LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature      Second Regular Session - 2022

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 614

BY BUSINESS COMMITTEE

AN ACT


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

SECTION 1. That Section 39-4107, Idaho Code, be, and the same is hereby amended to read as follows:

39-4107. POWERS AND DUTIES. (1) The board shall continually study the operation of adopted codes, standards and rules relating to the construction of buildings or facilities under the jurisdiction of the division to ascertain their effect upon the public safety and shall support an ongoing effort to promote the uniform adoption, application and interpretation of safety, accessibility and building codes statewide. The board shall have the authority to adopt and enforce the codes specified in section 39-4109, Idaho Code, or later editions of such codes, and to promulgate rules in accordance with chapter 52, title 67, Idaho Code, to implement the provisions of this chapter.

(2) The board shall function as a board of appeals for the division as prescribed in the adopted building code. The board shall have no authority to waive any requirements of the codes enumerated in this chapter or in rules promulgated pursuant to this chapter. Provided further:
(a) The decisions of the board shall be final, and the board shall render all decisions and findings in writing to the appellant and the administrator within ten (10) working days of the conclusion of a hearing; and

(b) For each appeal brought before the board, the chairman shall appoint not less than three (3) members of the board to hear the appeal and render a decision and finding in the name of the board.

(3) The board shall utilize experts, consultants, and technical advisors for assistance and recommendations relative to codes, standards, and appeals.

(4) The administrator may make building code inspections for another state or local jurisdiction upon request by an appropriate building official. Such inspections shall be made in accordance with the applicable building codes of the requesting jurisdiction. Fees charged for such inspection services shall be as provided in rules promulgated by the board pursuant to chapter 52, title 67, Idaho Code.

(5) Notwithstanding the exemptions provided in subsection (4)(b) of section 39-4103, Idaho Code, the administrator may make inspections of modular buildings constructed in Idaho upon written request from the manufacturer.

(a) Such inspections shall be made in accordance with the codes adopted in this chapter.

(b) Inspection fees shall be as provided in section 39-4303, Idaho Code.

(c) The administrator of the division of building safety occupational and professional licenses may issue an insignia of approval if the buildings are in compliance with the requirements set forth in chapter 43, title 39, Idaho Code.

SECTION 2. That Section 39-4109, Idaho Code, be, and the same is hereby amended to read as follows:

39-4109. APPLICATION OF CODES. (1) The following codes are hereby adopted for the state of Idaho division of building safety occupational and professional licences and shall only be applied by local governments only as prescribed by section 39-4116, Idaho Code:

(a) The 2006 2018 International Building Code shall be in effect, until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Building Code as adopted and as amended by the Idaho building code board through the negotiated rulemaking process as established in section 67-5221, Idaho Code, and as further provided in subsection (5) of this section and in accordance with subsections (2) and (3) of this section, shall be in effect:

(i) Including appendices thereto pertaining to building accessibility;

(ii) Excluding the incorporated electrical codes, mechanical code, fuel gas code, plumbing codes, fire codes or property maintenance codes other than specifically referenced subjects or sections of the International Fire Code; and
(iii) Including the incorporated 2018 Idaho residential code, parts I, II, III and IX; 2018 Idaho energy conservation code; and rules promulgated by the board to provide equivalency with the provisions of the Americans with disabilities act accessibility guidelines and the fair housing act accessibility guidelines shall be included.

(b) The version of the 2018 International Residential Code adopted by the Idaho building code board legislature, together with the amendments, revisions or modifications adopted by the Idaho building code board through the negotiated rulemaking process, except for parts IV, V, VI, VII and VIII, as they pertain to energy conservation, mechanical, fuel gas, plumbing and electrical requirements, shall collectively constitute and be named the 2018 Idaho residential code. The Idaho residential code shall be in effect until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent version of the Idaho residential code, as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section, shall be in effect. Any amendments, revisions or modifications made to the 2018 Idaho residential code by the board shall be made by administrative rules promulgated by the board;

(c) The version of the 2018 International Energy Conservation Code adopted by the Idaho building code board legislature, together with the amendments, deletions or additions adopted revisions, or modifications made by the Idaho building code board through the negotiated rulemaking process provided in this chapter, shall be in effect. The 2018 International Energy Conservation Code, together with any amendments, revisions or modifications made by the board, shall collectively constitute and be named the 2018 Idaho energy conservation code. The Idaho energy conservation code shall be in effect until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the Idaho energy conservation code, as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section, shall be in effect. Any amendments, revisions, or modifications made to the 2018 Idaho energy conservation code by the board shall be made by administrative rules promulgated by the board; and

(d) The 2006 2018 International Existing Building Code as published by the International Code Council shall be in effect until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Existing Building Code, as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section, shall be in effect.

(2) No amendments to the accessibility guidelines shall be made by the Idaho building code board that provide for lower standards of accessibility than those published by the International Code Council.

(3) No amendments to the 2018 Idaho residential building code shall be made by the Idaho building code board that provide for standards that are more restrictive than those published by the International Code Council.
(4) Any edition of the building codes adopted by the board will take effect on January 1 of the year following its adoption.

(5) In addition to the negotiated rulemaking process set forth in section 67-5221, Idaho Code, the board shall conduct a minimum of two (2) public hearings, not less than sixty (60) days apart. Express written notice of such public hearings shall be given by the board to each of the following entities not less than five (5) days prior to such hearing: associated general contractors of America, associated builders and contractors, association of Idaho cities, Idaho association of building officials, Idaho association of counties, Idaho association of REALTORS®, Idaho building contractors association, American institute of architects Idaho chapter, Idaho fire chiefs association, Idaho society of professional engineers, Idaho state independent living council, southwest Idaho building trades, Idaho building trades, and any other entity that, through electronic or written communication received by the administrator not less than twenty (20) days prior to such scheduled meeting, requests written notification of such public hearings.

SECTION 3. That Section 39-4116, Idaho Code, be, and the same is hereby amended to read as follows:

39-4116. LOCAL GOVERNMENT ADOPTION AND ENFORCEMENT OF BUILDING CODES. (1) Local governments enforcing building codes shall do so only in compliance with the provisions of this section. Local governments that have not previously instituted and implemented a code enforcement program prior to the effective date of this act may elect to implement a building code enforcement program by passing an ordinance evidencing the intent to do so. Local governments may contract with a public or private entity to administer their building code enforcement program.

(2) Local governments that issue building permits and perform building code enforcement activities shall, by ordinance effective January 1 of the year following the adoption by the Idaho building code board, adopt the following codes as published by the International Code Council together with any amendments or revisions set forth in section 39-4109, Idaho Code, including subsequent versions of the International Building Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process or as provided in this chapter:

(a) 2018 International Building Code, including all rules promulgated by the board to provide equivalency with the provisions of the Americans with disabilities act accessibility guidelines and the federal fair housing act accessibility guidelines;

(b) 2018 Idaho residential code, parts I-III and IX; and

(c) 2018 Idaho energy conservation code.

Local governments are not required by this chapter to adopt the other referenced codes in the International Building Code. Local jurisdictions shall not adopt provisions, chapters, sections or parts of subsequent versions of the International Residential Code or residential provisions of the International Energy Conservation Code, or subsequent versions in their entirety, that have not been adopted by the Idaho building code board in section 39-4109, Idaho Code, except as provided in subsection (4) of this section.
(3) All single-family homes and multiple-family dwellings up to two
units are hereby exempted from the provisions of the International Fire
Code, the International Building Code and the Idaho residential code that
require such dwellings to have automatic fire sprinkler systems installed.
Nothing in this section shall prevent any person from voluntarily installing
an automatic fire sprinkler system in any residential dwelling.

(4) Except as provided in this subsection, local governments may amend
the adopted codes or provisions of referenced codes to reflect
local concerns, provided such amendments establish at least an equivalent
level of protection to that of the adopted building code. Local governments
may amend by ordinance as provided in this subsection. A local jurisdiction
shall not have the authority to amend any accessibility provision pursuant
to section 39-4109, Idaho Code, except as provided in this subsection.

(a) A local jurisdiction shall not have the authority to amend any ac-
ceptibility provision pursuant to section 39-4109, Idaho Code.

(b) A local jurisdiction shall not adopt any provision, chapter, sec-
tion or part of the International Residential Code or residential pro-
visions of the International Energy Conservation Code, or subsequent
versions in their entirety, that have not been adopted or that have been
expressly rejected or exempted from the adopted version of those codes
by the Idaho building code board through the negotiated rulemaking
process as provided in section 39-4109, Idaho Code.

(c) Local jurisdictions may amend by ordinance the following provi-
sions of the 2018 Idaho residential code to reflect local concerns:

(i) Part I, Administrative;

(ii) Part II, Definitions;

(iii) Part III, Building Planning and Construction, Section R 301,
Design Criteria; and

(iv) Part IX, Appendices.

(d) Local jurisdictions may amend by ordinance the following provi-
sions of the 2018 Idaho energy conservation code to reflect local
concerns:

(i) Chapter 1, Scope and Application; and

(ii) Chapter 2, Definitions.

(e) Local jurisdictions may amend the remainder of Part III of the 2018
Idaho residential code if they find that good cause for building or life
safety exists for such an amendment to such codes and that such amend-
ment is reasonably necessary. Amendments shall be adopted by ordinance
in accordance with the provisions of chapter 9, title 50, Idaho Code, or
chapter 7, title 31, Idaho Code, and provided further that such local
jurisdiction shall conduct a public hearing and, provided further, that
notice of the time and place of the public hearing shall be published
in the official newspaper or paper of general circulation within the
jurisdiction and written notice of each of such public hearing and the
proposed language shall be given by the local jurisdiction to the lo-
cal chapters of the entities identified in section 39-4109(§4), Idaho
Code, not less than thirty (30) days prior to such hearing. In the event
that there are no local chapters of such entities identified in section
39-4109(§4), Idaho Code, within the local jurisdiction holding the
hearing, the notice shall be provided to the state associations of the respective entities.

(5) Local governments shall exempt agricultural buildings from the requirements of the codes enumerated in this chapter and the rules promulgated by the board. A county may issue permits for farm buildings to assure compliance with road setbacks and utility easements, provided that the cost for such permits shall not exceed the actual cost to the county of issuing the permits.

(6) Permits shall be governed by the laws in effect at the time the permit application is received.

(7) The division shall retain jurisdiction for in-plant inspections and installation standards for manufactured or mobile homes and for in-plant inspections and enforcement of construction standards for modular buildings and commercial coaches.

SECTION 4. That Section 54-1001, Idaho Code, be, and the same is hereby amended to read as follows:

54-1001. DECLARATION OF POLICY. From and after the taking effect of this act, all installations in the state of Idaho of wires and equipment to convey electric current and installations of apparatus to be operated by such current, except as hereinafter provided, shall be made substantially in accord with the 2017 National Electrical Code, NFPA 70, as amended and approved by the Idaho electrical board and adopted by the Idaho legislature, relating to such work as far as the same covers both fire and personal injury hazards. The 2017 National Electrical Code, NFPA 70, adopted by the Idaho legislature, together with such amendments, revisions, or modifications made by the Idaho electrical board through negotiated rulemaking shall collectively constitute and be named the 2017 Idaho electrical code.

SECTION 5. That Section 54-1001B, Idaho Code, be, and the same is hereby amended to read as follows:

54-1001B. INSPECTION PROVISIONS INAPPLICABLE WHEN INSTALLATION COVERED BY MUNICIPAL ORDINANCE. The provisions of this act relating to state inspection, except as provided in section 54-1001C, Idaho Code, shall not apply within the corporate limits of incorporated cities and villages which, by ordinance or building code, prescribe the manner in which wires or equipment to convey current and apparatus to be operated by such current shall be installed, provided that the provisions of the National 2017 Idaho Electrical Code are used as the minimum standard in the preparation of such ordinances or building codes and provided that actual inspections are made.

SECTION 6. That Section 54-1016, Idaho Code, be, and the same is hereby amended to read as follows:

54-1016. EXEMPTIONS. (1) Nothing in this chapter shall be deemed to apply to:

(a) Any regulated utility, telephone company, rural telephone cooperative or municipal communications utility, or its employees, in the in-
installation or maintenance of communication circuits, wires and apparatus by or for such entities or their communications service customers;
(b) Any electrical public utility, or its employees, in the installation and maintenance of electrical wiring, circuits, apparatus and equipment by or for such public utility or comprising a part of its plants, lines or system;
(c) Modular buildings as defined in section 39-4301, Idaho Code, that are constructed in the state of Idaho for installation on building sites outside the state; provided however, that no modular building shall be installed on a building site in the state of Idaho until it has been approved and bears the insignia of approval of the division as being in compliance with the requirements set forth in section 39-4304, Idaho Code.
(2) The licensing provisions of this chapter shall not apply to:
(a) Any property owner performing noncommercial electrical work in the owner's primary or secondary residence or associated outbuildings or land associated with the entire property on which those buildings sit, except that homeowner installations of renewable power generation connected to the community power grid shall be subject to a preplan review in accordance with local jurisdictions' policies and procedures prior to the purchase of a permit;
(b) Any person regularly employed as a maintenance electrician performing electrical maintenance work on the premises owned and operated by his employer, provided that electrical work is limited to maintenance and replacement of electrical fixtures, electrical conductors, electrical equipment and electrical apparatus on a like-for-like basis;
(c) Any telephone company, rural telephone cooperative, or municipal communications utility, its employees, its subsidiaries, and employees of the subsidiaries performing work on customer-owned facilities under the exclusive control of the telephone company, rural telephone cooperative, or municipal communications utility;
(d) Any telephone company, rural telephone cooperative, or municipal communications utility, its employees, its subsidiaries, and employees of the subsidiaries performing repair work on customer-owned facilities at the request of the customer;
(e) Any electrical public utility, rural electrical cooperative, municipal power utility, its employees, its subsidiaries, and employees of the subsidiaries performing work on customer-owned facilities under the exclusive control of the electrical public utility, rural electrical cooperative, or municipal power utility; and
(f) Any electrical public utility, rural electrical cooperative, municipal power utility, its employees, its subsidiaries, and employees of the subsidiaries performing emergency repair work on customer-owned facilities at the request of the customer;
(g) A fire department employee who is acting in his official capacity as a representative of his agency when he is replacing, maintaining, or repairing a hard-wired smoke or carbon monoxide alarm at the request of a homeowner in a one (1) or two (2) family dwelling unit, provided that such fire department employee has received annual training regarding
(h) A limited electrical contractor, limited electrical installer, or employee of a company holding a limited electrical contractor license who is replacing or installing a fire alarm communication device (DACT). A person provided for in this paragraph shall obtain a permit if required by the authority having jurisdiction but must not be required to submit design plans. The fire alarm communication device (DACT) may be inspected if required by the authority having jurisdiction after replacement of the fire alarm communication device (DACT). The fee for a permit shall not exceed one hundred twenty-five dollars ($125).

(3) The licensing provisions of this chapter shall not apply to individuals licensed pursuant to chapter 50, title 54, Idaho Code, or certificate pursuant to chapter 26, title 54, Idaho Code, as follows:

(a) Individuals holding a current heating, ventilation and air conditioning (HVAC) license or a current plumbing certification may install electrical circuitry and make connections from the disconnecting means to a water heater as long as the disconnect is in sight from the unit and the circuit from the disconnecting means to the water heater is no more than fifty (50) feet long.

(b) Individuals holding a current HVAC license may install:

(i) Electrical space heaters with no attached ductwork;

(ii) Electrical connections to HVAC equipment from the disconnecting means to the unit as long as the disconnect is in sight from the unit and the circuit from the disconnecting means to the HVAC equipment is no more than fifty (50) feet long; and

(iii) Ventilating fans, except ducted range hoods in residences.

(c) HVAC licensees may install control wiring of twenty-four (24) volts or less for HVAC equipment of five (5) tons or less in capacity. Plumbing certificate holders are not authorized to install control wiring in HVAC equipment, regardless of voltage.

(d) Individuals holding a current limited energy electrical license may install electrical circuitry and make connections from utilization equipment installed under the restricted category of the limited electrical installer license to outlets, as long as those outlets are in sight from such utilization equipment and not more than fifty (50) feet from such utilization equipment. Outlets shall be installed by others.

(4) To the extent that a plumbing or HVAC installation permit issued by the Idaho division of building safety includes any part of an electrical installation, the permit issued and inspection performed shall be sufficient to satisfy the permitting and inspecting requirements of this chapter if all required permit fees have been paid.

(5) Approval and certification requirements of product and equipment as set forth in this chapter and in the adopted edition of the national 2017 Idaho electrical code do not apply to industrial machinery unless the board has made a determination that such product, machine or classes of products and machines present an undue hazard to life and property.

(6) Apprentice registration requirements shall not apply to high school students enrolled in an educational program recognized by the board
in which the performance of electrical installation is a formal component of
the program. The exemption is limited to students performing residential
installations as part of such program under the constant on-the-job supervi-
sion of a licensed journeyman electrician, and a permit for the work is
obtained from the authority having jurisdiction. Work hours performed by
such students shall not apply toward apprentice work requirements.
(7) Neither local jurisdictions nor the state fire marshal shall have
the authority to amend the exemptions provided for in this section or to
adopt any ordinance, law, or rule in conflict with the provisions of this
section.

SECTION 7. That Section 54-2601, Idaho Code, be, and the same is hereby
amended to read as follows:

54-2601. DECLARATION OF POLICY AND PURPOSE OF ACT -- IDAHO STATE
PLUMBING CODE. (1) The purpose of this act is to provide certain minimum
standards and requirements for the use of and the design, construction,
installation, improvement, extension and alteration of materials, piping,
venting, fixtures, appliances and appurtenances in relation to plumbing and
plumbing systems hereinafter defined, and to provide that all plumbing and
plumbing systems in the state shall be designed, constructed, installed, im-
proved, extended and altered in substantial accord with the uniform plumbing
code published by the international association of plumbing and mechanical
officials, and as it shall be amended, revised, compiled and published from
time to time and as subsequent editions, amendments or revisions thereeto
shall be adopted by the Idaho plumbing board through the negotiated rulemak-
ing process. Any amendments, revisions or modifications made to the uniform
plumbing code by the board shall be made by administrative rules promulgated
by the board. The 2015 uniform plumbing code together with any amendments,
revisions, or modifications made by the Idaho plumbing board shall collect-
ively constitute and be named the 2017 Idaho state plumbing code. The board
shall conduct a minimum of two (2) public hearings with notice of such public
hearings provided in accordance with the provisions of section 74-204, Idaho
Code.

(2) Cities electing to implement a plumbing code enforcement program
shall do so only in compliance with the provisions of this section. Cities
may elect to implement a plumbing enforcement program by passing an ordi-
nance evidencing the intent to do so. Cities that perform plumbing code
enforcement activities shall, except as provided in subsection (3) of this
section, by ordinance adopt the uniform plumbing code together with any
amendments thereto made by the board, which shall collectively constitute
and be named the 2017 Idaho state plumbing code. The effective date of any
edition of the code adopted by the board shall be January 1 of the year fol-
lowing its adoption.

(3) Cities may further amend the Idaho state plumbing code adopted by
the board in conformance with this section to address local concerns pro-
vided that such amendments prescribe at least an equivalent level of protec-
tion to that contained in the uniform 2017 Idaho state plumbing code. Pro-
vided however, that no code other than the uniform 2017 Idaho state plumb-
ing code together with any amendments, revisions or modifications made by
the board which collectively constitute the Idaho state plumbing code may
serve as the minimum standard for plumbing installations in such city. A
city electing to amend the 2017 Idaho state plumbing code as adopted by the
board may do so only after a finding by the city that good cause exists for
such an amendment and that such amendment is reasonably necessary. Prior to
making a finding of good cause for such an amendment, the city shall conduct
a public hearing. Notice of the time and place of the public hearing shall be
published in the official newspaper or paper of general circulation within
the city. Written notice of such public hearing and the text of the proposed
amendment shall be given by the city to the board not less than thirty (30)
days prior to such hearing.

(4) The remaining provisions of this act shall not apply, except as
hereinafter provided, to cities if such cities enact ordinances or codes
prescribing the 2017 Idaho state plumbing code and amendments it may make
thereto in accordance with this section for all plumbing installations which
shall be considered the equal minimum standards, and requirements including
the enforcement thereof as provided by this act.

SECTION 8. That Section 54-2620, Idaho Code, be, and the same is hereby
amended to read as follows:

54-2620. PERMITS REQUIRED -- EXCEPTIONS. (1) It shall be unlawful
for any person, firm, copartnership, association or corporation to do, or
cause or permit to be done, after the adoption of this act, whether acting as
principal, agent or employee, any construction, installation, improvement,
estoration or alteration of any plumbing system in any building, residence
or structure, or service lines thereto, in the state of Idaho, without first
procuring a permit from the division of building safety occupational and
professional licenses authorizing such work to be done, except:

(a) Within the boundaries of incorporated cities, including those
specially chartered, where such work is regulated and enforced by an
ordinance or code equivalent to this chapter;

(b) Within such additional area within five (5) miles of the city
limits over which such city has elected to exercise jurisdiction rela-
tive to building drains and building sewers pursuant to section 50-606,
Idaho Code, on buildings, residences and structures being converted
from an on-site sewage disposal system to a sewage disposal system
supplied by the city, where such work is regulated and enforced by an
ordinance or code equivalent to this chapter. Cities shall provide
the division of building safety occupational and professional li-
censes written notice of the area over which such jurisdiction will be
exercised. No city may exercise such jurisdiction within the limits
of another city unless both cities have agreed by ordinance to allow
such jurisdiction. For purposes of this chapter, building drain and
building sewer will be defined according to the definition found in the
uniform 2017 Idaho state plumbing code or as adopted by the board, pur-
suant to section 54-2601, Idaho Code.

(2) Permits shall be issued only to a person holding a valid certificate
of competency, to a firm, copartnership, association or corporation repre-
sented by a person holding a valid certificate of competency, or to a person
excepted or for work excepted from the certificate of competency require-
ments pursuant to section 54-2602(1)(a), (1)(e), (1)(f), (1)(g), or (1)(i),
Idaho Code. Permits shall not be required for plumbing work described in section 54-2602(1)(b), (1)(c), or (1)(d), Idaho Code. Provided, a licensed plumber is hereby authorized, after making application for permit and pending receipt of permit, to proceed and complete improvements or alterations to plumbing systems when the cost of said improvement or alteration does not exceed the sum of five hundred dollars ($500). Inspection of such work shall be the responsibility of the permit holder pending an official inspection, which shall be made within sixty (60) days after notification of inspection.

SECTION 9. That Section 54-5001, Idaho Code, be, and the same is hereby amended to read as follows:

54-5001. DECLARATION OF POLICY. The purpose of this chapter is to ensure that installation of all heating, ventilation and air conditioning systems in the state of Idaho shall be in accordance with the 2006 International Mechanical Code as published by the International Code Council, the 2006 International Fuel Gas Code as published by the International Code Council, and parts V and VI of the 2006 International Residential Code as published by the International Code Council, applicable to the industry and including amendments, and revisions and later editions of these codes as adopted by the Idaho heating, ventilation and air conditioning board. Nothing in this chapter shall require a local government to adopt or implement a mechanical inspection program unless such local government chooses to do so by an ordinance duly adopted. By January 1, 2005, local governments that issue mechanical permits and perform mechanical or fuel gas enforcement activities shall, by ordinance, adopt and enforce the codes as prescribed by this chapter.

SECTION 10. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.