch office. The mere listing of manufactured/mobile homes for sale does not constitute a branch office, but the use of a mobile home park or a state sales office by a licensee for the sale or offering for sale of manufactured/mobile homes does constitute the maintenance of a branch office. A branch office manager may not manage more than one (1) branch office. (3-29-10)

**b.** To open a branch office, a retailer or resale broker must: obtain a license from the Division to operate the branch office; and provide for direct supervision of the branch office, either by himself or by employing a branch office manager. (3-29-10)

**c.** If the branch office is closed, the retailer or resale broker must immediately deliver the license to the Division. (3-29-10)

**07. License to Engage in Business as Manufactured/Mobile Home Retailer, Resale Broker, Manufacturer, or Installer; Application; Bond; Issuance, Expiration, and Renewal.** (3-20-14)

**a.** Applications for a manufacturer's, retailers, resale brokers, or installer's license must be filed upon forms supplied by the Division, and the applicant must furnish: (3-20-14)

**i.** Any proof the Division may deem necessary that the applicant is a manufacturer, retailer, resale broker, or installer; (3-20-14)

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

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

**iv.** In the case of a retailer in new manufactured homes, an instrument in the form prescribed by the Division executed by or on behalf of the manufacturer certifying that the applicant is an authorized franchise dealer for the make concerned; (3-29-10)

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

**vi.** In the case of a retailer, resale broker, or installer, proof of passing the examination required by these rules. (3-20-14)

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

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

**d.** If any installer's working relationship with his employer is terminated, the employer must immediately deliver the license of the terminated installer to the Division. (3-20-14)



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

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

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

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

**d.** A person licensed pursuant to Subsection 012.08 of these rules may not engage in sales activity other than for the account of, or for and on behalf of, a single employer who is a licensed retailer or resale broker. (3-29-10)

**e.** If a salesman ceases to be employed by a licensed retailer or resale broker, his license to act as a salesman is automatically suspended and his right to act in that capacity immediately ceases. He may not engage in such activity until reemployed by a licensed retailer or resale broker. If the salesman's working relationship with his employer is terminated, the employer must immediately deliver his license to the Division. (3-29-10)

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

**a.** A person may not act as a responsible managing employee for an installer without first having been issued a license by the Division. Before issuing such a license the Division requires: (3-20-14)

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

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

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

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

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

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

**d.** A person licensed pursuant to Subsection 012.09 of these rules may not engage in such activity other than for the account of, or for and on behalf of, a single employer who is a licensed installer. (3-20-14)

**e.** If a responsible managing employee ceases to be employed by an installer, his license to act as a responsible managing employee is automatically suspended and his right to act in that capacity immediately ceases. He may not engage in such activity until reemployed by a licensed installer. (3-20-14)

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

**013. THE DIVISION'S MAILING ADDRESS.**

Any correspondence or notices required by these rules or Title 44, Chapters 21 or 22, Idaho Code, may be addressed to the Division of Building Safety, 1090 E. Watertower Street, Suite 150 Meridian, Idaho 83642. (3-20-14)

**014. PROOF OF EDUCATION REQUIRED.**

**01. Satisfactory Proof for Initial Application Submission.** An application for a license as a manufactured/mobile home installer must include proof satisfactory to the Division that the applicant has completed the following number of hours of initial education in order to be approved: (4-7-11)

**a.** Installers and retailers who are installers: eight (8) hours. (3-20-14)

**b.** The course of initial education must be approved by the Division and must include information relating to the provisions of these rules, Title 44, Chapters 21 and 22, Idaho Code, and the Manufactured Housing Construction Safety Standards Act of 1974. (4-7-11)

**02. Satisfactory Proof for License Renewal.** The Division will not renew any installer license, or retailer license of any dealer who is also an installer, issued pursuant to Title 44, Chapters 21 or 22, Idaho Code, or these rules until the licensee has submitted proof satisfactory to the Division that he has, during the three (3) years immediately preceding the renewal of the license, completed at least eight (8) hours of continuing education. (3-28-18)

**03. Continuing Education Course.** The course of continuing education must be approved by the Division and must include information relating to the following: (4-7-11)

**a.** Manufactured housing or mobile home parks which will enable a person to give better service to the members of the general public and tenants of manufactured/mobile home parks; (4-7-11)

**b.** The construction, including components and accessories, rebuilding, servicing, installation, or sale of manufactured/mobile homes; (4-7-11)

**c.** Legislative issues concerning manufactured/mobile home housing and manufactured/mobile home parks, including pending and recently enacted state or federal legislation; and (4-7-11)

**d.** These rules, Title 44, Chapters 21 or 22, Idaho Code, and the Manufactured Housing Safety Standards Act of 1974. (4-7-11)

**015. EXAMINATION OF APPLICANT FOR LICENSE.**

**01. Required Examinations.** Effective January 1, 1995, the Division requires a written examination of each applicant for a license, other than a license being renewed, as a manufactured/mobile home retailer, resale broker, or installer. The examination includes, but may not be limited to, the following subjects: Title 44, Chapters 21 and 22, Idaho Code; these rules and IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations"; and the Manufactured Housing Construction Safety Standards Act of 1974. To avoid the requirement of an examination and be considered a renewal, any licensee must renew his license within six (6) months of its expiration date. (3-20-14)

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

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

**016. DISCIPLINARY ACTION AGAINST LICENSEES.**

The Division may deny, suspend, refuse to renew, or revoke any license issued under Title 44, Chapter 21, Idaho

Code, or these rules or reissue the license subject to reasonable conditions upon any of the following grounds: (3-24-05)

**01. Violation of Rules and Statutes.** For any willful or repeated violation of these rules, IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," or Title 44, Chapters 21 or 22, Idaho Code. (3-29-10)

**02. Failure to Have Principal Place of Business.** With regards only to a manufactured/mobile home retailer or resale broker, failure of the applicant or licensee to have a principal place of business. (3-29-10)

**03. Revocation of License.** The revocation of the license of the employer of a responsible managing employee or salesman is grounds for the revocation of the license of the installer, responsible managing employee or salesman. (3-29-10)

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

**05. Proof of Employment.** Failure of a salesman or applicant for licensing as a salesman to establish by proof satisfactory to the Division that he is employed by a licensed retailer or resale broker. (3-29-10)

**06. Disclosing Contents of Examination.** Obtaining or disclosing the contents of an examination given by the Division. (5-25-94)

**07. Deceptive Practice.** The intentional publication, circulation, or display of any advertising which constitutes a deceptive practice as that term is defined in Subsection 010.06 of these rules. (3-24-05)

**08. Failure to Provide Business Name.** Failure to include in any advertising the name of the licensed retailer, resale broker, or installer, or the name under which he is doing business. (3-20-14)

**09. Encouraging Falsification.** Intentionally inducing an applicant or licensee to falsify his credit application. (5-25-94)

**10. Poor Workmanship.** Performing workmanship which is grossly incompetent or repeatedly below the standards adopted by Title 44, Chapters 21 and 22, these rules, IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," the Federal Manufactured Housing and Safety Standards Act of 1974, or the latest Idaho adopted editions of the International Building Code, the National Electrical Code, the Uniform Plumbing Code, and the International Mechanical Code, then in effect. (3-29-10)

**11. Installation Supervisor Required.** Failure to have a licensed responsible managing employee personally supervise any installation of a manufactured/mobile home. (3-20-14)

**12. Failure of Organizations to License its Employees.** Failure of an organization to have its employees maintain any license as required by these rules. (3-24-05)

**13. Failure to Honor Warranties.** Failure to honor any warranty or other guarantee given by a licensee for construction, workmanship, or material as a condition of securing a contract, or of selling, leasing, reconstructing, improving, repairing, or installing any manufactured/mobile home, or accessory structure. (3-29-10)

**14. Revocation or Denial of License.** Revocation or denial of a license issued pursuant to these rules or an equivalent license by any other state or U.S. territory. (3-29-10)

**15. Failure to Maintain Any Required License.** Failure of the licensee to maintain any other license required by any city or county of this state. (5-25-94)

**16. Failure to Respond to Notice.** Failure to respond to a notice served by the Division as provided by law within the time specified in the notice. (5-25-94)

**17. Failure to Permit Access to Documentary Materials.** Failure or refusing to permit access by the Division to relevant documentary materials after being requested to do so by the Division. (5-25-94)

**18. Conviction of Misdemeanor.** Conviction of a misdemeanor for violation of any of the provisions of Title 44, Chapters 21 or 22, Idaho Code. (5-25-94)

**19. Conviction of Felony.** Conviction or withheld judgment for a felony in this state, any U.S. territory, or country. (3-29-10)

**20. Dealing with Stolen Manufactured or Mobile Homes.** To knowingly purchase, sell, or otherwise acquire or dispose of a stolen manufactured or mobile home. (5-25-94)

**21. Violation of Permit or Inspection Requirements.** To knowingly violate any permit or inspection requirements of any city or county of this state. (5-25-94)

**017. PROCEDURES FOR LICENSING SUSPENSION, REVOCATION OR NONRENEWAL.**

Any proceeding to suspend, revoke, or not renew any license will be conducted as a contested case in accordance with the provisions of Title 67, Chapter 52, Idaho Code, and the "Idaho Rules of Administrative Procedure of the Attorney General," IDAPA 04.11.01.000, et seq. Any party aggrieved by an order of the administrator suspending, revoking, or not renewing a license is entitled to judicial review thereof in accordance with the provisions of Title 67, Chapter 52, Idaho Code. (3-24-05)

**018. APPLICATION FOR NEW LICENSE.**

Any person whose license has been revoked may not apply for a new license until the expiration of one (1) year from the date of such revocation. (5-25-94)

**019. FEES.**

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

**a.** Manufactured/mobile home retailer or resale broker's license: four hundred forty dollars (\$440). Retailers who are also installers will not have to pay an installer's license fee in order to hold both licenses. (3-29-10)

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

**c.** Manufactured/mobile home installer license: two hundred twenty dollars (\$220); (3-20-14)

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

**e.** Responsible managing employee license: forty-five dollars (\$45). (3-29-10)

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

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

**b.** Manufactured/mobile home retailer: twenty thousand dollar (\$20,000) bond; (3-29-10)

**c.** Manufactured/mobile home resale broker: thirty thousand dollar (\$30,000) bond; (3-29-10)

**d.** Manufactured/mobile home installer: five thousand dollar (\$5,000) bond. Retailers who are also installers will not be required to post an installer's bond in order to hold both licenses. (3-20-14)

**e.** Responsible managing employee. No bond. (3-29-10)

**03. Money or Securities Deposit in Lieu of Performance Bond.** A money or securities deposit will be accepted by the Division in lieu of the performance bonding requirement as set forth at Title 44, Chapter 21, Idaho Code, and Subsection 019.02 of these rules, under the following circumstances: (3-29-10)

**a.** Any such money or securities deposit is in a principal sum equal to the face amount of the performance bond required for the applicable licensing category; (3-29-10)

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

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

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

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

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

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

**020. LICENSING COMPLAINTS.**

Persons who wish to submit comments to the Division for its consideration regarding the fitness to hold a license of anyone currently licensed or applying for a license under these rules must do so in writing. To be considered, any such writing must be signed, dated, provide the name of the license holder or applicant, provide the specific details giving rise to the comments, and contain a valid and current address and telephone number for verification purposes. (3-24-05)

**021. RETURN OF LICENSE UPON REVOCATION.**

In the event a license is revoked by the Division, the former license holder must immediately return the revoked license to the Division. (5-25-94)

**022. CIVIL PENALTIES.**

The following acts subject the violator to penalties based on the following schedule: (3-29-10)

**01. Industry Licensing.** Except as provided for by Section 44-2106, Idaho Code, any person who engages in the business of a manufacturer, retailer, resale broker, salesman, installer, or responsible managing employee (RME) as defined in Section 44-2101A, Idaho Code, without being duly licensed by the Division is 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. (3-20-14)

**02. Deceptive Practice.** In accordance with Section 44-2106(2), Idaho Code, any retailer, resale broker, installer, salesman, or RME who intentionally publishes or circulates any advertising that is misleading or inaccurate in any material respect or that misrepresents any of the products or service sold or provided by a manufacturer, retailer, resale broker, installer, or RME, is 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. (3-20-14)

**03. Dealing with Stolen Manufactured or Mobile Homes.** In accordance with Section 44-2106(2),

Idaho Code, any person who knowingly purchases, sells, or otherwise acquires or disposes of a stolen manufactured or mobile home is subject to a civil penalty of not more than one thousand dollars (\$1,000). (3-29-10)

**04. Failure to Maintain a Principal Place of Business.** In accordance with Section 44-2106(2), Idaho Code, any person who is a retailer or resale broker duly licensed by the Division and who fails to maintain a principal place of business within Idaho, is 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. (3-29-10)

**05. Violation of Rules and Statutes.** Any person who knowingly violates any of the provisions of these rules, IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," or the provisions of Title 44, Chapters 21 or 22, Idaho Code, is subject to a civil penalty of five hundred dollars (\$500) for the first offense and one thousand dollars (\$1,000) for each offense thereafter. (3-29-10)

**06. Gross Violation.** In case of continued, repeated, or gross violations of these rules or IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," a license revocation may be initiated for licensed individuals under Title 44, Chapter 21, Idaho Code. Non-licensed individuals are subject to prosecution by the appropriate jurisdiction under Idaho law. (3-29-10)

**07. Judicial Review.** Any party aggrieved by the final action of the Administrator is entitled to a judicial review thereof in accordance with the provisions of Title 67, Chapter 52, Idaho Code. (3-29-10)

**023. -- 029. (RESERVED)**

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

The Manufactured Home Buyer's Information and Disclosure Form must be presented by manufactured home retailers to each purchaser of a new manufactured home, and must be executed by the retailer and purchaser at the time the initial purchase order is signed for the sale of a new manufactured home. The form is available at the Division office. (3-29-10)

**031. -- 999. (RESERVED)**

**IDAPA 07  
TITLE 03  
CHAPTER 12**

**07.03.12 – RULES GOVERNING MANUFACTURED OR MOBILE HOME INSTALLATIONS**

**000. LEGAL AUTHORITY.**

In accordance with Section 44-2201, Idaho Code, the administrator of the Idaho Division of Building Safety is authorized to promulgate rules necessary to implement the provisions of Title 44, Chapters 21 and 22, Idaho Code. (5-3-03)

**001. TITLE AND SCOPE.**

**01. Title.** These rules are IDAPA 07.03.12, “Rules Governing Manufactured or Mobile Home Installations,” Division of Building Safety. (5-3-03)

**02. Scope.** These rules apply to the installation of manufactured or mobile homes used for purposes of human habitation (living, sleeping) in the state of Idaho. (5-3-03)

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations. (5-25-94)

**003. ADMINISTRATIVE APPEALS.**

This chapter does provide for administrative relief of the provisions outlined herein. (5-25-94)

**004. ADOPTION AND INCORPORATION BY REFERENCE.**

The Idaho Manufactured Home Installation Standard (January 1, 2018 edition), as adopted by the administrator, is hereby adopted and incorporated by reference into these rules. A current copy is available for review or copying at the office of the Division of Building Safety, 1090 E. Watertower Street., Suite 150, Meridian, Idaho 83642, 1250 Ironwood Drive, Suite 220, Coeur d’Alene, Idaho, 83814, and 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. (3-28-18)

**005. APPLICATION -- COMPLIANCE.**

**01. Application -- State Preemption.** The standards referred to in this chapter are considered to be a comprehensive statement of all applicable standards which apply to the installation, alteration or repair of manufactured or mobile homes in Idaho. Cities and counties may not adopt or enforce more or less stringent standards, except as permitted by Section 67-6509(a), Idaho Code, as it pertains to the siting of manufactured homes in residential areas. (5-3-03)

**02. Compliance -- Disciplinary Action Against Licensees.** Failure to comply with these standards constitutes grounds for imposition of discipline as provided in Title 44, Chapters 21 and 22, Idaho Code, and IDAPA 07.03.11, “Rules Governing Manufactured/Mobile Home Licensing,” and these rules. (5-3-03)

**006. -- 011. (RESERVED)**

**012. USE OF MANUFACTURERS’ INSTALLATION INSTRUCTIONS.**

All new HUD manufactured homes must be installed in accordance with the manufacturer’s Design Approval Primary Inspection Agency (DAPIA) approved installation instructions. In any instance in which there is a conflict between the DAPIA installation instructions and the Idaho Manufactured Home Installation Standards, the DAPIA installation instructions supersede and serve as the controlling authority. All manufactured or mobile homes must be installed in accordance with all other applicable state laws pertaining to utility connection requirements. (3-29-10)

**013. INSTALLATION PERMITS AND INSPECTIONS REQUIRED.**

The owner or the installer of a manufactured or mobile home must obtain an installation permit in accordance with the requirements of Section 44-2202, Idaho Code. Installation permits must be obtained from the Division of Building Safety for installations in areas where there is no approved local program, or from a city or county that has by ordinance adopted building codes pursuant to Section 39-4116, Idaho Code, and whose installation program has

been approved by the Division. Installation permits will only be issued to the owner of the manufactured home or to a licensed installer. The installer must have a current and valid license in effect at the time of the application for the installation permit. All installations must be inspected and approved by the authority having jurisdiction before the manufactured home is occupied. (3-27-13)

**014. INSTALLATION PERMIT FEES.**

A city or county whose installation inspection program has been approved by the Division establishes their own fee schedule for installation permits within their jurisdiction. Permits obtained from the Division must be accompanied by a fee in accordance with the following schedule: (3-27-13)

**01. Single Section Unit.** The permit fee for a single section unit is one hundred fifty dollars (\$150). (3-27-13)

**02. Double Section Unit.** The permit fee for a double section unit is two hundred dollars (\$200). (3-27-13)

**03. More Than Two Sections.** The permit fee for a home consisting of more than two (2) sections is two hundred fifty dollars (\$250). (3-27-13)

**04. Electrical and Plumbing Permits.** Electrical and plumbing permits are administered separately from installation permits, and fees for such are separate from the fees identified in Section 014. Such fees are paid to the Division or other jurisdiction in accordance with the rules promulgated by the governing boards or local ordinance. (3-27-13)

**015. INSTALLATION TAGS REQUIRED.**

The owner or installer of a new manufactured home must purchase an installation tag from the Division of Building Safety prior to commencing the installation of a manufactured home in Idaho. Such tag is required regardless of which jurisdiction has authority to perform the installation inspection. The fee for the installation tag is fifty dollars (\$50). (3-27-13)

**016. APPROVAL OF LOCAL MANUFACTURED HOME INSTALLATION INSPECTION PROGRAMS.**

**01. Division Approval.** A city or county that has by ordinance adopted a building code pursuant to Section 39-4116, Idaho Code, is eligible to participate in the inspection of manufactured and mobile homes. Such local installation inspection program must be approved by the Division to provide inspection services if the following minimum criteria is met: (3-27-13)

**a.** Inspections are conducted by the city or county employing inspectors holding a valid certification as residential building inspector from the International Code Council; (3-27-13)

**b.** Inspectors have attended annual training sessions provided or approved by the Division of Building Safety and received a certificate evidencing successful completion thereof; and (3-27-13)

**c.** Approval of a city or county's inspection program has not been withdrawn by the Administrator of the Division of Building Safety. (3-27-13)

**02. Voluntary Withdrawal.** A city or county may voluntarily withdraw from participation in the program to inspect manufactured homes upon providing to the Administrator of the Division of Building Safety ninety (90) days written notice of its intention to do so. (3-27-13)

**017. WITHDRAWAL OF APPROVAL OF PROGRAMS.**

**01. Division Withdrawal.** Approval of city or county manufactured home installation program may be withdrawn by the Division of Building Safety if it determines that the city or county's program has failed, upon notification of the program deficiencies, to adequately remedy such deficiencies within a period of time specified by the Administrator. (3-27-13)



**02. Administrative Proceedings.** Proceedings that may result in the denial or withdrawal of approval will be conducted in accordance with Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (3-27-13)

**03. Re-Approval.** Re-approval of a program may be made by the Division when it determines that the reasons for the withdrawal have been remedied. (3-27-13)

**018. MINIMUM TRAINING REQUIREMENTS FOR INSPECTORS.**

**01. Annual Training or Instruction.** All installation inspectors employed by the Division of Building Safety or a city or county must complete eight (8) hours of training or instruction every three (3) years dedicated to the installation and inspection of manufactured and mobile homes. (3-28-18)

**02. Division Approval.** All training and instruction must be approved by the Division in order to qualify and satisfy the requirements in Subsection 018.01 of these rules. (3-27-13)

**03. Revocation of Approval.** Training or instruction approval is subject to revocation by the Division if in its discretion it determines that for any reason the training or instruction fails to meet the intent of furthering the education of manufactured home installation inspectors including, but not limited to, inadequacies in course content or methods of delivery. (3-27-13)

**019. QUALITY ASSURANCE.**

**01. Inspected Installations.** Any inspected installation is subject to quality assurance reviews by Division of Building Safety at its discretion. Findings made by the Division pursuant to such reviews will be forwarded to the inspection authority having jurisdiction. (3-27-13)

**02. Inspectors and Programs.** All inspectors and approved programs, including the Division of Building Safety, are subject to review. (3-27-13)

**03. Reviews by Division Personnel.** Quality assurance reviews must be performed by Division of Building Safety supervisory personnel who are experienced in and knowledgeable about the installation requirements for manufactured homes. (3-27-13)

**04. Division Personnel Training and Certification.** Supervisory personnel as identified in Section 019 of these rules, must meet minimum training and certification requirements for inspectors of manufactured home installations. (3-27-13)

**020. MINIMUM SCOPE OF INSTALLATION INSPECTION.**

**01. Scope.** At a minimum, the inspection of the installation of a manufactured home by an installer include the following: (3-27-13)

**a.** Completion of an inspection record document as required by Section 44-2202(5), Idaho Code. The inspection record document must verify that the installer has visually inspected the installation and must certify that the exterior and interior close-up processes, including the marriage line and other covered-up components, have been completed; (3-27-13)

**b.** Delivery of a copy of the completed inspection record document to the homeowner and the authority having jurisdiction; (3-27-13)

**c.** Verification that all installed ductwork, plumbing, electrical and fuel supply systems are operating properly; and (3-27-13)

**d.** If applicable, verification that skirting has been installed correctly. (3-27-13)

**02. Inspection Minimum Requirements.** At a minimum, the inspection of the installation of a manufactured home must include the following by an inspector: (3-27-13)

- a.** Verification that site location is suitable for home design and construction, and inspection of site-specific conditions, including preparation and grading for drainage; (3-27-13)
- b.** Inspection of the foundation construction; (3-27-13)
- c.** Verification that installed anchorage meets minimum requirements; and (3-27-13)
- d.** Verification of receipt of a completed inspection record document from the installer. (3-27-13)

**021. SUPERVISION BY RESPONSIBLE MANAGING EMPLOYEE.**

A responsible managing employee, as the term is defined in IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Licensing," Subsection 004.18, must personally supervise any installation of a manufactured or mobile home at its place of occupancy unless the installer licensee personally supervises such installation. (5-3-03)

**022. LICENSE SUSPENSION OR REVOCATION.**

The administrator may suspend or revoke or not renew any license for any willful or repeated violation of these rules or Title 44, Chapters 21 or 22, Idaho Code. Any such proceeding will be handled as a contested case and according to the procedures set forth in IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Licensing," Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (5-3-03)

**023. -- 999. (RESERVED)**

**IDAPA 07  
TITLE 04  
CHAPTER 02**

**07.04.02 – SAFETY RULES FOR ELEVATORS, ESCALATORS, AND MOVING WALKS**

**000. LEGAL AUTHORITY.**

This chapter is adopted by the administrator of the Division of Building Safety in accordance with Section 39-8605, Idaho Code. (4-6-05)

**001. TITLE AND SCOPE.**

**01. Title.** These rules are titled IDAPA 07.04.02, “Safety Rules for Elevators, Escalators, and Moving Walks.” (4-6-05)

**02. Scope.** These rules govern the design, construction, installation, operation, inspection, testing, maintenance, alteration, or repair of elevators, escalators, moving walks, platform lifts, material lifts, and dumbwaiters. (4-6-05)

**002. WRITTEN INTERPRETATIONS.**

There are no written statements which pertain to the interpretation of these rules. (4-6-05)

**003. ADMINISTRATIVE APPEALS.**

There are no administrative appeals provided for herein. (4-6-05)

**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 2016, Safety Code for Elevators and Escalators with the following exceptions: (3-28-18)
  - i.** Compliance with section 2.8.3.3.2 requires that the means for disconnecting the main power, as required by this section, to be within sight of controller for all conveyances with an elevator machine room or control room. (3-28-18)
  - ii.** Compliance with section 8.11.2.1.5(c) Car and Counterweight Buffer testing must be conducted at slow speed in accordance with Item 5.9.2.1(a) in ANSI/ASME A17.2 2014. (3-28-18)
  - iii.** Compliance with Section 2.2.2.5, which requires a sump pump or drain in the elevator pit, is optional. If a sump pump or drain is installed, it must meet the requirements of this section. A sump with a cover must be provided in each elevator pit. (3-29-12)
- b.** ANSI/ASME A17.2 2014 Guide for Inspection of Elevators, Escalators, and Moving Walks. (3-28-18)
- c.** ANSI/ASME A17.3 2015 Safety Code for Existing Elevators and Escalators. (3-28-18)
- d.** ANSI/ASME A17.4 1999 Guide for Emergency Personnel. (4-2-08)
- e.** ANSI/ASME A17.5 2014 Elevator and Escalator Electrical Equipment. (3-28-18)
- f.** ANSI/ASME A17.6 2010 Standard for Elevator Suspension, and Governor Systems. (3-29-12)
- g.** ANSI/ASME A17.7 2012 Performance-based Safety Code for Elevators and Escalators. (3-28-18)
- h.** ICC/ANSI A117.1 2009 Accessible and Usable Buildings and Facilities. (3-28-18)

- i. ANSI/ASME A18.1 2014 Safety Standards for Platform Lifts and Chairlifts. (3-28-18)
- j. ASME QE-1 2013 Standard for the Qualification of Elevator Inspectors. (3-28-18)

**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; 1250 Ironwood Dr., Suite 220, Coeur d'Alene, Idaho 83814; and 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. (3-28-18)

**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. (3-29-12)

**03. Mailing Address.** The office mailing address is Division of Building Safety, 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. (3-29-12)

**04. Telephone Number.** The office telephone number is (800) 955-3044. (3-29-12)

**05. Facsimile Number.** The office facsimile number is (877) 810-2840. (3-29-12)

**06. Internet Address.** The Division's Internet website at <https://dbs.idaho.gov/>. (4-6-05)

**006. PUBLIC RECORDS ACT COMPLIANCE.**

Division records are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (4-6-05)

**007. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Act.** The Elevator Safety Code Act, Title 39, Chapter 86, Idaho Code. (4-6-05)

**02. Administrator.** The administrator of the Division of Building Safety. (4-6-05)

**03. Division.** The Division of Building Safety of the state of Idaho. (4-6-05)

**011. INSPECTION REQUIREMENTS.**

In order that a required inspection may take place: (4-9-09)

**01. Access.** All machine rooms and spaces must be free of dirt and debris and any obstacles to access must be removed. (4-6-05)

**02. Technician on Site.** An elevator technician and fire alarm technician must be present on site to restore elevator and fire alarm systems. (4-6-05)

**03. Installation.** The elevator installation must be complete and safe for inspection. Equipment, components, or systems installed on the conveyance must function in accordance with design and code requirements. If equipment, components, or systems are installed that are not required by the currently adopted code, they must function properly or be removed. (4-7-11)

**04. Inspection Fees.** Inspection fees for elevators are assessed and collected according to the schedule listed in Section 39-8616, Idaho Code, except that reinspection fees for all types of conveyances is one hundred

dollars (\$100) for the first hour of inspection, or portion thereof, and one hundred dollars (\$100) for each hour of inspection thereafter. (4-9-09)

**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, must 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 must 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. (3-29-12)

**b.** The owner of the new product or system must 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 will modify the product or system to bring it into compliance. The owner must 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 must provide training to Division personnel on 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 must 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. (3-29-12)

**013. -- 999. (RESERVED)**

**IDAPA 07  
TITLE 05  
CHAPTER 01**

**07.05.01 – RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD**

**000. LEGAL AUTHORITY.**

This chapter is adopted pursuant to Section 54-1907, Idaho Code, as amended. (3-20-04)

**001. TITLE.**

These rules are titled IDAPA 07.05.01, “Rules of the Public Works Contractors License Board.” (3-20-04)

**002. INTENT.**

The Board believes the legislature in providing the License Act and subsequent amendments thereto, intended to afford some protection to officials of units of government at all levels in their dealing with persons, firms or corporations engaging in the construction, reconstruction or repair of Public Works. The licensing of a person, firm or corporation as a “Public Works Contractor” is intended to provide the investing public body some assurance of the contractor’s reputation, ability, qualifications, experience and financial responsibility. (3-20-04)

**003. WRITTEN INTERPRETATIONS.**

This agency has no written interpretations of this chapter. (3-20-04)

**004. ADMINISTRATIVE APPEALS.**

The administrative procedures governing this chapter are outlined herein. (3-20-04)

**005. -- 009. (RESERVED)**

**010. DEFINITIONS.**

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

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

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

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

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

**05. Estimated Cost.** For the purposes of the application of Section 54-1903(i), Idaho Code, the term “estimated cost” refers to the total aggregate amount of the value of all the separate or individual jobs, parts, components, or undertakings involved in the construction of a single project when combined and considered as a whole, regardless of the types of trades, sub-contracts, work, or other individual aspects involved, and without regard to the number of trades or crafts that are involved. (3-29-10)

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

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

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

**09. Licensee.** Includes any individual proprietor, partnership, limited liability partnership, limited

liability company, corporation, joint venture, or other business organization holding a current, unrevoked public works contractor license. (3-20-04)

**10. Petitioner.** (7-1-93)

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

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

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

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

**11. Qualified Individual.** The person qualifying by examination as to the experience and knowledge required by Section 54-1910(a), Idaho Code. (4-11-19)

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

**011. -- 099. (RESERVED)**

**100. BOARD OFFICE – LOCATION, HOURS, MAILING ADDRESS, TELEPHONE NUMBER, FACSIMILE NUMBER.**

The address of the Board office, and its mailing address, is 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. Office hours are from 8 a.m. until 5 p.m., daily. The office is closed on weekends and holidays. The Board telephone number is (208) 334-4057, and the facsimile number is (208) 855-9666. (3-20-14)

**101. MEETINGS.**

Meetings of the Board are subject to the Idaho Open Meeting Law, Title 67, Chapter 23, Idaho Code. (3-20-04)

**102. COMMUNICATION.**

All written communications, forms and documents concerning any matter covered by the Act or these rules may be addressed to the administrator and not to members of the Board or staff. All communications are deemed officially received only when delivered to the office of the administrator. Documents may be submitted in electronic format acceptable to the administrator. (3-20-14)

**103. PETITIONS.**

An applicant or licensee seeking an order or decision of the administrator or the Board on any application or other matter, or in any disciplinary proceeding, must file a written petition. (3-20-04)

**104. FORM AND CONTENT OF PETITION.**

**01. Form.** The petition, including the heading, the name of the petitioner or person making the request, and the purpose of the petition must be in substantially the following form: (3-20-04)

**a.** Paragraph 1 must state the petitioner's name, address, and license number. (3-20-04)

**b.** Paragraph 2 must state the petitioner's request in brief, precise and specific terms, including references to any pertinent statutes or rules, and must provide a detailed explanation of the purpose for the request. (3-20-04)

**c.** Paragraph 3 must contain the statements of fact to support the petitioner's request. Briefs and

supporting documents may accompany petitions. (3-20-04)

**02. Dated and Signed.** The petition must be dated and signed by the petitioner. (3-19-99)

**03. Filed.** The petition must be filed as set forth in Section 102 of these rules. (3-20-04)

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

**01. Filing Deadline.** Applications for renewal of a license must 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 must be filed by the last working day of the month in which the license expires. The petition must be accompanied by a fee 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 must 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. (3-21-12)

**a.** The petition must specify the number of days for which the extension is being requested. (3-20-04)

**b.** Under no circumstances may 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 authorizes operation as a contractor until the administrator completes action on the renewal application, provided the application for renewal is filed with the Board within the extended time specified. (3-20-14)

**04. Failure to File.** If the licensee fails to file a timely application for renewal or petition for extension, the license lapses and expires on the last day of the license period. Licenses not renewed in a timely manner are 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 will 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 must be paid to the Division at the time of application for licensure. (3-21-12)

**106. SPECIAL PROVISIONS COVERED IN A PETITION TO CHANGE OR ADD TYPES OF CONSTRUCTION.**

A petition to change or add types of construction must be supported by evidence, satisfactory to the administrator, of work history, job performance, experience, equipment, financial responsibility, and a minimum of three (3) letters of reference. The evidence of work history, job performance, experience, and financial responsibility must comply with the requirements of Subsections 110.01 and 110.02 of these rules. All of the evidence must specifically pertain to work that is similar in scope and value to that for which the change or addition is being requested. (3-20-04)

**107. RECORDS.**

Board records are subject to the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (3-20-04)

**108. REVIEW.**

Any final decision of the administrator or the Board may be reviewed in accordance with the provisions of the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code. (3-20-04)

**109. NOTICE.**

In any contested case or other matter of Board business, written notification, mailed to the licensee or the applicant at the most current address on record with the Board, constitutes sufficient notification for all purposes within Title 54,



Chapter 19, Idaho Code, and these rules.

(3-20-04)

**110. APPLICATION FOR LICENSURE -- DOCUMENTATION; APPRAISALS; REFERENCES; BONDING; AND FINANCIAL STATEMENTS.**

**01. Application Documentation.** To obtain a license, the applicant must submit to the administrator, on such forms and in a format as the administrator prescribes, including electronically, accompanied by the required fee for the class of license applied for, a complete written application for such license. All of the information submitted by the applicant must specifically pertain to work that is similar in scope and value to that for which licensure is being requested or that is being requested in a petition to change or add types of construction. The information contained in such application forms must include: (3-20-14)

**a.** A complete statement of the general nature of applicant's contracting business, including a concise description of the applicant's experience and qualifications as a contractor and a list of clients for whom work has been performed; (3-20-04)

**b.** A description of the value and character of contract work completed and for whom performed during the three (3) year period prior to filing the application; (3-20-04)

**c.** A general description of applicant's machinery and equipment; and (3-30-07)

**d.** An annual financial statement, as herein defined, that covers a period of time ending no more than twelve (12) months prior to the date of submission of the application, indicating compliance with such financial requirements as the Board may prescribe by rule. The applicant's financial statement may be supplemented with: (4-4-13)

**i.** Bonding. As authorized by Section 54-1910(e), Idaho Code, a letter from applicant's bonding company, not an insurance agent, stating the amount of the applicant's bonding capability per project and in the aggregate, including supporting documentation; (3-30-07)

**ii.** Guaranty. Documentation, satisfactory to the administrator, of the existence of a written guaranty agreement between the applicant and a third-party in which the third-party guarantor agrees to assume financial responsibility for payment of any obligations of the applicant for any particular project as may be determined by a court of competent jurisdiction. The guaranty agreement, along with financial statements meeting the requirements of Paragraph 110.01.e. of this rule, must be submitted with the license application. (3-30-07)

**e.** For Class A, AA, AAA, and Unlimited license applications, financial statements must be accompanied by an independent auditor's report or be reviewed. For Class B and CC license applications, financial statements must be accompanied by an independent audit report or be reviewed or compiled by a certified public accountant. For Class C and Class D license applications, financial statements must be accompanied by an independent audit report or be reviewed, compiled, or on the form provided by the administrator, and include such additional information as may be required by the administrator to determine the applicant's fitness for a license. (3-27-13)

**f.** The name, social security number, and business address of an individual applicant or, if the applicant is a partnership, its tax identification number, business address, and the names and addresses of all general partners; and if the applicant is a corporation, association, limited liability company, limited liability partnership, or other organization, its tax identification number, business address, and the names and addresses of the president, vice president, secretary, treasurer, and chief construction managing officers, or responsible managing employee. (3-20-04)

**g.** Applicants requesting a licensing class higher than that for which the applicant is currently licensed must provide documentation, satisfactory to the administrator, of having performed projects, similar in scope and character to those for which license is requested. The monetary value of those jobs must fall within a range not less than thirty percent (30%) below that for which the applicant is currently licensed. (3-20-14)

**02. Application for Change in Licensing Class.** Requests for a licensing class higher than that for

which the applicant is currently licensed must be accompanied by the information in Subsection 110.01 of these rules, and the applicable fee. Licenses granted under Subsection 110.02 of these rules are valid for a period of twelve (12) months from the date of issuance. (4-11-06)

**03. Extension of Time to File Financial Statement.** The administrator may grant an extension of time to file the annual financial statement if the licensee provides an interim compiled balance sheet and income statement for the applicant’s fiscal year-to-date, duly certified as true by the applicant, and if a partnership, limited liability company, or limited liability partnership by a member thereof, and if a corporation, by its executive or financial officer. Such renewal application must be filed prior to the first day of such renewal licensing period. In the event an extension is granted, the renewal license is valid for a period of twelve (12) months from the date of the issuance of the renewal license. (3-20-04)

**04. Appraisals.** The administrator may require submission of an independent appraisal of any real or chattel property reported by an applicant or licensee. Such appraisals must be conducted by a disinterested person or firm established and qualified to perform such services. (3-20-04)

**05. References.** The administrator may require an applicant for an original or renewal license to furnish such personal, business, character, financial, or other written references as deemed necessary and advisable in determining the applicant’s qualifications. (3-20-04)

**111. FINANCIAL REQUIREMENTS.**

The financial requirements for obtaining and maintaining a heavy, highway, building, and specialty construction license under this act must be as described in this section for each respective class. An applicant requesting a license for each class identified in this section must have a minimum net worth and possess an amount of working capital as provided in Table 111.01:

TABLE 111.01 – FINANCIAL REQUIREMENTS		
LICENSE CLASS	NET WORTH	WORKING CAPITAL
Unlimited	\$1,000,000	\$600,000
AAA	\$600,000	\$200,000
AA	\$450,000	\$150,000
A	\$300,000	\$100,000
B	\$150,000	\$50,000
CC	\$75,000	\$25,000
C	\$25,000	\$7,500
D	\$10,000	\$3,000

(6-30-19)T

**112. EXAMINATION.**

The Board approves all subject areas and topics to be included in the examinations to become licensed as a public works contractor. (4-9-09)

**01. Frequency of Conducting of Examinations.** (4-9-09)

**a.** Examinations for all classes of licenses under the Public Contractors laws and rules will be given a minimum of four (4) times each year in at least three (3) locations: (4-9-09)

**i.** One (1) to be in north Idaho; (4-9-09)

**ii.** One (1) to be in southwest Idaho; and (4-9-09)

iii. One (1) to be in southeast Idaho. (4-9-09)

b. The applicant will be notified in writing of the date, time, and location at which the examinations will be given, following approval of the application. (4-9-09)

**02. Professional Testing Services.** In lieu of the administration by the administrator of the examination for licenses pursuant to this rule, the administrator 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 with the exception of Class D applicants. After taking such examination, an official copy of the applicant's test score must be provided to the administrator before the license will be granted. If the examination is conducted in this fashion, the Division of Building Safety may charge and retain the application fee provided for by Section 54-1911, Idaho Code, to cover the cost of reviewing the applicant's application. (4-9-09)

a. Class D applicants will utilize the existing in-house, open-book examination. (4-9-09)

b. Class D licensees pursuing an upgrade must reapply and pass the examination administered by the professional testing service. (4-9-09)

**03. Required Score.** The applicant must receive a final grade of seventy percent (70%) or higher prior to issuance of the appropriate license. (4-9-09)

**04. Failed Examinations.** (4-9-09)

a. An applicant receiving less than a passing score on a first or second examination may be reexamined without reapplication. (4-9-09)

b. Before being reexamined after failing an examination the third time, an applicant must resubmit the application and fee. (4-9-09)

c. Before being reexamined after any further failures, an applicant for reexamination must wait until the expiration of sixty (60) days from the date of the failed examination and resubmit the application and fee for each subsequent examination. (4-9-09)

### **113. INDIVIDUAL QUALIFIED BY EXAMINATION.**

**01. Written Notice.** Written notice, required by Section 54-1910(a), Idaho Code, that the Qualified Individual of a public works contractor has ceased to be connected with the contractor must be provided to the Administrator on forms prescribed by the Administrator. Such notice must indicate the date the Qualified Individual ceased to be connected with the contractor. (4-11-19)

**02. Reasonable Length of Time.** If a public works contractor notifies the Administrator that the contractor's Qualified Individual has ceased to be connected with the contractor, the contractor's license will remain in force for ninety (90) days from the date of the notice. (4-11-19)

### **114. -- 198. (RESERVED)**

### **199. LIMITATIONS.**

**01. One License.** A licensee will be permitted to hold only one (1) class of license at any given time. (3-20-04)

**02. Previous License Null and Void.** When a licensee of one class has been issued a license of another class, the previous license is null and void. (3-20-04)

**03. Total Bid Cost.** The total of any single bid on a given public works project, or the aggregate total

of any split bids, or the aggregate total of any base bid and any alternate bid items, or the aggregate total of any separate bid by a licensee of any class, except Class Unlimited, may not exceed the estimated cost or bid limit of the class of license held by the licensee. The aggregate total of bids must include all bids of the subcontractors. Subcontractor bids are not considered a separate bid for the purposes of computing the bid on a given public works project. (5-8-09)

**04. Two or More Licensees.** Two (2) or more licensees of the same class or of different classes are not permitted to combine the estimated cost or bid limit of their licenses to submit a bid in excess of the license held by either licensee. (3-20-04)

**05. Type 4 License Holder.** The holder of a license for Type 4, Specialty Construction, are entitled to bid a public works project as a prime contractor or as a subcontractor, if more than fifty percent (50%) of the work to be performed by him on such project is covered by a category or categories listed on the license held by the licensee. (3-20-04)

**200. TYPE 4-SPECIALTY CONSTRUCTION CATEGORIES.**

A license for Type 4-Specialty Construction must list one (1) or more specialty construction categories to which the license is restricted. Categories and their definitions are: (4-6-05)

**01. 01107 Engineering.** A specialty contractor whose primary business includes providing engineering and design services such as civil, electrical, mechanical, and structural. (4-6-05)

**02. 01541 Scaffolding and Shoring.** A specialty contractor whose primary business is the installation of any temporary elevated platform and its supporting structure used for supporting workmen or materials or both, and props or posts of timber or other material in compression used for the temporary support of excavations, formwork or unsafe structures; the process of erecting shoring. (4-6-05)

**03. 01542 Craning and Erection.** A specialty contractor whose primary business includes the art, ability and skill to safely control the workings of a crane in such a manner that building materials, supplies, equipment and structural work can be raised and set in a final position. (4-6-05)

**04. 01550 Construction Zone Traffic Control.** A specialty contractor whose primary business is the installation or removal of temporary lane closures, flagging or traffic diversions, utilizing pilot cars, portable devices such as cones, delineators, barricades, sign stands, flashing beacons, flashing arrow trailers, and changeable message signs on roadways, public streets and highways or public conveyances. (4-6-05)

**05. 01570 Temporary Erosion and Sediment Controls.** A specialty contractor whose primary business includes the ability and expertise to install silt fencing or other similar devices to prevent erosion and contain silt. (4-6-05)

**06. 02110 Excavation, Removal and Handling of Hazardous Material.** A specialty contractor whose primary business includes the excavation and removal of toxic and hazardous site materials. Contractors must be properly licensed and certified if required. (4-6-05)

**07. 02115 Removal of Underground Storage Tanks.** A specialty contractor whose primary business includes, but is not limited to, the excavation, removal, cleanup, and disposal of underground storage tanks that have contained petrochemical type fuels. This work should include the sampling and testing of surrounding materials and filing of closure documents. (4-6-05)

**08. 02195 Environmental Remediation, Restoration and Soil Stabilization.** A specialty contractor whose primary business is the remediation and restoration of contaminated environmental sites. (4-6-05)

**09. 02210 Drilling.** A specialty contractor whose primary business includes practical elementary knowledge of geology and hydrology; the art, ability, knowledge, science and expertise to bore, drill, excavate, case, pack or cement by use of standard practices, including the use of diamond bits, cable tools, percussion, air percussion, rotary, air rotary, reverse circulation rotary methods or jetting. (4-6-05)

10. **02220 Demolition.** A specialty contractor whose primary business includes the ability and expertise to demolish all types of buildings or structures and to remove all of such buildings or structures from the premises, and maintain the premises surrounding demolition site safely for passing public. (4-6-05)
11. **02230 Site Clearing.** A specialty contractor whose primary business includes the ability and expertise to remove and dispose of all trees, brush, shrubs, logs, windfalls, stumps, roots, debris and other obstacles in preparation for excavation of a construction site or other uses. (4-6-05)
12. **02231 Logging.** A specialty contractor whose primary business and expertise includes the clearing, cutting, removal and transportation of logs and trees and the construction of temporary roads and structures for such operations along with any reclamation work associated with such operations. (4-6-05)
13. **02232 Tree Removal and Trimming.** A specialty contractor whose primary business includes pruning, removal, or guying of trees, limbs, stumps, and bushes including grinding and removal of such items. (4-6-05)
14. **02240 Dewatering and Subsurface Drainage.** A specialty contractor whose primary business is to control the level and flow of subsurface water. (4-6-05)
15. **02260 Earth Retention Systems, Mechanical Stabilized Earth Walls and Retaining Walls.** A specialty contractor whose primary business includes the building of earth retention systems, mechanical stabilized earth walls and retaining walls. (4-6-05)
16. **02265 Slurry Walls.** A specialty contractor whose primary business is the construction of below ground structural diaphragm walls or containment walls through the combined use of trench excavation, mud slurry and tremie concrete. (4-6-05)
17. **02270 Rockfall Mitigation and High Scaling.** A specialty contractor whose primary business is rockfall mitigation and high scaling. (4-6-05)
18. **02310 Excavation and Grading.** A specialty contractor whose primary business includes such work as digging, moving and placing material forming the surface of the earth in such manner that a cut, fill, excavation and any similar excavating operation can be done with the use of hand and power tools and machines that are used to dig, move and place that material forming the earth's surface. (4-6-05)
19. **02312 Dust Control, Dust Abatement and Dust Oiling.** A specialty contractor whose primary business is dust control, dust abatement and dust oiling. (4-6-05)
20. **02317 Rock Trenching.** A specialty contractor whose primary business is rock trenching. (4-6-05)
21. **02318 Hauling.** A specialty contractor whose primary business includes the ability and expertise to obtain or move specified materials by transportation in a vehicle. (4-6-05)
22. **02319 Blasting.** A specialty contractor whose primary business includes the use of conventional and high explosives for pre-splitting, surface, underground and underwater blasting, drill, trench, or excavate for use of explosives; priming and loading drilled, trenched or excavated areas by pipe tamping, pneumatic loading, injector loading, mud capping, slurry loading, combination of pneumatic and injector loading or hand loading; use of volt, ohms and milliampere meter (VOM) in testing blasting machine output voltage, power line voltage, measuring electric blasting cap or blasting circuit resistance, testing for current leakage, testing for AC-DC stray current and voltage, leading wires for open or short circuits, rack bar blasting machine for running short or galvanometer output voltage; use of blasting caps, electric blasting caps, delay electric blasting caps, primacord and all other detonating devices. (4-6-05)
23. **02325 Dredging.** A specialty contractor whose primary business includes the excavation or removal of earth, rock, silt, or sediment from bodies of water including but not limited to streams, lakes, rivers or bays by means of specialized equipment. (4-6-05)

24. **02404 Horizontal and Directional Earth Boring, Trenching and Tunneling.** A specialty contractor whose primary business and expertise includes boring, trenching or tunneling. (4-6-05)
25. **02450 Drilled Piers, Pile Driving, Caisson Drilling, Geopier and Helical Piers.** A specialty contractor whose primary business includes drilling piers, pile driving, caisson drilling, Geopier and helical piers. (4-6-05)
26. **02500 Utilities.** A specialty contractor whose primary business includes the construction and installation of pipe lines for the transmission of sewage, gas and water, including minor facilities incidental thereto; installation of electrical poles, towers, arms, transformers, fixtures, conduits, conductors, switch gear, grounding devices, panels, appliances and apparatus installed outside of buildings; including excavating, trenching, grading, back fill, asphalt patching as well as all necessary work and installation of appurtenances in connection therewith. (4-6-05)
27. **02520 Well Drilling.** A specialty contractor whose primary business includes the practical elementary knowledge of geology, hydrology, the occurrence of water in the ground, water levels in wells, the prevention of surface and sub-surface contamination and pollution of the ground water supply; and the art, ability, experience, knowledge, science, and expertise to bore, drill, excavate, case, screen, cement, clean and repair water wells; or to do any or any combination of any or all such boring, drilling, excavating, casing, cementing, cleaning and repairing with hand or power tools or rigs, including the installation and repair of pumps. (4-6-05)
28. **02580 Installation of Communication Towers.** A specialty contractor whose primary business and expertise is the installation of communication towers. (4-6-05)
29. **02660 Membrane Liners for Ponds and Reservoirs.** A specialty contractor whose primary business includes the installation of liners for the purpose of containment of liquids. (4-6-05)
30. **02720 Crushing.** A specialty contractor whose primary business includes the ability and expertise to reduce rocks and aggregates to a smaller and uniform size and gradation to meet an agreed specification. (4-6-05)
31. **02740 Asphalt Paving.** A specialty contractor whose primary business includes the installation of aggregate base course, cement treated base, bitumen treated base, asphalt concrete and the application of asphalt surfacing and surface repairs of streets, intersections, driveways, parking lots, tennis courts, running tracks, play areas; including the application or installation of primer coat, asphalt binder course, tack coating, seal coating and chips, slurry seal and chips, flush or flog coats, asphalt curbs, concrete bumper curbs, redwood headers, asphalt surface binder emulsion, asbestos and sand and acrylic color systems. (Synthetic and athletic surfacing are category 02790 Athletic and Recreational Surfaces.) Also includes crack sealing, asphalt maintenance repair and soil pulverization. (4-6-05)
32. **02761 Traffic Marking and Striping.** A specialty contractor whose primary business includes the art, ability and expertise to apply markings to streets, roadways, or parking surfaces pre-designed for the use of parking or passage of vehicles by the application of directional lines, buttons, markers, and signs made of but not limited to plastic, paint, epoxies and rubber, in such manner as to provide for the channeling and controlling of the traffic flow. Also includes temporary striping. (4-6-05)
33. **02785 Asphalt Maintenance and Repair, Seal Coating, Crack Sealing and Chip Sealing.** A specialty contractor whose primary business is asphalt maintenance and repair, seal coating, crack sealing and chip sealing. (4-6-05)
34. **02790 Athletic and Recreational Surfaces.** A specialty contractor whose primary business is the installation of specialty surfaces including but not limited to non-wood athletic floors, tennis courts, running tracks and artificial turf. This would include any subsurface preparation such as leveling, excavation, fill and compaction or grading. The application of surfacing, mixing, spreading or placing of emulsions, binders, sand and acrylic color systems is also included along with the installation of modular, plastic athletic floors such as "Sport Court" type floors. This category does not include any type of structure required for the installation of these surfaces. (4-6-05)
35. **02810 Sprinkler and Irrigation Systems.** A specialty contractor whose primary business includes

the installation of types and kinds of water distribution systems for complete artificial water or irrigation of gardens, lawns, shrubs, vines, bushes, trees and other vegetation, including the trenching, excavating and backfilling in connection therewith. (Low voltage only.) (4-6-05)

**36. 02820 Fencing.** A specialty contractor whose primary business includes the installation and repair of any type of fencing. (4-6-05)

**37. 02840 Guardrails and Safety Barriers.** A specialty contractor whose primary business includes the installation of guardrails and safety barriers (including cattle guards). (4-6-05)

**38. 02850 Bridges and Structures.** A specialty contractor whose primary business includes the installation, alteration and repair of bridges and related structures, including culverts. (4-6-05)

**39. 02855 Bridge Crossings and Box Culverts.** A specialty contractor whose primary business is the installation or construction, or both, of any bridge or crossing structure shorter than twenty (20) feet measured on the centerline of the roadway or trail. (4-6-05)

**40. 02880 Installation of School Playground Equipment.** A specialty contractor whose primary business is the installation of school playground equipment. (4-6-05)

**41. 02890 Traffic Signs and Signals.** A specialty contractor whose primary business includes the art, ability, knowledge, experience, science and expertise to fabricate, install and erect signs, including electrical signs and including the wiring of such signs. A licensed electrician must perform all the electrical work. (4-6-05)

**42. 02900 Landscaping, Seeding and Mulching.** A specialty contractor whose primary business includes the preparation of plots of land for architectural, horticulture and provisions of decorative treatment and arrangement of gardens, lawns, shrubs, vines, bushes, trees and other decorative vegetation; construction of conservatories, hot and green houses, drainage and sprinkler systems, and ornamental pools, tanks, fountains, walls, fences and walks, arrange, fabricate and place garden furniture, statuary and monuments in connection therewith. (4-6-05)

**43. 02910 Slope Stabilization, Hydroseeding, Hydromulching, Native Plant Revegetation for Erosion Control.** A specialty contractor whose primary business is slope stabilization, including necessary tillage and plant bed preparation using hydroseeding, hydromulching and native plant revegetation for erosion control. (4-6-05)

**44. 02935 Landscape Maintenance.** A specialty contractor whose primary business and expertise includes the maintenance of existing lawns, gardens, and sprinkler systems. This would include mowing, weeding, fertilization, pest control and minor repair or relocation of sprinkler systems. (4-6-05)

**45. 02937 Pest Control, Sterilization and Herbicide Applications.** A specialty contractor whose primary business includes the mixing, transportation and application of fertilizers, pesticides, herbicides, and sterilization chemicals for the control of insects, pests and weeds. (4-6-05)

**46. 02955 Pipeline Cleaning, Sealing, Lining and Bursting.** A specialty contractor whose primary business and expertise includes cleaning, sealing, lining and bursting pipelines. (4-6-05)

**47. 02965 Cold Milling, Rumble Strip Milling, Asphalt Reclaiming and Pavement Surface Grinding.** A specialty contractor whose primary business includes cold milling, rumble strip milling, asphalt reclaiming and pavement surface grinding. (4-6-05)

**48. 02990 Structural Moving.** A specialty contractor whose primary business includes but is not limited to raising, lowering, cribbing, underpinning and moving of buildings or structures. This does not include the alterations, additions, repairs or rehabilitation of the retained portion of the structure. (4-6-05)

**49. 03200 Concrete Reinforcing Rebar Installation.** A specialty contractor whose primary business includes the ability and expertise to fabricate, place and tie steel mesh or steel reinforcing bars or rods of any profile,

perimeter or cross-section that are or may be used to reinforce concrete. (4-6-05)

**50. 03300 Concrete.** A specialty contractor whose primary business includes the ability and expertise to process, proportion, batch and mix aggregates consisting of sand, gravel, crushed rock or other inert materials having clean uncoated grains of strong and durable minerals, cement and water or to do any part or any combination of any thereof, in such a manner that acceptable mass, pavement, flat and other cement and concrete work can be poured, placed, finished and installed, including the placing, forming and setting of screeds for pavement or flat work. Also includes concrete sidewalks, driveways, curbs and gutters. (4-6-05)

**51. 03370 Specially Placed Concrete, Concrete Pumping and Shotcreting.** A specialty contractor whose primary business includes the ability and equipment necessary to deliver and install concrete, and similar materials to their final destination in buildings and structures. (4-6-05)

**52. 03380 Post-Tensioned Concrete Structures or Structural Members.** A specialty contractor whose primary business is the post-tensioning of structural elements using sleeved tendons of high-strength prestressing steel. (4-6-05)

**53. 03500 Gypcrete.** A specialty contractor whose primary business includes the ability and expertise to mix and apply gypsum concrete. (4-6-05)

**54. 03600 Concrete Grouting.** A specialty contractor whose primary business includes the ability and the equipment necessary to place concrete grouts. Concrete grouts are thin, fluid, shrink resistant, mortar-like materials used for filling joints and cavities and setting and anchoring items in masonry and concrete. (4-6-05)

**55. 03650 Pressure Grouting and Slab Jacking.** A specialty contractor whose primary business includes pressure foundation grouting and jacking and the injection of concrete or mortar into foundations for stabilization. (4-6-05)

**56. 03900 Concrete Demolition, Concrete Sawing and Cutting, Core Drilling, Joint Sealing and Hydrocutting.** A specialty contractor whose primary business includes concrete cutting, drilling, sawing, cracking, breaking, chipping or removal of concrete. This category also includes the caulking or sealing of joints or cracks caused by such operations. (4-6-05)

**57. 04000 Masonry.** A specialty contractor whose primary business includes the installation with or without the use of mortar or adhesives of brick, concrete block, adobe units, gypsum partition tile, pumice block or other lightweight and facsimile units and products common to the masonry industry. (4-6-05)

**58. 04900 Chemical Cleaning and Masonry Restoration.** A specialty contractor whose primary business includes the cleaning or restoration of masonry through the use of chemicals, pressure washing, sand blasting or other methods. (4-6-05)

**59. 05090 Welding.** A specialty contractor whose primary business causes metal to become permanently attached, joined and fabricated by the use of gases or electrical energy, developing sufficient heat to create molten metal, fusing the elements together. (4-6-05)

**60. 05100 Steel Fabrication, Erection and Installation.** A specialty contractor whose primary business includes the ability and expertise to fabricate, place and tie steel reinforcing bars, erect structural steel shapes and plates, of any profile, perimeter or cross-section, that are or may be used to reinforce concrete or as structural members for buildings and structures, including riveting, welding and rigging only in connection therewith, in such a manner that steel reinforcing and structural work can be fabricated and erected. (4-6-05)

**61. 05700 Ornamental Metals.** A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to assemble, case, cut, shape, stamp, forage, fabricate and install sheet, rolled and cast, brass, bronze, copper, cast iron, wrought iron, monel metal, stainless steel, and any other metal or any combination thereof, as have been or are now used in the building and construction industry for the architectural treatment and ornamental decoration of buildings and structures, in such a manner that, under an agreed specification, acceptable ornamental metal work can be executed, fabricated and installed; but does not include the work of a sheet



metal contractor. (4-6-05)

**62. 05830 Bridge Expansion Joints and Repair.** A specialty contractor whose primary business and expertise is the repair of bridge expansion joints. (4-6-05)

**63. 06100 Carpentry, Framing and Remodeling.** A specialty contractor whose primary business includes the placing and erection of floor systems, walls, sheeting, siding, trusses, roof decking of either wood or light gauge metal framing. This contractor also installs finish items such as running trim, sashes, doors, casing, cabinets, cases and other pre-manufactured finished items. (4-6-05)

**64. 06130 Log and Heavy Timber Construction.** A specialty contractor whose primary business includes the ability and expertise to build and erect log or heavy timber structures. (4-6-05)

**65. 06139 Docks - Log and Wood Structures.** A specialty contractor whose primary business includes the ability and expertise to construct log and wood structured docks. (4-6-05)

**66. 06200 Finish Carpentry and Millwork.** A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to cut, surface, join, stick, glue and frame wood and wood products, in such a manner that, under an agreed specification, acceptable cabinet, case, sash, door, trim, nonbearing partition, and such other mill products as are by custom and usage accepted in the building and construction industry as millwork and fixtures, can be executed; including the placing, erecting, fabricating and finishing in buildings, structures and elsewhere of such millwork and fixtures or to do any part or any combination of any thereof. (4-6-05)

**67. 07100 Waterproofing and Dampproofing.** A specialty contractor whose primary business includes the ability and expertise to apply waterproofing membranes, coatings of rubber, latex, asphaltum, pitch, tar or other materials or any combination of these materials, to surfaces to prevent, hold, keep and stop water, air or steam from penetrating and passing such materials, thereby keeping moisture from gaining access to material or space beyond such waterproofing. (4-6-05)

**68. 07200 Thermal Insulation.** A specialty contractor whose primary business includes the installation of any insulating media in buildings and structures for the purpose of temperature control. (4-6-05)

**69. 07240 Stucco and Exterior Insulation Finish Systems (EIFS).** A specialty contractor whose primary business includes the ability and expertise to install Stucco and EIFS. (4-6-05)

**70. 07400 Roofing and Siding.** A specialty contractor whose primary business includes the ability and expertise to examine surfaces and to bring such surfaces to a condition where asphaltum, pitch, tar, felt, flax, shakes, shingles, roof tile, slate and any other material or materials or any combination thereof, that use and custom has established as usable for, or which material or materials are now used as, such waterproof, weatherproof or watertight seal for such membranes, roof and surfaces; but does not include a contractor whose sole contracting business is the installation of devices or stripping for the internal control of external weather conditions. (4-6-05)

**71. 07450 Siding and Decking.** A specialty contractor whose primary business includes the application or installation of exterior siding, decking or gutters including wood, wood products, vinyl, aluminum and metal to new or existing buildings and includes wooden decks and related handrails. (This category does not include the construction or installation of covers or enclosures of any kind.) (4-6-05)

**72. 07700 Sheet Metal Flashings, Roof Specialties and Accessories.** A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to select, cut, shape, fabricate and install sheet metal such as cornices, flashings, gutters, leaders, rainwater down spouts, pans, etc., or to do any part or any combination thereof, in such a manner that sheet metal work can be executed, fabricated and installed. (4-6-05)

**73. 07800 Sprayed on Fireproofing.** A specialty contractor whose primary business includes the mixing, transportation, and installation of fire proofing materials for buildings and structures. (4-6-05)

**74. 07920 Caulking and Joint Sealants.** A specialty contractor whose primary business includes the ability and expertise for installation of elastomeric and rigid joint sealants, caulking compounds, and related accessories. (4-6-05)

**75. 08100 Doors, Gates, Specialty Doors and Activating Devices.** A specialty contractor whose primary business is the installation, modification or repair of residential, commercial or industrial doors and door hardware. This includes but is not necessarily limited to wood, metal clad or hollow metal, glass, automatic, revolving, folding and sliding doors, power activated gates, or movable sun shades/shutters. Card activated equipment and other access control devices and any low voltage electronic or manually operated door hardware devices are also a part of this category. (4-6-05)

**76. 08500 Windows, Glass and Glazing.** A specialty contractor whose primary business includes the art, ability, experience, knowledge and expertise to select, cut, assemble and install all makes and kinds of glass and glass work, and execute the glazing of frames, panels, sash and doors, in such a manner that under an agreed specification, acceptable glass work and glazing can be executed, fabricated and installed, and may include the fabrication or installation in any building or structure of frames, glazed-in panels, sash or doors, upon or within which such frames, glazed-in panels, sash or doors, such glass work or glazing has been or can be executed or installed. (4-6-05)

**77. 09110 Steel Stud Framing.** A specialty contractor whose primary business includes the ability and expertise to build or assemble steel stud framing systems. (4-6-05)

**78. 09200 Lath and Plaster.** A specialty contractor whose primary business includes the ability and expertise to prepare mixtures of sand, gypsum, plaster, quick-lime or hydrated lime and water or sand and cement and water or a combination of such other materials as create a permanent surface coating; including coloring for same and to apply such mixtures by use of a plaster's trowel, brush or spray gun to any surface which offers a mechanical key for the support of such mixture or to which such mixture will adhere by suction; and to apply wood or metal lath or any other materials which provide a key or suction base for the support of plaster coatings; including the light gauge metal shapes for the support of metal or other fire proof lath. Includes metal stud framing. (4-6-05)

**79. 09250 Drywall.** A specialty contractor whose primary business includes the ability and expertise to install unfinished and prefinished gypsum board on wood and metal framing and on solid substrates; gypsum and cementitious backing board for other finishes; accessories and trim; and joint taping and finishing. (4-6-05)

**80. 09300 Tile and Terrazzo.** A specialty contractor whose primary business includes the ability and expertise to examine surfaces and bring such surfaces to a condition where acceptable work can be executed and fabricated thereon by the setting of chips or marble, stone, tile or other material in a pattern with the use of cement, and to grind or polish the same. (4-6-05)

**81. 09500 Acoustical Treatment.** A specialty contractor whose primary business includes the installation, application, alteration and repair of all types of acoustical systems, to include acoustical ceilings, wall panels, sound control blocks and curtains, hangers, clips, inserts, nails, staples, related hardware and adhesive, lightweight framing systems and related accessories (electrical excluded), installation and repair of gypsum wall board, painting, accessories, taping and texturing. (4-6-05)

**82. 09600 Flooring.** A specialty contractor whose primary business includes the ability and expertise to examine surfaces, specify and execute the preliminary and preparatory work necessary for the installation of flooring, wherever installed, including wood floors and flooring (including the selection, cutting, laying, finishing, repairing, scraping, sanding, filling, staining, shellacking and waxing) and all flooring of any nature either developed as or established through custom and usage as flooring. (4-6-05)

**83. 09680 Floor Covering and Carpeting.** A specialty contractor whose primary business includes the installation, replacement and repair of floor covering materials, including laminates and including preparation of surface to be covered, using tools and accessories and industry accepted procedures of the craft. (4-6-05)

**84. 09900 Painting and Decorating.** A specialty contractor whose primary business includes the ability and expertise to examine surfaces and execute the preliminary and preparatory work necessary to bring such

surfaces to a condition where acceptable work can be executed thereon with the use of paints, varnishes, shellacs, stains, waxes, paper, oilcloth, fabrics, plastics and any other vehicles, mediums and materials that may be mixed, used and applied to the surface of buildings, and the appurtenances thereto, of every description in their natural condition or constructed of any material or materials whatsoever that can be painted or hung as are by custom and usage accepted in the building and construction industry as painting and decorating. (4-6-05)

**85. 09950 Sand Blasting.** A specialty contractor whose primary business includes the ability and expertise to sand blast surfaces through the use of equipment designed to clean, grind, cut or decorate surfaces with a blast of sand or other abrasive applied to such surfaces with steam or compressed air. (4-6-05)

**86. 09960 Specialty Coatings.** A specialty contractor whose primary business includes the surface preparation and installation of specialty coatings. (4-6-05)

**87. 10150 Institutional Equipment.** A specialty contractor whose primary business includes the installation, maintenance and repair of booths, shelves, laboratory equipment, food service equipment, toilet partitions, and such other equipment and materials as are by custom and usage accepted in the construction industry as institutional equipment. (4-6-05)

**88. 10270 Raised Access Flooring.** A specialty contractor whose primary business includes the installation of wood or metal-framed elevated computer-flooring systems. This does not include the structural floor on which the computer floor is supported or mezzanines. (4-6-05)

**89. 10445 Non-Electrical Signs.** A specialty contractor whose primary business includes the installation of all types of non-electrical signs, including but not limited to traffic delineators, mile post markers, post or pole supported signs, signs attached to structures, painted wall signs, and modifications to existing signs. (4-6-05)

**90. 11001 Specialty Machinery and Equipment Installation and Servicing.** A specialty contractor whose primary business is the installation, removal, modification or repair of pumps, water and waste water equipment, conveyors, cranes, dock levelers, various hoisting and material handling equipment, trash compactors and weighing scales installation and servicing. This does not include the construction of buildings or roof structures for this equipment. (4-6-05)

**91. 11140 Petroleum and Vehicle Service Equipment, Installation and Repair.** A specialty contractor whose primary business includes the installation and repair of underground fuel storage tanks used for dispensing gasoline, diesel, oil or kerosene fuels. This includes installation of all incidental tank-related piping, leak line detectors, vapor recovery lines, vapor probes, low voltage electrical work, associated calibration, testing and adjustment of leak detection and vapor recovery equipment, and in-station diagnostics. This contractor may also install auto hoisting equipment, grease racks, compressors, air hoses and other equipment related to service stations. (4-6-05)

**92. 11200 Water/Wastewater and Chemical Treatment.** A specialty contractor whose primary business is the supply, installation and operational startup of equipment and chemicals for chemical treatment of water, wastewater or other liquid systems. (4-6-05)

**93. 11485 Climbing Wall Structures and Products.** A specialty contractor whose primary business includes the ability and expertise to design, fabricate and install climbing wall structures and equipment. This does not include concrete foundations or buildings in which the climbing walls may be supported or housed. (4-6-05)

**94. 12011 Prefabricated Equipment and Furnishings.** A specialty contractor whose primary business includes the installation of prefabricated products or equipment including but not limited to the following: theater stage equipment, school classroom equipment, bleachers or seats, store fixtures, display cases, toilet or shower room partitions or accessories, closet systems, dust collecting systems, appliances, bus stop shelters, telephone booths, sound or clean rooms, refrigerated boxes, office furniture, all types of pre-finished, pre-wired components, detention equipment and other such equipment and materials as are by custom and usage accepted in the construction industry as prefabricated equipment. (4-6-05)

**95. 12490 Window, Wall Coverings, Drapes and Blinds.** A specialty contractor whose primary

business includes the installation of decorative, architectural or functional window glass treatments or covering products or treatments for temperature control or as a screening device. (4-6-05)

**96. 13110 Cathodic Protection.** A specialty contractor whose primary business is the prevention of corrosion by using special cathodes and anodes to circumvent corrosive damage by electric current. (4-6-05)

**97. 13121 Pre-Manufactured Components and Modular Structures.** A specialty contractor whose primary business includes the moving, setup, alteration or repair of pre-manufactured components, houses or similar modular structures. (4-6-05)

**98. 13125 Pre-Engineered Building Kits.** A specialty contractor whose primary business includes the assembly of pre-engineered building kits or structures obtained from a single source. This category is limited to assembly only of pre-engineered metal buildings, pole buildings, sunrooms, geodesic structures, aluminum domes, air supported structures, manufactured built greenhouses or similar structures. This does not include any other categories such as concrete foundations, carpentry, plumbing, heating or cooling, or electrical work. (4-6-05)

**99. 13150 Swimming Pools and Spas.** A specialty contractor whose primary business includes the ability to construct swimming pools, spas or hot tubs including excavation and backfill of material, installation of concrete, Gunitite, tile, pavers or other special materials used in pool construction. This category also includes the installation of heating and filtration equipment, using those trades or skills necessary for installing the equipment, which may require other licenses including electrical and plumbing. (4-6-05)

**100. 13165 Aquatic Recreational Equipment.** A specialty contractor whose primary business includes the ability and expertise to design, fabricate and erect water slides and water park equipment and structures. This does not include any other categories such as concrete foundations, carpentry, plumbing, heating, cooling or electrical work. (4-6-05)

**101. 13201 Circular Prestressed Concrete Storage Tanks (Liquid and Bulk).** A specialty contractor whose primary business is the construction of circular prestressed concrete structures post-tensioned with circumferential tendons or wrapped circular prestressing. (4-6-05)

**102. 13280 Hazardous Material Remediation.** A specialty contractor whose primary business includes the ability and expertise to safely encapsulate, remove, handle or dispose of hazardous materials within buildings, including but not limited to asbestos, lead and chemicals. Contractors must be properly licensed and certified. (4-6-05)

**103. 13290 Radon Mitigation.** A specialty contractor whose primary business and expertise includes the detection and mitigation of Radon gas. (4-6-05)

**104. 13800 Instrumentation and Controls.** A specialty contractor whose primary business includes the installation, alteration or repair of instrumentation and control systems used to integrate equipment, sensors, monitors' controls and mechanical operators for industrial processes, building equipment, mechanical devices and related equipment. (4-6-05)

**105. 13850 Alarm Systems.** A specialty contractor whose primary business includes the installation, alteration and repair of communication and alarm systems, including the mechanical apparatus, devices, piping and equipment appurtenant thereto (except electrical). (4-6-05)

**106. 13930 Fire Suppression Systems (Wet and Dry-Pipe Sprinklers).** A specialty contractor whose primary business includes the ability and expertise to lay out, fabricate and install approved types of Wet-Pipe and Dry-Pipe fire suppression systems, charged with water, including all mechanical apparatus, devices, piping and equipment appurtenant thereto. Licensure with State Fire Marshal is required. (4-6-05)

**107. 13970 Fire Extinguisher and Fire Suppression Systems.** A specialty contractor whose primary business is the installation of pre-engineered or pre-manufactured fixed chemical extinguishing systems primarily used for protecting kitchen-cooking equipment and electrical devices. Contractor also furnishes, installs and maintains portable fire extinguishers. (4-6-05)

**108. 14200 Elevators, Lifts and Hoists.** A specialty contractor whose primary business includes the ability to safely and efficiently install, service and repair all elevators, lifts, hoists, including the fabrication, erection and installation of sheave beams, sheave motors, cable and wire rope, guides, cabs, counterweights, doors, sidewalk elevators, automatic and manual controls, signal systems and other devices, apparatus and equipment appurtenant to the installation. (4-6-05)

**109. 15100 Pipe Fitter and Process Piping.** A specialty contractor whose primary business is the installation of piping for fluids and gases or materials. This category does not include domestic water, sewage, fire protection and utilities as they are covered under other categories. (4-6-05)

**110. 15400 Plumbing.** A specialty contractor whose primary business includes the ability to create and maintain sanitary conditions in buildings, by providing a permanent means for a supply of safe, pure and wholesome water, ample in volume and of suitable temperatures for drinking, cooking, bathing, washing, cleaning, and to cleanse all waste receptacles and like means for the reception, speedy and complete removal from the premises of all fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, including a safe and adequate supply of gases for lighting, heating, and industrial purposes. (Licensure with State Plumbing Bureau is required). (4-6-05)

**111. 15510 Boiler and Steam Fitting.** A specialty contractor who installs, services and repairs boilers and associated steam distribution systems. This category is limited to work not requiring a heating, ventilating, and air conditioning (HVAC) license issued by the Division of Building Safety. (4-2-08)

**112. 15550 Chimney Repair.** A specialty contractor whose primary business includes the cleaning or repair of multi-type chimneys, flues or emission control devices used to conduct smoke and gases of combustion from above a fire to the outside area. (4-6-05)

**113. 15600 Refrigeration.** A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to construct, erect, install, maintain, service and repair devices, machinery and units for the control of air temperatures below fifty (50) degrees Fahrenheit in refrigerators, refrigerator rooms, and insulated refrigerated spaces and the construction, erection, fabrication and installation of such refrigerators, refrigerator rooms, and insulated refrigerator spaces, temperature insulation, air conditioning units, ducts, blowers, registers, humidity and thermostatic controls of any part or any combination thereof, in such a manner that, under an agreed specification acceptable refrigeration plants and units can be executed, fabricated, installed, maintained, serviced and repaired, but does not include those contractors who install gas fuel or electric power services for such refrigerator plants or other units. (4-6-05)

**114. 15700 Heating, Ventilation, and Air Conditioning (HVAC).** A specialty contractor whose primary business includes the installation, alteration and repair of heating, ventilating, and air conditioning (HVAC) systems. Licensure by the Division of Building Safety as an HVAC contractor is required. (4-2-08)

**115. 15950 Testing and Balancing of Systems.** A specialty contractor whose primary business includes the installation of devices and performs any work related to providing for a specified flow of air or water in all types of heating, cooling or piping systems. (4-6-05)

**116. 16000 Electrical.** A contractor engaging in, conducting, or carrying on the business of installing wires or equipment to carry electric current or installing electrical apparatus to be operated by such current. A contractor licensed in this category may perform all work covered in categories defined in Subsection 200.118 of these rules. A contractor in this category must be an electrical contractor, licensed pursuant to Section 54-1007(1), Idaho Code. (3-30-07)

**117. 16700 Communication.** A specialty contractor whose primary business includes the installation, alteration or repair of communication systems (voice, data, television, microwave, and other communication systems). (4-6-05)

**118. 16800 Electrical Specialty Contractor.** A contractor engaging in, conducting, or carrying on the business of installing, altering, or repairing special classes of electrical wiring, apparatus, or equipment. A contractor

in this category must be an electrical specialty contractor, licensed pursuant to Section 54-1007(1), Idaho Code, and may perform only that work included within the specialty license. Electrical specialty categories include, but are not limited to: (3-30-07)

- a. Elevator, Dumbwaiter, Escalator or Moving-walk Electrical; (3-30-07)
- b. Sign Electrical; (3-30-07)
- c. Manufacturing or Assembling Equipment; (3-30-07)
- d. Limited Energy Electrical License (low voltage); (3-30-07)
- e. Irrigation Sprinkler Electrical; (3-30-07)
- f. Well Driller and Water Pump Installer Electrical; and (3-30-07)
- g. Refrigeration, Heating and Air Conditioning Electrical Installer. (3-30-07)

**119. 18100 Golf Course Construction.** A specialty contractor whose primary business includes the construction, modification, and maintenance of golf courses. This includes clearing, excavation, grading, landscaping, sprinkler systems and associated work. This does not include the construction of buildings or structures such as clubhouses, maintenance or storage sheds. (4-6-05)

**120. 18200 Underwater Installation and Diving.** A specialty contractor whose primary business is marine construction under and above water. (4-6-05)

**121. 18300 Develop Gas and Oil Wells.** A specialty contractor whose primary business includes the ability and expertise to perform oil well drilling and other oil field related specialty work. This does not include water well drilling. (4-6-05)

**122. 18400 Nonstructural Restoration After Fire or Flood.** A specialty contractor whose primary business includes cleaning and nonstructural restoration after fire, flood or natural disasters. (4-6-05)

**123. 18600 Building Cleaning and Maintenance.** A specialty contractor whose primary business includes the cleaning and maintenance of a structure designed for the shelter, enclosure and support of persons, chattels, personal and moveable property of any kind. (4-6-05)

**124. 18700 Snow Removal.** A specialty contractor whose primary business includes the plowing, removal or disposal of snow from roads, streets, parking lots and other areas of the public rights-of-way. (4-6-05)

**125. 18800 Roadway Cleaning, Sweeping and Mowing.** A specialty contractor whose primary business includes the clearing of trash and debris by manual or automated means from public thoroughfares. This category also includes cutting or mowing of grasses, plants, or weeds from public rights-of-way. (4-6-05)

**201. FEES.**

**01. Public Works Contractor Licensing Fees.** In accordance with Section 54-1904, Idaho Code, initial licensing and renewal fees for each class of public works contractor licenses are as provided in Table 201.01, Initial and Renewal Licensing Fees.

<b>TABLE 201.01 – INITIAL AND RENEWAL LICENSING FEES</b>		
<b>License Class</b>	<b>Initial Fee</b>	<b>Renewal Fee</b>
Unlimited	\$550	\$550
AAA	\$450	\$450

TABLE 201.01 – INITIAL AND RENEWAL LICENSING FEES		
License Class	Initial Fee	Renewal Fee
AA	\$350	\$350
A	\$250	\$250
B	\$150	\$150
CC	\$125	\$125
C	\$100	\$100
D	\$50	\$50

(6-30-19)T

**02. Construction Manager Licensing Fees.** Initial licensing and renewal fees for construction manager licenses are, in accordance with Section 54-4510, Idaho Code, as follows: (4-9-09)

- a. The fee for initial examination and licensing is two hundred dollars (\$200). (3-19-99)
- b. The fee for license renewal is two hundred dollars (\$200). (3-19-99)
- c. The fee for an inactive license is fifty dollars (\$50). (3-19-99)
- d. The fee for license reinstatement is two hundred dollars (\$200). (3-19-99)
- e. The fee for administering the examination is the standard fee established for taking that examination. (3-19-99)
- f. The fee for issuing and for reinstating a certificate of authority is one hundred dollars (\$100). (3-19-99)

**03. Payment of Fees.** Fees are payable to “Division of Building Safety -- Public Works Contractors.” (3-20-04)

**04. Application Filed With Fees.** Required fees must accompany all applications. An application filed without the required fees is deemed incomplete and returned to the applicant. (3-20-04)

**202. COMPLAINTS.**

Complaints alleging a violation of Title 54, Chapter 19, Idaho Code, or these rules must be in writing and filed with the administrator as provided in these rules. All complaints must be verified and submitted on forms provided by the Board. (3-20-04)

**203. -- 299. (RESERVED)**

**300. BUSINESS ORGANIZATION -- CHANGES IN ORGANIZATION OR STRUCTURE -- MEMBERS OF JOINT VENTURES - CHANGES FOR REASONS OTHER THAN DEATH.**

A licensed public works contractor or construction manager who undergoes a change in business organization or structure (such as a change from an individual proprietor to a partnership, corporation, limited liability partnership, limited liability company, joint venture, or other combination thereof), or where there is a change in ownership, must file an application for a new license on behalf of such successor organization or new owners within sixty (60) days after such change occurs. The administrator may authorize the continuous operation of the licensee as a contractor during the interim period until the application of the successor organization is reviewed; provided written notice of such change is filed within thirty (30) days after such change occurs. Each participant in a joint venture must be licensed at the time of bidding. Where there is a change in the surviving members of a licensed partnership, limited liability company, or limited liability partnership, due to a reason other than the death of one (1) of the partners, the

remaining or succeeding member or members are required to file an application for an original license. (3-20-04)

**301. -- 399. (RESERVED)**

**400. CERTIFICATES -- DISPLAY AND POSSESSION.**

Licensee must sign and display the license certificate issued to him in his main office or chief place of business and must furnish satisfactory evidence of the possession of a license certificate and the current renewal thereof upon the administrator's demand. (3-20-04)

**401. LICENSE NUMBER ON BIDS.**

Licensee must place his license number on any and all bids submitted or contracts entered into, for any public works projects in the state of Idaho. (7-1-93)

**402. CHANGES IN LICENSE CERTIFICATE.**

When any change in the license certificate has been approved by the Board, a new license certificate will be issued. (3-19-99)

**403. -- 499. (RESERVED)**

**500. PROCEEDINGS FOR DISCIPLINARY ACTIONS.**

The procedure for disciplinary actions and contested cases is as provided in IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," the Administrative Procedure Act, as found in Title 67, Chapter 52, Idaho Code, Sections 54-1915 through 54-1919, Idaho Code, and these rules. (3-20-04)

**501. FORMS.**

The complaint, citation, answer, notice of hearing, decision and order of the administrator and other related documents must be filed in the form and manner prescribed in these rules, in IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," and the Administrative Procedure Act. (3-20-04)

**502. TECHNICALITIES OF FORM.**

The administrator may, during any hearing or proceeding waive any technicalities of form not deemed necessary in the circumstances. (3-20-04)

**503. HEARINGS.**

The general procedure for hearings before the administrator and the Board is as prescribed in these rules and Title 67, Chapter 52, Idaho Code. (3-20-04)

**01. Notes.** Any interested persons may request, in writing, five (5) days before any scheduled hearing in a contested case that the oral proceedings thereof be taken in the form of stenographic notes to be transcribed at his own expense. (7-1-93)

**02. Stipulations.** If the parties can agree upon any facts, issues or questions to be presented to the Board, appropriate stipulations may be made. (7-1-93)

**03. Continuance.** In the event a hearing cannot be completed within the time allotted, the Board may, in its discretion, continue same to a subsequent meeting as it deems necessary for proper consideration of the purpose for the hearing. (7-1-93)

**04. Procedure.** The Board reserves the right to amend, modify or repeal all or any part of the above procedure or to dispense with any part thereof, at any hearing before the Board, as it may deem necessary in the circumstances. (7-1-93)

**504. -- 599. (RESERVED)**

**600. CONSTRUCTION MANAGER EXAMINATIONS.**

If the applicant fails an examination, the applicant may take the examination a second time. A grade of at least seventy-five percent (75%) is required to pass each section of the examination. If the applicant fails to score a passing



grade, the applicant must pass all failed sections within one (1) year of the initial test date. If the applicant fails to achieve a passing grade in each individual section on the second examination, the applicant must wait one (1) full year before taking the examination again. The applicant must then take and pass all sections of the examination (receiving no credit for sections successfully completed during the previous year). (3-20-04)

**601. -- 999. (RESERVED)**

**IDAPA 07  
TITLE 07  
CHAPTER 01**

**07.07.01 – RULES GOVERNING INSTALLATION OF HEATING, VENTILATION,  
AND AIR CONDITIONING SYSTEMS, DIVISION OF BUILDING SAFETY**

**000. LEGAL AUTHORITY.**

This chapter is adopted in accordance with Sections 54-5001 and 54-5005(2), Idaho Code. (4-11-06)

**001. TITLE AND SCOPE.**

**01. Title.** These rules are titled IDAPA 07.07.01, “Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety” (HVAC Rules). (3-16-04)

**02. Scope.** These rules establish the minimum standards for heating, ventilation, and air conditioning (HVAC) installation practice, certification, registration, and educational programs. (3-16-04)

**002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201, Idaho Code, this agency may have written statements that pertain to the interpretations of the rules of this chapter, or to compliance with the rules of this chapter. Any such documents are available for public inspection and copying at the Idaho Division of Building Safety offices. (3-29-17)

**003. ADMINISTRATIVE APPEALS.**

IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General,” Section 100, et seq., applies to contested cases, in addition to IDAPA 07.07.01, “Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety” and the provisions of Title 54, Chapter 50, Idaho Code. (3-16-04)

**004. ADOPTION AND INCORPORATION BY REFERENCE OF THE INTERNATIONAL MECHANICAL CODE, 2012 EDITION.**

**01. International Mechanical Code.** The 2012 Edition, including appendix “A,” (herein IMC) is adopted and incorporated by reference with the following amendments: (3-20-14)

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

**b.** All references to the International Plumbing Code (IPC) are construed as referring to the Idaho State Plumbing Code (ISPC) as adopted and amended by the Idaho State Plumbing Board. (3-20-14)

**c.** All references to the International Code Council Electrical Code (ICC EC) are 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.** Section 202 Definitions. Delete the definitions provided in the code for the terms identified herein this paragraph and replace with the following: (3-29-17)

**i.** Light-Duty Cooking Appliance. Light-duty cooking appliances include gas and electric ovens (including standard, bake, roasting, revolving, retherm, convection, combination convection/steamer, countertop conveyORIZED baking/finishing, deck, pastry, and electric and gas conveyor pizza ovens), electric and gas steam jacketed kettles, electric and gas pasta cookers, electric and gas compartment steamers (both pressure and atmospheric) and electric and gas cheesemelters. (3-29-17)

**ii.** Medium-Duty Cooking Appliance. Medium-duty cooking appliances include electric discrete element ranges (with or without oven), electric and gas hot-top ranges, electric and gas griddles, electric and gas

double sided griddles, electric and gas fryers (including open deep fat fryers, donut fryers, kettle fryers and pressure fryers), electric and gas tilting skillets (braising pans) and electric and gas rotisseries. (3-29-17)

**f.** Section 401.1 Scope. Add the following: Exception: The principles specified in ASHREA 62-2010 may be used as an alternative to this chapter to demonstrate compliance with required ventilation air for occupants. (4-7-11)

**g.** Section 504.6.1 Material and size. Add the following exception: Dryer duct may be constructed of 0.013 (30 gauge) or equivalent if prefabricated 0.016 (28 gauge) ducts and fittings are not available. (3-20-14)

**h.** Table 603.4 Duct Construction Minimum Sheet Metal Thickness for Single Dwelling Units. Add the following exception to the Table: Round duct, enclosed rectangular ducts and fittings less than fourteen (14) inches may be constructed of 0.013 (30 gauge) or equivalent if prefabricated 0.016 (28 gauge) ducts and fittings are not available. (3-20-14)

**02. Availability of the International Mechanical Code.** The 2012 Edition is available at the Division of Building Safety offices located at 1090 E. Watertower St., Suite 150, Meridian, Idaho 83642, 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814, and 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. (3-20-14)

**005. ADOPTION AND INCORPORATION BY REFERENCE OF THE INTERNATIONAL FUEL GAS CODE, 2012 EDITION.**

**01. International Fuel Gas Code.** The 2012 Edition, including appendixes "A, B, C, and D," (herein IFGC) is adopted and incorporated by reference with the following amendments: (3-20-14)

**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 apply. (4-11-06)

**b.** All references to the International Plumbing Code (IPC) are construed as referring to the Idaho State Plumbing Code (ISPC) as adopted and amended by the Idaho State Plumbing Board. (3-20-14)

**c.** All references to the International Code Council Electrical Code (ICC EC) are 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.** Section 406.4. Change the last sentence to: Mechanical gauges used to measure test pressure must have a range such that the highest end of the scale is not greater than two (2) times the test pressure nor lower than one and one-half (1.5) times the test pressure. (4-11-06)

**f.** Section 406.4.1. Test Pressure. Not less than twenty (20) psig (140kPa gauge) test pressure is 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 is required. For systems over ten (10) psig (70kPa gauge) working pressure, minimum test pressure may be no less than six (6) times working pressure. (4-11-06)

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

**h.** 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)

**i.** Add a new section 503.4.1.2 as follows: Testing. All plastic pipe within a dwelling used for venting flue gases must be tested at five (5) psi for fifteen (15) minutes. (4-4-13)

**j.** Section 505.1.1. Addition. An interlock between the cooking appliance and the exhaust hood

system is 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 2012 Edition is available at the Division of Building Safety offices located at 1090 E. Watertower St., Suite 150 Meridian, Idaho 83642, 1250 Ironwood Dr., Ste. 220, Coeur d’Alene, Idaho 83814, and 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. (3-20-14)

**006. ADOPTION AND INCORPORATION BY REFERENCE OF PART V (MECHANICAL) AND PART VI (FUEL GAS) OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE (1)- AND TWO (2)- FAMILY DWELLINGS, 2012 EDITION.**

**01. Part V (Mechanical) and Part VI (Fuel Gas) of the International Residential Code for One (1)- and Two (2)-Family Dwellings.** The 2012 Edition, including appendixes “A, B, C, and D,” (herein IRC) is adopted and incorporated by reference with the following amendments: (3-20-14)

**a.** Where differences occur between the IRC and Title 54, Chapter 50, Idaho Code, and IDAPA 07, Title 07, Chapter 01, the provisions in Idaho Code and IDAPA rules apply. (4-7-11)

**b.** All references to the International Plumbing Code (IPC) are construed as referring to the Idaho State Plumbing Code (ISPC) as adopted and amended by the Idaho State Plumbing Board. (3-20-14)

**c.** All references to the International Code Council Electrical Code (ICC EC) are construed as referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board. (4-7-11)

**d.** Add the following as section M1201.3 and section G2402.4 (201.4): Alternative materials, design and methods of construction equipment. The provisions of this part of the code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction must be approved where the authority having jurisdiction finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code. Compliance with the specific performance-based provisions of this part of the code in lieu of specific requirements of this code will also be permitted as an alternate. (4-4-13)

**e.** Add the following as section M1201.3.1 and section G2402.4.1 (201.4.1): Tests. Whenever there is insufficient evidence of compliance with the provisions of this part of the code, or evidence that a material or method does not conform to the requirements of this part of the code, or in order to substantiate claims for alternative materials or methods, the authority having jurisdiction has the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods are as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the authority having jurisdiction approves the testing procedures. Tests must be performed by an approved agency. Reports of such tests must be retained by the authority having jurisdiction for the period required for retention of public records. (4-4-13)

**f.** Add the following as section M1203.1: Carbon monoxide alarms. For new construction, an approved carbon monoxide alarm must be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages. (4-4-13)

**g.** Add the following as section M1203.2: Where required in existing dwellings. Where work requiring a permit occurs in existing dwellings that have attached garages or in existing dwellings within which fuel-fired appliances exist, carbon monoxide alarms must be provided in accordance with Subsection 006.01.f. of these rules. (4-4-13)

**h.** Add the following as section M1203.3: Alarm requirements. Single station carbon monoxide alarms must be listed as complying with UL 2034 and must be installed in accordance with this code and the manufacturer’s installation instructions. (4-4-13)

**i.** Section M1502.4.1 Material and size. Add the following exception: Dryer duct may be constructed of 0.013 (30 gauge) or equivalent if prefabricated 0.016 (28 gauge) ducts and fittings are not available. (3-20-14)

**j.** Delete Section M1502.4.2 Duct Installation and replace with the following: Exhaust ducts must be supported at four (4) foot (1,219 mm) intervals and secured in place. The insert end of the duct must extend into the adjoining duct or fitting in the direction of airflow. Ducts must not be joined with screws or similar fasteners that protrude into the inside of the duct. (3-20-14)

**k.** Table M1601.1.1 (2) Gauges of Metal Ducts and Plenums Used for Heating or Cooling. Add the following exception: Round duct, enclosed rectangular ducts and fittings less than fourteen (14) inches may be constructed of 0.013 (30 gauge) or equivalent if prefabricated 0.016 (28 gauge) ducts and fittings are not available. (3-20-14)

**l.** Section G2417.4 (406.4). Change the last sentence to: Mechanical gauges used to measure test pressure must 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. (4-7-11)

**m.** Section G2417.4.1 (406.4.1). Test Pressure. Not less than twenty (20) psig (one hundred forty (140) kPa gauge) test pressure is 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 (seventy (70) kPa gauge), not less than sixty (60) psig (four hundred twenty (420) kPa gauge) test pressure is required. For systems over ten (10) psig (seventy (70) kPa gauge) working pressure, minimum test pressure may be no less than six (6) times working pressure. (4-7-11)

**n.** Section G2417.4.2 (406.4.2). The test duration may not be less than twenty (20) minutes. (4-7-11)

**o.** Add a new section G2427.4.1.2 as follows: Testing. All plastic pipe within a dwelling used for venting flue gases must be tested at five (5) psi for fifteen (15) minutes. (4-4-13)

**02. Availability of the International Residential Code for One (1)- and Two (2)-Family Dwellings.**  
The 2012 Edition is available at the Division of Building Safety offices located at 1090 E. Watertower St., Suite 150 Meridian, Idaho 83642, 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814, and 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. (3-20-14)

**007. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.**

The principal place of business of the Division of Building Safety, HVAC Program is located at 1090 E. Watertower Street, Suite 150, Meridian, Idaho. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is: Division of Building Safety, HVAC Program, 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. The office telephone number is (208) 334-6180 and the facsimile number is (208) 855-0768. (4-4-13)

**008. FILING OF DOCUMENTS.**

All written communications and documents that are intended to be part of an official record for decision in a rulemaking or contested case, must be filed with the administrator of the Division. Communications and documents must be filed by mail, hand-delivery, or by facsimile transmission. One (1) original must be filed with the administrator, and one (1) copy must be submitted to the opposing parties. Whenever documents are filed by facsimile transmission, originals must be deposited in the mail the same day or hand-delivered the following business day to the administrator and opposing parties. (3-16-04)

**009. PUBLIC RECORDS ACT COMPLIANCE.**

These rules were promulgated in accordance with the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. These rules and all records of the HVAC board are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (3-16-04)

**010. CHANGES IN NAME AND ADDRESS -- ADDRESS FOR NOTIFICATION PURPOSES.**

**01. Change of Name.** Whenever a change of name occurs for a certified contractor, journeyman, specialty journeyman, specialty contractor, registered apprentice, or specialty apprentice, the HVAC board must be notified immediately, in writing, of the change. Documentation confirming the change of name must be provided to the board on request. (4-11-06)

**02. Change of Address.** Whenever a change of mailing address occurs for a certificated contractor, journeyman, specialty journeyman, specialty contractor, registered apprentice, or specialty apprentice, the HVAC board must be notified immediately, in writing, of the change. (4-11-06)

**03. Address for Notification Purposes.** The most recent mailing address on record with the HVAC board will be utilized for purposes of all written communication with certified contractors, journeymen, specialty journeymen, specialty contractors, registered apprentices, and specialty apprentices, including, but not limited to, notification of renewal and notices related to inspections. (4-11-06)

**011. MEETINGS.**

HVAC Board meetings are subject to the provisions of the Idaho Open Meeting Law, Title 67, Chapter 23, Idaho Code. (3-16-04)

**012. DEFINITIONS.**

**01. Administrator.** The administrator of the Idaho Division of Building Safety. (3-16-04)

**02. Board.** The Idaho Heating, Ventilation, and Air Conditioning (HVAC) Board. (3-16-04)

**03. Division.** The Idaho Division of Building Safety. (3-16-04)

**04. Additional Definitions.** Terms defined in Section 54-5003, Idaho Code, will have the same meaning when utilized in these rules. (3-16-04)

**05. Rules.** IDAPA 07.07.01, “Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety.” (3-16-04)

**013. CERTIFICATES OF COMPETENCY -- ISSUANCE, RENEWAL, EXPIRATION -- REVIVAL.**

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

**a.** Certificates of competency are issued for a period of no less than one (1) year and no more than (3) three 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) will be issued a certificate of competency renewable on the anniversary of the applicant’s birth month. (4-6-05)

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

**02. Renewal.** Certificates of competency will be renewed in such a manner as to create a staggered system of certificate renewals using the birth month of the individual to whom the certificate is issued as the expiration date. (4-6-05)

**a.** Certificates of competency are 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 will be prorated based on the number of months for which the certificate is issued. (4-6-05)

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

a. Certificates that are not timely renewed will expire on the last day of the month in which the renewal is due. (4-6-05)

b. Revived certificates will be issued in such a manner as to create a renewal date that coincides with the birth month of the applicant so as to create a staggered system of renewal. (4-6-05)

**014. -- 019. (RESERVED)**

**020. HVAC CONTRACTOR AND HVAC JOURNEYMAN APPLICATIONS FOR EXAMINATION AND CERTIFICATES OF COMPETENCY, AND REGISTRATION OF APPRENTICES.**

Application forms for HVAC contractor, HVAC specialty contractor, HVAC journeyman, and HVAC specialty journeyman examinations or certificates of competency and for HVAC apprentice or HVAC specialty apprentice registrations, must be printed and made available by the administrator. (4-11-06)

**01. Application Forms.** All applications for certificates and all applications for registration must be submitted on forms provided by the administrator and must be properly completed, giving all pertinent information, and all signatures must be notarized. (3-16-04)

**02. Application, Renewal, and Registration Fees.** Fees for applications for examination, certificates of competency, renewal of certificates, and fees for apprentice registration are as set forth in Section 54-5012, Idaho Code. (3-16-04)

**03. Application Submission.** All applications must be submitted to the board and must be approved by an administrator before any examination may be taken and before any certificate of competency is issued. (3-16-04)

**021. HVAC CONTRACTOR CERTIFICATE OF COMPETENCY - REQUIREMENTS.**

**01. Bond.** Applicants must provide a 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. (3-29-12)

**02. Qualification.** Applicants must 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 must provide a 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. (3-29-12)

**02. Qualification.** Applicants must 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)

**023. HVAC JOURNEYMAN CERTIFICATES OF COMPETENCY: REQUIREMENTS.**

**01. Experience.** Demonstrate, to the satisfaction of the board, a minimum of four (4) years' experience working in the trade, in compliance with the requirements of the state in which the applicant received his supervision, or as a registered HVAC apprentice making HVAC installations on the job under the supervision of a qualified HVAC journeyman. Notwithstanding the requirement that an HVAC apprentice demonstrate four (4) years of on-the-job work experience under the supervision of a qualified HVAC journeyman, any HVAC apprentice who successfully completes a Board-approved, full-time, one (1)-academic-year HVAC training course may receive credit for up to one (1) year of on-the-job work experience. (4-11-19)

**02. Education.** Successfully complete any required apprenticeship training courses. (3-16-04)

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

**a.** Each HVAC apprentice who desires to take the HVAC journeyman examination must complete a Board-approved training course as described in Subsection 025.02 of these rules prior to the date of the examination and provide a certificate of completion with the apprentice's application for examination. There is no minimum work experience requirement to be eligible to take the HVAC journeyman examination. (4-11-19)

**b.** The Division will not issue a certificate of competency to an HVAC apprentice until the apprentice furnishes to the Division proof of satisfaction of the requirements contained in Subsection 023.01 of these rules and successful completion of the journeyman examination. (4-11-19)

**04. Out of State Journeyman Applications.** (3-24-17)

**a.** Exhibition of a license issued by another recognized jurisdiction may be accepted as proof of meeting the experience and schooling requirements listed in Subsections 023.01 and 023.02 of these rules. An application for a journeyman certificate of competency from an individual previously licensed as a journeyman in another jurisdiction recognized by the Idaho HVAC Board must include satisfactory proof of licensure in such jurisdiction. The applicant must pay all applicable application and examination fees to the Division, and successfully complete the journeyman examination administered by the Division. (3-24-17)

**b.** An application for a journeyman certificate of competency from an individual who has never been previously licensed as a journeyman in a jurisdiction recognized by the Idaho HVAC Board must include evidence that demonstrates that the applicant has four (4) years, defined as eight thousand (8,000) hours of HVAC work experience or a nature at least equivalent to that which a HVAC apprentice must perform in Idaho, as well as four (4) years of schooling equivalent to that which a HVAC apprentice must complete in Idaho. Alternatively, such an applicant may submit sufficient proof verifying eight (8) years, defined as a minimum of sixteen thousand (16,000) hours of HVAC work experience of a nature at least equivalent to that which a HVAC apprentice must perform in Idaho. Upon submission of sufficient proof of having completed such experience and schooling requirements, such applicant must also pay all applicable application and examination fees to the Division, and successfully complete the journeyman examination administered by the Division. (3-24-17)

**024. HVAC HEARTH SPECIALTY JOURNEYMAN CERTIFICATES OF COMPETENCY LIMITATIONS: REQUIREMENTS.**

Certification as a hearth specialty journeyman entitles the holder to install hearth appliances and the associated gas lines. Hearth Specialty Journeymen are required to meet the experience requirement and either the education or examination requirement to receive a certificate of competency. (4-2-08)

**01. Experience.** Demonstrate, to the satisfaction of the board, a minimum of one (1) year experience working in the trade, in compliance with the requirements of the state in which the applicant received his supervision, or as a registered HVAC apprentice or registered HVAC specialty apprentice making HVAC installations on the job under the supervision of a qualified HVAC journeyman or qualified HVAC specialty journeyman. (4-11-06)

**02. Education.** Successfully complete a board approved training course(s), such as the National Fireplace Institute program and a minimum of sixty (60) hours of education in fuel gas code and piping installation methods. (4-2-08)

**03. Examination.** Successfully complete an examination designated by the board. (4-2-08)

**025. HVAC APPRENTICE REQUIREMENTS FOR REGISTRATION.**

Requirements for HVAC Apprentice. (4-11-06)

**01. Age.** Minimum of eighteen (18) years of age unless registered in a Bureau of Apprenticeship Training (BAT) certified HVAC training program. (4-11-06)



board. **02. Training.** Maintain enrollment in or successfully complete a training program approved by the board. (4-11-06)

**03. Supervision.** Work under the supervision of a certified HVAC journeyman. (4-11-06)

**026. HVAC SPECIALTY APPRENTICE REQUIREMENTS FOR REGISTRATION.** Requirements for HVAC Specialty Apprentice. (4-11-06)

**01. Age.** Minimum of eighteen (18) years of age unless registered in a Bureau of Apprenticeship Training (BAT) certified HVAC training program. (4-11-06)

board. **02. Training.** Maintain enrollment in or successfully complete a training program approved by the board. (4-11-06)

**03. Supervision.** Work under the supervision of a certificated HVAC journeyman or certificated HVAC specialty journeyman. (4-11-06)

**027. HVAC WASTE OIL HEATING SPECIALTY JOURNEYMAN CERTIFICATES OF COMPETENCY LIMITATIONS: REQUIREMENTS.**

Certification as a waste oil heating specialty journeyman entitles the holder to install non-duct connected waste oil heaters. Waste oil heating specialty journeymen are limited to the maintenance, installation, and repair of the equipment, controls, and piping directly associated with the waste oil heater, tank, and burner only. Any plumbing, electrical, ducting, venting, or associated equipment beyond the waste oil heater, tank, and burner must be installed by others. Applicants for the waste oil heating specialty journeyman certificate of competency are required to meet the experience and examination requirements as defined in Section 027. (4-2-08)

**01. Experience.** Demonstrate to the satisfaction of the board, a minimum of one (1) year experience making waste oil heating installations under the supervision of a qualified HVAC journeyman or HVAC Waste Oil Heating specialty journeyman. (4-2-08)

**02. Examination.** Applicants for certification as HVAC waste oil specialty journeymen must successfully complete a waste oil burner manufacturers certification or examination as approved by the board. (4-2-08)

**028. HVAC FUEL GAS PIPING SPECIALTY JOURNEYMAN CERTIFICATES OF COMPETENCY LIMITATIONS: REQUIREMENTS.**

Certification as fuel gas piping specialty journeyman entitles the holder to install fuel gas piping only and does not make the final termination. Appliances and the associated gas piping, chimney, and vents must be installed by others. Fuel gas specialty journeymen are required to meet the experience requirement and either the education or examination requirement of Section 028 to receive a certificate of competency. (4-2-08)

**01. Experience.** Demonstrate, to the satisfaction of the board, a minimum of one (1) year experience working in the trade, in compliance with the requirements of the state in which the applicant received his supervision, or as a registered HVAC apprentice or registered HVAC specialty apprentice making HVAC installations on the job under the supervision of a qualified HVAC journeyman or qualified HVAC specialty journeyman. (4-2-08)

**02. Education.** Successfully complete a board approved training course(s), of a minimum of sixty (60) hours of education in fuel gas code and piping installation methods. (4-2-08)

**03. Examination.** Successfully complete an examination designated by the board. (4-2-08)

**029. -- 049. (RESERVED)**

**050. HVAC PERMITS.**

**01. Serial Number.** Each permit must bear a serial number. (3-16-04)

**02. HVAC Contractors and HVAC Specialty Contractors.** The Division will furnish permits to certified HVAC contractors and HVAC specialty contractors upon request. The serial numbers of such permits must be registered in the name of the HVAC contractor or HVAC specialty contractor to whom they are issued. Permits are not transferable. (3-16-04)

**03. Home Owners.** Home owners or a contract purchaser of residential property, making HVAC installations on their own residences, coming under the provisions of Section 54-5002, Idaho Code, must secure an HVAC permit by making application to the Division as provided in Section 54-5016, Idaho Code. (3-16-04)

**04. HVAC Contractors and HVAC Specialty Contractors.** HVAC contractors and HVAC specialty contractors must secure an HVAC permit by making application to the Division as provided in Section 54-5016, Idaho Code. (3-16-04)

**05. Transferring a Permit.** A HVAC permit may be transferred to another eligible party if such party provides to the Division written authorization signed and notarized by the original permit holder consenting to the transfer itself as well as 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 HVAC work is to be performed and for which the permit was issued for such owners' designated legal agent, in cases where the property owner has terminated their legal relationship with the HVAC contractor who originally obtained the permit. An administrative fee in the amount of forty-five dollars (\$45) for the transfer of a permit will be assessed by the Division. (3-24-17)

**06. Refunds of Permits.** The administrator may authorize a refund for any permit fee paid on the following bases: (3-24-17)

**a.** The administrator may authorize a refund of the entire permit fee paid when no work has been performed related to the installations or HVAC 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 (3-24-17)

**b.** The administrator will 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. (3-24-17)

**051. FEES FOR HVAC INSPECTIONS.**

HVAC inspection fees are to cover the cost of HVAC inspections as provided by Section 54-5017, Idaho Code; any person, partnership, company, firm, association, or corporation making an HVAC installation must pay to the Division of Building Safety an inspection fee as provided in the following schedule: (3-26-08)

**01. New Residential - Single-Family Dwelling.** Includes all buildings with HVAC systems being constructed on each property.

<b>New Residential - Single-Family Dwelling</b>	
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

(4-9-09)

**02. New Residential - Multi-Family Dwellings.**

<b>New Residential - Multi-Family Dwellings</b>	
Duplex Apartment	- \$260
Three (3) or more multi-family units	- \$130 per Building plus \$65 per Unit

(3-26-08)

**03. Existing Residential.** Sixty-five dollars (\$65) plus ten dollars (\$10) for each additional piece of HVAC equipment being installed up to a maximum of the corresponding square footage of the residential building. (3-26-08)

**04. Other Installations Including Industrial and Commercial.** The inspection fees listed in this Section apply to any and all HVAC installations not specifically mentioned elsewhere in this schedule. The HVAC cost is 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 HVAC equipment and materials installed as part of the HVAC system. (3-26-08)

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

**b.** HVAC system 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 the HVAC system cost exceeding ten thousand dollars (\$10,000). (3-26-08)

**c.** HVAC system 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 HVAC system cost exceeding one hundred thousand dollars (\$100,000). (3-26-08)

**d.** All fees calculated under this schedule must be calculated on the total HVAC cost of the job, and this figure must be shown on the permit. (3-26-08)

**05. Requested Inspections** A fee of sixty-five dollars (\$65) per hour or portion of an hour applies, with the requesting party responsible for all costs incurred in out-of-state travel. (3-26-08)

**06. Additional Fees and Re-Inspection Fees.** A fee of sixty-five dollars (\$65) per hour or portion of an hour applies to: (3-26-08)

**a.** Trips to inspect when the submitter of the permit had given notice to the Division of Building Safety that the work is ready for inspection and it is not, if the submitter has not accurately identified the work location, or if the inspector cannot gain access to make the inspection. (3-26-08)

**b.** Trips to inspect corrections required by the inspector as a result of the submitter improperly responding to a corrective notice. (3-26-08)

**c.** Each trip necessary to remove a red tag from the jobsite. (3-26-08)

**d.** When corrections have not been made in the prescribed time, unless an extension has been requested and granted. (3-26-08)

**e.** No permit - failure to post or send permit and required fee in the prescribed time will, at the discretion of the Division, result in the assessment of a double fee. (3-26-08)

**07. Plan Check Fee.** Sixty-five dollars (\$65) per hour or portion thereof. (3-26-08)

**052. -- 059. (RESERVED)**

**060. REQUIRED INSPECTIONS.**

All work performed under a HVAC permit must 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 must 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. “Notice of Correction” inspection tags are attached to indicate that the HVAC installation is not acceptable and that corrections are required.

(3-29-12)

**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)

**061. INSPECTOR QUALIFICATIONS.**

In accordance with Section 54-5021, Idaho Code, all mechanical inspectors in Idaho employed by the state or a local government must hold an inspector certification as a commercial or residential mechanical inspector, as required depending on the type of mechanical work being inspected. Mechanical inspectors must obtain the requisite certification from either the International Association of Plumbing and Mechanical Officials (IAPMO), the International Code Council (ICC), or other professional certifying body as approved by the board.

(3-28-18)

**062. -- 069. (RESERVED)**

**070. CIVIL PENALTIES.**

The following acts subject the violator to penalties based on the following schedule.

(3-30-07)

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

(3-30-07)

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

(3-30-07)

**03. Certification or Registration.** Except as provided by Section 54-5001, Idaho Code, any person performing HVAC work as an HVAC journeyman as defined by Section 54-5003(4), Idaho Code, specialty journeyman as defined by Section 54-5003(7), Idaho Code, apprentice as defined by Section 54-5003(2), Idaho Code, or a specialty apprentice as defined by Section 54-5003(5), Idaho Code, without a valid certification or registration is

subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-30-07)

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

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

**06. Fees and Permits.** Any person failing to pay applicable fees or properly post an HVAC permit for, or to request an inspection of, any installation, alteration, improvement, or extension of any piping, venting, ductwork, appliances and appurtenances in connection with any heating, ventilation, or air conditioning system or subsystems of such is 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. (3-29-10)

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

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

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

**071. -- 999. (RESERVED)**

**IDAPA 07  
TITLE 10  
CHAPTER 01**

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

**000. LEGAL AUTHORITY.**

The Idaho Damage Prevention Board of the Division of Building Safety is authorized under Section 55-2203, Idaho Code, to promulgate rules consistent with the act for the administration of Title 55, Chapter 22, Idaho Code, to effectuate the purposes thereof. (3-24-17)

**001. TITLE AND SCOPE.**

**01. Title.** These rules are titled IDAPA 07.10.01, “Rules Governing the Damage Prevention Board, Division of Building Safety.” (3-24-17)

**02. Scope.** These rules are applicable to underground facilities, and facility owners as established in Title 55, Chapter 22, Idaho Code. (3-24-17)

**002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements that pertain to the interpretation of the rules of this chapter, or to compliance with the rules of this chapter. Any such documents are available for public inspection and copying at cost at the Idaho Division of Building Safety offices. (3-24-17)

**003. ADMINISTRATIVE APPEALS.**

**01. Governing Procedural Requirements.** IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General,” Section 100, et seq., applies to contested cases, in addition to the provisions of Title 55, Chapter 22, Idaho Code. (4-11-19)

**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) must accompany the request for hearing to contest the matter. In the case of training, the Division of Building Safety will refund the bond if the contesting party appears at the hearing. In the case of a civil penalty, the Division will 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. (4-11-19)

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference into these rules. (3-24-17)

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

The principal place of business of the Damage Prevention Board is at the Division of Building Safety office located at 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. The Damage Prevention Board may also be contacted at 1250 Ironwood Drive, Suite 220, Coeur d’Alene, Idaho 83814, and at 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. All locations are open from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday and legal holidays. The telephone number of the office is (208) 334-3950. The facsimile number of the office is 1-877-810-2840. The Department website is <http://dbs.idaho.gov>. (3-24-17)

**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. (3-24-17)

**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. (4-11-19)

**03. 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 must 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 is collected by the one-number notification service, and is payable to the board in accordance with the following schedule: (3-24-17)

**01. Fee Assessed.** The fee will 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 must 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 facility owner is received after the seventy-day (70) period, the one-number service must include late payments in its next payment to the board. (4-11-19)

**03. Notices Issued.** The one-number notification service must 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 must be updated on a monthly basis to reflect the status of all past-due payments due from underground facility owners that have not been received. (4-11-19)

**009. AUDIT OF ONE-NUMBER SERVICE RECORDS.**

The board has the right to review and audit the payment records of any one-number notification service relating to the collection of the ten cent (\$.10) fee imposed on underground facility owners. In the event the board wishes to conduct a review and/or audit of a one-number notification service, the board will provide no less than a five (5) business day advance notice of the intended action. The board may delegate any responsibilities contained herein this chapter to the Division of Building Safety. (3-24-17)

**010. -- 014. (RESERVED)**

**015. EDUCATIONAL AND TRAINING MATERIALS.**

**01. Approval of Training and Educational Programs.** The Damage Prevention Board approves and provides public notice through the Division of Building Safety acceptable training courses or programs and educational materials on relevant underground facility damage prevention topics pertaining to safe excavation, locating and marking of facilities, determining facility damage, emergency procedures, excavator downtime, pre-marking of intended excavation areas, and appropriate procedures when encountering unmarked facilities. (3-28-18)

**02. Scope of Training and Educational Programs.** Such training programs and educational materials must relate to various aspects of underground facility damage prevention, and must contain practices, information, and standards generally accepted and recognized among stakeholders in Idaho. (3-28-18)

**03. Accessibility of Training and Educational Programs.** The Division of Building Safety must maintain a database of approved educational materials and training programs, and periodically update such as may be required by the board. The Division of Building Safety will cause such educational materials and the identity of such training programs to be placed on its website so that interested persons may view it online. (3-28-18)

**04. Purposes of Training and Educational Programs.** Such programs may be used for general

educational use by stakeholders or for remedial training that may be ordered by the board or the administrator pursuant to Section 55-2211, Idaho Code. Should completion of a training course by a stakeholder be required as a result of a violation of this chapter in accordance with Section 55-2211, Idaho Code, The Division of Building Safety must record and maintain validation of successful completion of any such required training for two (2) years from date of completion. (3-28-18)

**016. ADEQUACY OF FACILITY OWNERS LOCATING UNDERGROUND FACILITIES.**

The board reviews all stakeholder complaints of violations related to underground facility line locating, as well as generally accepted practices and procedures related to locating. Stakeholders must take remedial actions to improve line-locating performance and must monitor and report performance improvements to the board. (3-28-18)

**017. IMPROVEMENT OF TECHNOLOGY AND COMMUNICATIONS BY STAKEHOLDERS.**

**01. Adoption of Technology and Communications Materials.** On an annual basis the board reviews and adopts any available technology and communications materials which promote effective underground facility locating. The board will make available any such appropriate technology and communications materials as it may determine to all stakeholders on the Division of Building Safety website at <http://dbs.idaho.gov>. (3-28-18)

**02. Availability of Technology and Communications Materials.** The board may request that stakeholders provide it with information or data related to procedures, methods, or technologies utilized by such stakeholders to enhance communications among other stakeholders, or that enhances underground facility locating capabilities, or enhances the stakeholder's ability to gather and analyze data related to underground facility damage. The board will review such technologies, methods, or materials adopted by stakeholders to ensure that such use is adequate, as well as to provide stakeholders with best practices. The Division of Building Safety must maintain an approved database of such referenced stakeholder data for public viewing and analysis on its website. (3-28-18)

**018. DAMAGE PREVENTION COMPLAINTS.**

**01. Complaint Forms.** Persons may submit written complaints to the administrator regarding an alleged violation of Title 55, Chapter 22, Idaho Code, on such forms as required by the Division of Building Safety. Forms are available at the Division of Building Safety offices located at 1090 E. Watertower St., Suite 150, Meridian, Idaho 83642; 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814; and 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. They may also be accessed electronically on the Division of Building Safety's website at <http://dbs.idaho.gov/>. Notice of the complaint may be served concurrently on the alleged violator by the person submitting the complaint. Verifiable proof of such notification of a complaint provided to the alleged violator must also be provided to the administrator. (3-28-18)

**02. Contents.** Complaints must include the name and address of the complainant and the alleged violator, the date and location of the alleged violation, as well as a complete description of the nature of the violation alleged, including whether it resulted in damage to an underground facility or an excavator downtime event. Complainants may also provide additional documentation in support of a complaint. Complaints must be accompanied by a sworn declaration from the complainant declaring that the information contained therein is true and accurate. The administrator may request additional information or documents in support of the complaint. Complaint forms are subject to Title 74, Chapter 1, Idaho Code. (3-28-18)

**03. Complaint Procedures and Timelines.** The following timelines and procedure govern the process of filing and administering complaints related to violations of Title 55, Chapter 22, Idaho Code, and the rules of the Damage Prevention Board. (3-28-18)

**a. Initial Filing.** Complaints must be filed with the administrator not later than thirty (30) days from the date of the alleged violation giving rise to the complaint or from the date the violation should have reasonably been discovered by the complainant, whichever is later. (3-28-18)

**b. Response.** The administrator must notify the alleged violator of the complaint and request a response and any additional information from the alleged violator as may be necessary. The alleged violator may provide a response to the administrator within thirty (30) days from the date they are notified of the complaint by the administrator. (3-28-18)



**c.** Recommendation. Within thirty (30) days of receipt of the response, or if no response is received, within fifteen (15) days from the deadline for filing a response, the administrator must notify the complainant and the alleged violator of his recommended course of action. The administrator may extend the period of time in which to determine a recommended course of action, and so notify the parties, if he determines it is necessary to further review or investigate the complaint. (3-28-18)

**d.** Contest. In accordance with Section 55-2211, Idaho Code, the alleged violator has the right to contest the imposition of a civil penalty before the damage prevention board. Notice of such contest must be provided by the alleged violator not more than thirty (30) days after receipt of the administrator's recommended course of action. Recommendations of the administrator regarding complaints may be reviewed by the board at its next regularly scheduled meeting. (3-28-18)

#### **019. CLAIMS AND REPORTS OF DAMAGE OR EXCAVATOR DOWNTIME.**

**01. Claims.** Claims for the cost of repairs for damaged underground facilities are enforced by the affected underground facility owner in accordance with procedures as may be established by the facility owner, and in accordance with applicable law. Underground facility owners must provide notice to excavator contractors of such procedures, along with sufficient information supporting the basis for the amount of a claim within six (6) months from the date of the event giving rise to the claim or from the date the event should have reasonably been discovered by the underground facility owner, whichever is later. (3-28-18)

**02. Reports.** Underground facility owners and excavators who observe, suffer or cause damage to an underground facility or observe, suffer or cause excavator downtime related to a failure of one (1) or more stakeholders to comply with applicable damage prevention statutes or regulations must report such information to the board on forms or by such method adopted for such by the board. Forms are available at the Division of Building Safety offices located at 1090 E. Watertower St., Suite 150, Meridian, Idaho 83642; 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814; and 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. They may also be accessed electronically on the Division's website at <http://dbs.idaho.gov/>. (3-28-18)

#### **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 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 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, is 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, is 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 is 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 underground facilities when responsible to do so in accordance with Section 55-2205(2), Idaho Code, or within the prescribed time provided therein, is subject to a civil penalty. (4-11-19)

**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, is 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, is 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, is 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 is 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, is 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, is 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, is subject to a civil penalty.

(3-28-18)

**02. Second Offense.** For the purpose of this section, a second offense is 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 constitutes a separate offense.

(3-28-18)

**04. Judicial Review.** Any party aggrieved by the final action of the Idaho Damage Prevention Board is entitled to a judicial review thereof in accordance with the provisions of Title 67, Chapter 52, Idaho Code.

(3-28-18)

**021. -- 999. (RESERVED)**