

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 Department of Insurance:

IDAPA 18.00.00 - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule (Docket No.
18-0000-2000F).

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 11/06/2020. 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 12/04/2020.

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 - Elizabeth Bowen

DATE: October 20, 2020

SUBJECT: Department of Insurance

IDAPA 18.00.00 - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule (Docket No. 18-0000-2000F)

This proposed rule republishes fee rules previously reviewed by the Legislature. Fees include licensing and other fees for:

- Insurers;
- Reinsurers, fraternal benefit societies, hospital and professional service corporations, self-funded health care plans, domestic risk retention groups, petroleum clean water trusts, rating organizations, advisory organizations, and purchasing groups; and
- Fire protection sprinkler contractors.

This rulemaking imposes only those fees or charges previously reviewed by the Legislature. There is no increase of any fee or charge.

This rulemaking appears to be consistent with the Department's statutory authority.

cc: Department of Insurance
Pamela Murray

*** 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 18 – IDAHO DEPARTMENT OF INSURANCE

DOCKET NO. 18-0000-2000F (FEE RULE)

NOTICE OF OMNIBUS RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 41-211, 41-254, and 41-401, Idaho Code.

PUBLIC HEARING SCHEDULE: Opportunity for presentation of oral comments 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 the purpose of the proposed rulemaking:

This proposed rulemaking re-publishes the following existing temporary rule chapters previously submitted to and reviewed by the Idaho Legislature under IDAPA 18, rules of the Department of Insurance:

IDAPA 18

All Lines:

- 18.01.02, *Schedule of Fees, Licenses, and Miscellaneous Charges; and*

State Fire Marshal:

- 18.08.02, *Fire Protection Sprinkler Contractors.*

FEE SUMMARY: This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules. The fees within the rulemaking on 18.01.02 apply to insurers and related entities (020), producers and other licensees (030), and miscellaneous fees (040). The fees within the rulemaking on 18.08.02 apply to the State Fire Marshal's actions on applications and licenses (015).

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 FY2021 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 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 proposed rules attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Weston Trexler, (208) 334-4214, weston.trexler@doi.idaho.gov.

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 5th day of August, 2020.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor

P.O. Box 83720, Boise, ID 83702-0043
Phone: (208) 334-4250
Fax: (208) 334-4398

18.01.02 – SCHEDULE OF FEES, LICENSES, AND MISCELLANEOUS CHARGES

000. LEGAL AUTHORITY.

Title 41, Chapters 2 and 4, Idaho Code, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. IDAPA 18.01.02, “Schedule of Fees, Licenses, and Miscellaneous Charges.” ()

02. Scope. The purpose of this rule is to provide for the amounts to be collected for fees, licenses and miscellaneous charges. ()

002. -- 010. (RESERVED)

011. FEES PAYABLE IN ADVANCE.

The director will collect in advance fees, licenses, and miscellaneous charges as outlined in this rule. ()

012. -- 019. (RESERVED)

020. INSURER FEES.

01. Annual Continuation Fee. All insurers and other entities (set forth in Section 020) licensed, listed, or approved to do business in the state of Idaho will pay an annual continuation fee. ()

a. The annual continuation fee is due on March 1st each year and is payment of the insurer’s fees due through the following February. ()

b. The annual continuation fee is charged at the time the insurer applies for admission to do business in the state of Idaho. If the application is approved, the fee paid will cover the insurer’s fees through the following February. ()

02. Fee for Insurers. For all insurance companies receiving a certificate of authority pursuant to Title 41, Chapter 3, Idaho Code, the annual continuation fee is as follows: ()

a. If insurer’s policy holders’ surplus at the preceding December 31 is less than ten million dollars (\$10,000,000) - One thousand dollars (\$1,000). ()

b. If insurer’s policy holders’ surplus at the preceding December 31 is ten million (\$10,000,000) or more, but less than one hundred million (\$100,000,000) -- Two thousand five hundred dollars (\$2,500). ()

c. If insurer’s policy holders’ surplus at the preceding December 31 is one hundred million (\$100,000,000) or greater - Four thousand five hundred dollars (\$4,500). ()

03. Fees of Other Entities. The following entities will be assessed an annual continuation fee: ()

a. Five hundred dollars (\$500): ()

i. All reinsurers, listed pursuant to Section 41-515, Idaho Code. ()

ii. Authorized surplus line insurers. ()

iii. County mutual insurers. ()

iv. Fraternal benefit societies. ()

v. Hospital and/or professional service corporations. ()

vi. Self-funded health care plans. ()

vii. Domestic Risk retention groups. ()

viii. Petroleum clean water trusts. ()

- ix. Rating organizations. ()
- x. Advisory organizations. ()
- b. One hundred dollars (\$100): Purchasing groups. ()
- 04. Fees Provide.** The annual continuation fee includes, but is not limited to, the following: ()
 - a. Certificate of authority renewal, license renewal, and annual registration. ()
 - b. Arson, fire and fraud investigation costs. ()
 - c. Annual statement filing. ()
 - d. Agent appointment and renewal of appointment. ()
 - e. Filings under Title 41, Chapter 38, Idaho Code, Acquisitions of Control and Insurance Holding Company Systems. ()
 - f. Filing of amendments to Articles of Incorporation. ()
 - g. Filing of amendments to Bylaws. ()
 - h. Amendments to Certificate of Authority. ()
 - i. Filing of notice of significant transactions pursuant to Section 41-345, Idaho Code. ()
 - j. Quarterly statement filing. ()
 - k. Examination expenses. ()
- 05. Not Provided in Fees.** Payment of the annual continuation fee will not exempt the insurer or entity from the following: ()
 - a. Fees for application for producer license. ()
 - b. Costs incurred by the Department for investigation of an applicant for producer license. ()
 - c. Attorney's fees and costs incurred by the Department when allowed pursuant to Idaho Code. ()
 - d. Costs incurred for experts and consultants when allowed by Idaho Code. ()
 - e. Penalties or fines levied by or payable to the Department of Insurance. ()
 - f. All fees set forth under Section 040. ()
- 06. Failure to Pay Fee.** Failure to pay the annual continuation fee on or before March 1st each year will result in the expiration of the insurer's or entity's authority to do business in the state of Idaho pursuant to Section 41-324, Idaho Code. ()
- 07. Reinstatement Fee.** The reinstatement fee referenced in Section 41-324(3), Idaho Code, is the amount referenced above for the insurer or entity continuation fee. ()
- 021. -- 029. (RESERVED)**

030. PRODUCER AND MISCELLANEOUS LICENSING FEES.

01. Original License Application. The following fees are due and needs to be paid with the filing application for original license: ()

- a. Administrators -- three hundred dollars (\$300). ()
- b. Producers -- eighty dollars (\$80). ()
- c. Designation as a managing general agent -- eighty dollars (\$80). ()
- d. Adjusters and public adjusters -- eighty dollars (\$80). ()
- e. Reinsurance intermediary -- eighty dollars (\$80). ()
- f. Surplus line brokers -- eighty dollars (\$80). ()
- g. Life settlement providers -- five hundred dollars (\$500). ()
- h. Life settlement brokers -- three hundred dollars (\$300). ()
- i. Independent review organization -- five hundred dollars (\$500). ()
- j. Vendor of portable electronics insurance, a type of limited lines producer: ()
 - i. A vendor of portable electronic insurance who is engaged in portable electronic transactions at more than ten (10) locations in the state of Idaho -- one thousand dollars (\$1,000). ()
 - ii. A vendor of portable electronic insurance who is engaged in portable electronic transactions at ten (10) or fewer locations in the state of Idaho -- one hundred dollars (\$100). ()

02. Examination Fees. Each time a producer or adjuster's examination is taken for licensing under Title 41, Chapters 10 and 11, Idaho Code, the applicant may pay a fee to a third-party testing vendor in the amount established by contract between the department and the vendor. ()

03. Fingerprint Processing. Processing fingerprints (as applicable) -- not to exceed eighty dollars (\$80). ()

04. License Renewal. The following fees are due and needs to be paid for each license to renew or continue: ()

- a. Adjusters, public adjusters, and producers (biennial) -- eighty dollars (\$80), or sixty dollars (\$60) if renewed electronically. ()
 - i. A vendor of portable electronic insurance who is engaged in portable electronic transactions at more than ten (10) locations in the state of Idaho -- five hundred dollars (\$500). ()
 - ii. A vendor of portable electronic insurance who is engaged in portable electronic transactions at ten (10) or fewer locations in the state of Idaho -- one hundred dollars (\$100). ()
- b. Redesignation as managing general agent (annual) -- eighty dollars (\$80). ()
- c. Administrators (biennial) -- eighty dollars (\$80). ()
 - i. Renewal form is filed on or before December 31. ()
 - ii. Any renewal form postmarked after December 31 includes a penalty in an amount equal to the

renewal fee. ()

iii. A renewal form postmarked after January 31 needs to be submitted as a new application with supporting documents and the full application fee. ()

d. Surplus line brokers (biennial) -- eighty dollars (\$80), or sixty dollars (\$60) if renewed electronically. ()

e. Life settlement providers (biennial) -- three hundred dollars (\$300). ()

f. Life settlement brokers (biennial) -- eighty dollars (\$80). ()

g. Independent review organization (biennial) -- three hundred dollars (\$300). ()

031. -- 039. (RESERVED)

040. MISCELLANEOUS FEES.

01. Certified Copy. Certified copy of certificate of authority, license or registration - Fifty dollars (\$50). ()

02. Certificate Under Seal. Director's certificate under seal (except for those under Subsection 040.01 of this rule) - Twenty dollars (\$20). ()

03. Documents Filed. For each copy of a document filed in the DOI, a reasonable cost as fixed by the director. For rate and form filings not submitted electronically through the national System for Electronic Rate and Form Filing (SERFF) -- Twenty dollars (\$20) for each rate or form filed in excess of ten (10) per calendar year. ()

04. Insurer Service of Process. For receiving and forwarding copy of summons or other process served upon the director as process agent of an insurer -- Thirty dollars (\$30). ()

05. Agent Service of Process. For receiving and forwarding copy of summons or other process served upon the director as process agent of a nonresident producer or other person for which the director is authorized to serve as statutory agent for service of process -- Thirty dollars (\$30). ()

06. Continuing Education. Filing continuing education applications for approval and certification of subjects of courses (each application) -- Twenty-five dollars (\$25). ()

041. -- 049. (RESERVED)

050. REFUNDS.
All fees, licenses, and miscellaneous charges are non-refundable except as noted. ()

051. OVERPAYMENTS.
Overpayments of published fees will be returned only when such overpayments exceed twenty dollars (\$20), or upon request of the payor. ()

052. -- 999. (RESERVED)

18.08.02 – FIRE PROTECTION SPRINKLER CONTRACTORS

000. LEGAL AUTHORITY.

Title 41, Chapter 2, Section 41-254(2), (3) and Chapter 9 International Fire Code. ()

001. TITLE AND SCOPE.

01. **Title.** IDAPA 18.08.02, “Fire Protection Sprinkler Contractors.” ()

02. **Purpose.** This rule is to assure the people of Idaho that fire sprinkler systems and their appurtenances are being installed and maintained by qualified persons and organizations that contract to sell, design, modify, install, service, or maintain such systems; to safeguard lives and property and protect the public interest; to require insurance, and bonding to register such persons and organizations; to establish regulation by the State Fire Marshal; and to set penalties and fees for the administration of this rule. ()

03. **Persons Affected.** This rule will affect any person, individual, partnership, joint venture, corporation, or any combination thereof, association, business trust or organized group of persons, who by themselves or through others, offers to undertake, represents themselves as being able to undertake, or does undertake contracting for the sale, design, installation, modification, alteration, repair, maintenance, or maintenance inspection of any fire protection sprinkler system or its appurtenances. ()

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. **Fire Protection Sprinkler System.** An integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. This installation includes a water supply, such as a gravity tank, fire pump, reservoir or pressure tank and/or connection by underground piping to a water supply. The portion of the sprinkler system above ground is a network of specially sized, or hydraulically designed, piping installed in a building, structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system include a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area. ()

02. **Fire Protection Sprinkler Contractor.** Those persons described in Subsection 001.02 of this rule who contract to install, repair, modify, or maintain fire sprinkler systems. ()

03. **Fitters.** Those persons who install and maintain fire sprinkler systems and who work under the supervision of a Fire Protection Sprinkler Contractor. ()

04. **Responsible Maintenance Employee.** Any person who is employed by an owner of a premises that has a fire sprinkler system installed and who regularly inspects and maintains such system as follows: Inspects and maintains fire sprinkler system as detailed in the maintenance checklist provided by the State Fire Marshal; said checklist will follow the guidelines of National Fire Protection Association Standard 25 for the “Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems.” ()

011. POWERS AND DUTIES OF THE STATE FIRE MARSHAL.

In addition to the powers and duties prescribed in this rule, the State Fire Marshal will: ()

01. **Assistants, Inspectors and Other Employees.** Appoint an adequate number of assistants, inspectors and other employees that may be necessary to carry out the provisions of this rule, prescribe their duties, and fix their compensation within the amount appropriated. ()

02. **Licensing Procedures.** Establish procedures for licensing of fire protection sprinkler contractors and fitters, set forth the form and content of applications, and investigate and examine all applicants as to their qualifications and fitness for such licensing. ()

03. **Records.** Keep records of all licenses issued, suspended or revoked. ()

04. **Suspension or Revocation of License.** Suspend or revoke any license for any cause prescribed by this rule, and refuse to grant any license for any cause which would be grounds for revocation or suspension. ()

05. **Examinations.** Prepare, administer, and grade such applicable examinations and tests for

applicants as may be needed for the purposes of this rule, and determine the score that will be deemed a passing score. ()

06. Fees. Collect fees, including applications, testing, licensing, renewals, and duplication fees from the applicants, and license holders for the purpose of administering and funding this rule. ()

012. QUALIFICATIONS FOR CONTRACTORS LICENSE.

Applicants seeking registration to obtain licenses as fire protection sprinkler contractors will meet the following minimum qualifications: ()

01. Owner, Officer or Manager. The applicant is an owner, officer or manager of their company, corporation, partnership or proprietorship. ()

02. Examination, Education or Experience. The applicant needs to: ()

a. Satisfactorily pass an examination prescribed by the State Fire Marshal and provide proof to the effect that the applicant has supervised or installed at least four (4) fire sprinkler systems of more than two hundred (200) heads each (complete with name, description and location of each); or ()

b. Provide proof of successful attainment of Level III Certification in fire protection, Automatic Sprinkler System Design from the National Institute for Certification in Engineering Technologies or equivalent. ()

013. LICENSE REQUISITE.

No person within the purview of this rule may act, or assume to act, or advertise, as a fire protection sprinkler contractor without a license obtained under and in compliance with this rule. ()

014. LICENSE, DISPLAY, RENEWALS, DUPLICATES, APPLICATIONS.

01. Time Period. All licenses will be valid for a period of not longer than one (1) year and expire on the 31st day of December of each year, regardless of the month issued. ()

02. Posting of License. Each license issued pursuant to this rule needs to be posted in a conspicuous place in the contractor's place of business. ()

03. Renewal. Any license which has not been suspended or revoked may, upon payment of the renewal fees prescribed, be renewed for an additional period of one (1) year from its expiration upon filing an application for renewal on forms prescribed by the State Fire Marshal. ()

04. Duplicate License. A duplicate license may be issued for one lost, destroyed, or mutilated upon application for such a form prescribed by the State Fire Marshal and the payment of the fee prescribed. Each duplicate license will have the word "duplicate" stamped across the face and bear the same number as the one it replaced. ()

05. Bids Will Bear License Number. All written bids, proposals and offers, and all shop and field installation drawings will bear the contractor's license number. ()

06. Forms and Fees. Application for a license will be made on forms prescribed by the State Fire Marshal. Each application will be accompanied by the prescribed fee. ()

015. ACTION ON APPLICATIONS AND LICENSE FEES.

Within one hundred and twenty (120) days after the filing of a complete application for a license and the payment of the prescribed fees, the State Fire Marshal will: ()

01. Investigation of Applicants. Conduct an investigation of applicants. Such investigation may inquire the name and address of the applicant; whether the applicant is associated in any partnership, corporation or other entity; the names, addresses, and official capacities of all such associates; and any other pertinent information as

the State Fire Marshal may deem relevant. ()

02. Fees. License fees for fire protection sprinkler contractors are as follows: ()

a. Examination Fee -- Twenty-five dollars (\$25). ()

b. License Fee -- Four hundred dollars (\$400). ()

c. Annual License Renewal Fee -- One hundred dollars (\$100). ()

d. Duplicate License Fee -- Ten dollars (\$10). ()

e. Branch Office Fee -- One hundred dollars (\$100). ()

f. Examination fees, when paid, are earned and are not subject to refund. ()

03. Branch Office License. Branch offices of a licensed firm doing business in this state need obtain a branch office license. Each license needs to provide a shop or a vehicle as a place of business properly equipped and subject to inspection by the authority. A separate license is needed for each business location. Any advertisement that the services of installing or maintaining fire protection sprinkler systems constitutes prima facie evidence that the premises, building, room, shop, store, or establishment in or upon which it appears or to which it refers is a separate business location. ()

04. Arson, Fire, and Fraud Prevent Account. All license fees collected will be deposited in the Arson, Fire, and Fraud Prevention Account as per Section 41-268(d), Idaho Code. ()

016. FINANCIAL RESPONSIBILITY.

01. Bonding. ()

a. The State Fire Marshal will require each applicant, individual or corporation who is a contractor to put up a license bond in an amount not less than two thousand dollars (\$2,000) in favor of the state of Idaho by a surety company authorized to do business in the state of Idaho. ()

b. The bond remains in full force until released by the State Fire Marshal, or until canceled by the surety. Without prejudice to liability previously incurred, the surety may cancel the bond upon thirty (30) days advance notice to both the contractor and the State Fire Marshal. ()

02. Insurance. Prior to issuance of a license as a fire protection sprinkler contractor, the applicant will obtain and maintain at all times will a full term comprehensive general liability insurance policy from an insurance company authorized to do business in the state of Idaho, which policy will have aggregate limits of not less than two hundred fifty thousand dollars (\$250,000) and including the following: ()

a. Comprehensive Form. ()

b. Premises Operations. ()

c. Products/Completed Operations Hazard. ()

d. Contractual Insurance. ()

e. Broad Form Property Damage. ()

f. Independent Contractors. ()

g. Personal Injury. ()

- h. Evidence of such insurance should be filed with the State Fire Marshal's Office. ()

017. REVOCATION, SUSPENSION, AND NON-RENEWAL OF LICENSE.

01. Causes for Revocation, Suspension, or Refusal to Renew License. The State Fire Marshal may revoke any license issued, or suspend the right of the license holder to use such license, or refuse to renew any such license for any of the following causes: ()

a. Fraud, bad faith, misrepresentation, or bribery, either in securing a license or in the conduct of business under a license. ()

b. The making of any false statement as to a material matter in any application for license. ()

c. Failure by the contractor to perform their contract with the property owner. ()

d. The manipulation of assets or of any accounts covering the subject matter of this rule, or by fraud or bad faith. ()

e. Failure to display the license as provided in Subsection 013.02 of this rule. ()

f. Failure to secure or maintain workmen's compensation insurance when not authorized to act as a self-insurer. ()

g. Knowingly entering into a contract with an unregistered contractor involving the performance of work or activity which requires a license under this rule. ()

h. The licensee has pled guilty to, or was found guilty of, a felony. ()

i. Violation of any provision of this rule. ()

02. Length of Suspension. No license will be suspended for longer than two (2) years. ()

03. Eligibility to Reapply After Revocation. No person whose license is revoked will be eligible to apply for a new license until the expiration of two (2) years. ()

018. HEARINGS.

In every case where it is proposed to refuse to grant a license, revoke a license, or to refuse to renew a license, the State Fire Marshal will give adequate notice and provide a hearing if requested. Notice of hearing will be given in writing by registered or certified mail with return receipt requested at least fifteen (15) days prior to the hearing. ()

019. APPROVED EQUIPMENT AND MATERIALS.

No component or devices of an automatic fire sprinkler system may be sold, leased, or installed in this state unless it has been approved, labeled, or listed by Underwriters Laboratories, Inc., Underwriters Laboratories of Canada, Factory Mutual Laboratories, or other testing laboratories approved by the State Fire Marshal. ()

01. Sprinklers. Only new standard commercial or other listed sprinklers may be employed in the installation of a sprinkler system. ()

02. Minimum Requirements. Automatic fire sprinkler systems installed in the State will meet the minimum NFPA standards. Partial installations prescribed for compliance with life safety codes need to be approved by the local fire department or the State Fire Marshal. ()

020. SERVICE EVIDENCE.

01. Submission of Plans. Where automatic fire sprinkler systems are installed, the installer completes the contractor's material and test certificates NFPA 13 1-10.1. All systems need to be under the supervision of a

contractor or a R.M.E. These persons will conduct proper tests and inspections at prescribed intervals and have general charge of all alterations and additions to the systems under their supervision. ()

02. Conformance to Standards. A service tag conforming to the requirements of this chapter will be attached to all systems. ()

021. DESIGN REQUIREMENTS.

01. Submission of Plans. Detailed plans in accordance with applicable NFPA standards are submitted by a licensed contractor for approval to the local fire department and to the State Fire Marshal. ()

02. Conformance to Standards. The specifications will state that the installation will conform to the applicable standards listed in this rule and be approved by the local fire department and the State Fire Marshal. ()

03. Tests. The specifications need to include the specific tests needed to meet the standards for approval of the local fire department and the State Fire Marshal. ()

04. Scale. Plans need to be drawn to an indicated scale or be suitably dimensioned, and made so that they can be easily reproduced. ()

05. Detail. Plans need to contain sufficient detail to evaluate the effectiveness of the system. ()

06. Prior Approval of Plans. Plans need to be submitted to the State Fire Marshal and the local fire department and approved, before work starts. Work may start prior to final plans submitted based on conceptual drawings if approved by the local fire department and the State Fire Marshal. A plan's review fee of two dollars (\$2) per sprinkler head up to one thousand (1000) heads per fire protection sprinkler system (maximum two thousand dollars (\$2,000)) or one hundred dollars (\$100) per fire protection sprinkler system if less than fifty (50) sprinkler heads. The applicable fee needs to accompany the plans sent to the State Fire Marshal. Two (2) sprinkler heads on an arm-over will be considered as one (1) sprinkler head for fee purposes. ()

07. Corrected Plans. Where field conditions necessitate any substantial change from the approved plan, the corrected plan showing the system as installed need to be submitted to the local fire department and the State Fire Marshal for approval. ()

08. Exemption. A City or County may request an exemption from the requirements of this Section that plans be submitted to the State Fire Marshal for review and approval. A request for exemption will be made in writing signed by the Fire Chief, designated representative or elected local official and set forth the reasons for the request. If the State Fire Marshal determines the request is justified, the requesting party will be provided a written notice of exemption. The exemption will continue until terminated by the State Fire Marshal. Any such exemption will not apply to plans or inspections relating to structures owned, leased or controlled by the state or any state agency. ()

022. SERVICE TAG.

01. Form. Automatic fire sprinkler service tags need to be in a form prescribed by the State Fire Marshal and a new tag installed each time work is performed on the system. ()

02. Control Valve Not Electrically Supervised. In the event the control valve is not electrically supervised, the service tag will serve as a seal for the valve. ()

03. Electrically Supervised Control Valve. In the event the control valve is electrically supervised, the service tag will be attached in such a manner that the valve may be closed for testing of the supervision without removing the tag. ()

023. FITTERS.

All fitters, as described in Subsection 004.03 may be licensed under this rule as follows: ()

01. Examination. Show proof by affidavit signed by a licensed fire protection sprinkler contractor that he has worked as a fitter for at least one thousand (1,000) hours per year for three (3) consecutive years and then take and pass a written examination given by the State Fire Marshal, and pay the appropriate fee. ()

02. Fees. The State Fire Marshal collects in advance fees, license fees and miscellaneous charges as follows: ()

a. Examination Fee -- Twenty-five dollars (\$25). ()

b. Original License Fee -- Fifty dollars (\$50). ()

c. Annual License Renewal Fee -- Twenty-five dollars (\$25). ()

d. Duplicate License Fee -- Ten dollars (\$10). ()

e. All license fees collected are to be deposited to the Arson, Fire, and Fraud Prevention Account as per Section 41-268(d), Idaho Code. No examination will be taken or license issued pursuant to this rule until the appropriate fees, as listed above, are paid. Examination fees, when paid, are earned and are not subject to refund. ()

03. Period of Time. No fitters license is valid for a period of longer than one (1) year and expires on the 31st day of December of each year regardless of the month issued. ()

04. Renewal. Any license which has not been suspended or revoked may, upon payment of the renewal fee prescribed, be renewed for an additional period of one (1) year from its expiration upon filing an application for such renewal on forms prescribed by the State Fire Marshal. ()

05. Duplicate License. A duplicate license may be issued for one lost, destroyed, or mutilated upon application for such on a form to be prescribed by the State Fire Marshal, and the payment of the fee prescribed. Each such duplicate license will have the word "duplicate" stamped across the face and bear the same number as the one it replaced. ()

024. -- 999. (RESERVED)

PROPOSED RULE COST/BENEFIT ANALYSIS

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

Department or Agency: Department of Insurance _____

Agency Contact: _____ **Phone:** 208-334-4214 _____

Date: August 5, 2020 _____

IDAPA, Chapter and Title Number and Chapter Name:

[IDAPA 18.01.02, Schedule of Fees, Licenses, and Miscellaneous Charges](#) _____

Fee Rule Status: X _____ **Proposed** _____ **Temporary**

Rulemaking Docket Number: 18-0000-2000F _____

STATEMENT OF ECONOMIC IMPACT:

The fee amounts are listed below, and remain unchanged from the previous year's temporary fee rule.

INSURER FEES.

01. Annual Continuation Fee. All insurers and other entities (set forth in Section 020) licensed, listed, or approved to do business in the state of Idaho will pay an annual continuation fee.

02. Fee for Insurers. For all insurance companies receiving a certificate of authority pursuant to Title 41, Chapter 3, Idaho Code, the annual continuation fee is as follows:

a. If insurer's policy holders' surplus at the preceding December 31 is less than ten million dollars (\$10,000,000) - One thousand dollars (\$1,000).

b. If insurer's policy holders' surplus at the preceding December 31 is ten million (\$10,000,000) or more, but less than one hundred million (\$100,000,000) -- Two thousand five hundred dollars (\$2,500).

c. If insurer's policy holders' surplus at the preceding December 31 is one hundred million (\$100,000,000) or greater - Four thousand five hundred dollars (\$4,500).

03. Fees of Other Entities. The following entities will be assessed an annual continuation fee:

a. Five hundred dollars (\$500):

- i. All reinsurers, listed pursuant to Section 41-515, Idaho Code.
- ii. Authorized surplus line insurers.
- iii. County mutual insurers.
- iv. Fraternal benefit societies.
- v. Hospital and/or professional service corporations.
- vi. Self-funded health care plans.
- vii. Domestic Risk retention groups.
- viii. Petroleum clean water trusts.
- ix. Rating organizations.
- x. Advisory organizations.

b. One hundred dollars (\$100): Purchasing groups.

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07. Reinstatement Fee. The reinstatement fee referenced in Section 41-324(3), Idaho Code, is the amount referenced above for the insurer or entity continuation fee.

PRODUCER AND MISCELLANEOUS LICENSING FEES.

01. Original License Application. The following fees are due and needs to be paid with the filing application for original license:

- a. Administrators -- three hundred dollars (\$300).
- b. Producers -- eighty dollars (\$80).
- c. Designation as a managing general agent -- eighty dollars (\$80).
- d. Adjusters and public adjusters -- eighty dollars (\$80).
- e. Reinsurance intermediary -- eighty dollars (\$80).
- f. Surplus line brokers -- eighty dollars (\$80).
- g. Life settlement providers -- five hundred dollars (\$500).
- h. Life settlement brokers -- three hundred dollars (\$300).
- i. Independent review organization -- five hundred dollars (\$500).
- j. Vendor of portable electronics insurance, a type of limited lines producer:

i. A vendor of portable electronic insurance who is engaged in portable electronic transactions at more than ten (10) locations in the state of Idaho -- one thousand dollars (\$1,000).

ii. A vendor of portable electronic insurance who is engaged in portable electronic transactions at ten (10) or fewer locations in the state of Idaho -- one hundred dollars (\$100).

02. Examination Fees. Each time a producer or adjuster's examination is taken for licensing under Title 41, Chapters 10 and 11, Idaho Code, the applicant may pay a fee to a third-party testing vendor in the amount established by contract between the department and the vendor.

03. Fingerprint Processing. Processing fingerprints (as applicable) -- not to exceed eighty dollars (\$80).

04. License Renewal. The following fees are due and needs to be paid for each license to renew or continue:

a. Adjusters, public adjusters, and producers (biennial) -- eighty dollars (\$80), or sixty dollars (\$60) if renewed electronically.

i. A vendor of portable electronic insurance who is engaged in portable electronic transactions at more than ten (10) locations in the state of Idaho -- five hundred dollars (\$500).

ii. A vendor of portable electronic insurance who is engaged in portable electronic transactions at ten (10) or fewer locations in the state of Idaho -- one hundred dollars (\$100).

b. Redesignation as managing general agent (annual) -- eighty dollars (\$80).

c. Administrators (biennial) -- eighty dollars (\$80).

i. Renewal form is filed on or before December 31.

ii. Any renewal form postmarked after December 31 includes a penalty in an amount equal to the renewal fee.

iii. A renewal form postmarked after January 31 needs to be submitted as a new application with supporting documents and the full application fee.

d. Surplus line brokers (biennial) -- eighty dollars (\$80), or sixty dollars (\$60) if renewed electronically.

e. Life settlement providers (biennial) -- three hundred dollars (\$300).

f. Life settlement brokers (biennial) -- eighty dollars (\$80).

g. Independent review organization (biennial) -- three hundred dollars (\$300). (3-20-20)T

MISCELLANEOUS FEES.

01. Certified Copy. Certified copy of certificate of authority, license or registration - Fifty dollars (\$50).

02. Certificate Under Seal. Director's certificate under seal (except for those under Subsection 040.01 of this rule) - Twenty dollars (\$20).

03. Documents Filed. For each copy of a document filed in the DOI, a reasonable cost as fixed by the director. For rate and form filings not submitted electronically through the national System for Electronic Rate and Form Filing (SERFF) -- Twenty dollars (\$20) for each rate or form filed in excess of ten (10) per calendar year.

04. Insurer Service of Process. For receiving and forwarding copy of summons or other process served upon the director as process agent of an insurer -- Thirty dollars (\$30).

05. Agent Service of Process. For receiving and forwarding copy of summons or other process served upon the director as process agent of a nonresident producer or other person for which the director is authorized to serve as statutory agent for service of process -- Thirty dollars (\$30).

06. Continuing Education. Filing continuing education applications for approval and certification of subjects of courses (each application) -- Twenty-five dollars (\$25).

PROPOSED RULE COST/BENEFIT ANALYSIS

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

Department or Agency: Department of Insurance _____

Agency Contact: Weston Trexler _____ **Phone:** 208-334-4214 _____

Date: August 5, 2020 _____

IDAPA, Chapter and Title Number and Chapter Name:

[IDAPA 18.08.02, Fire Protection Sprinkler Contractors](#) _____

Fee Rule Status: X _____ Proposed _____ Temporary

Rulemaking Docket Number: 18-0000-2000F _____

STATEMENT OF ECONOMIC IMPACT:

The fee amounts are listed below, and remain unchanged from the previous year's temporary fee rule.

Fees pertaining to fire protection sprinkler contractors:

- a. Examination Fee -- Twenty-five dollars (\$25).
- b. License Fee -- Four hundred dollars (\$400).
- c. Annual License Renewal Fee -- One hundred dollars (\$100).
- d. Duplicate License Fee -- Ten dollars (\$10).
- e. Branch Office Fee -- One hundred dollars (\$100).

Fees pertaining to Fitters:

- a. Examination Fee -- Twenty-five dollars (\$25).
- b. Original License Fee -- Fifty dollars (\$50).
- c. Annual License Renewal Fee -- Twenty-five dollars (\$25).
- d. Duplicate License Fee -- Ten dollars (\$10).