

Dear Senators COOK, Lenney, Ward-Engelking, and
Representatives CLOW, Ehlers, Berch:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of
the Department of Insurance:

IDAPA 18.08.01 - Adoption of the International Fire Code (ZBR Chapter Rewrite) - Proposed Rule
(Docket No. 18-0801-2301).

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 10/19/2023. 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 11/16/2023.

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.



Terri Kondeff
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: Senior Legislative Drafting Attorney - Jill Randolph

DATE: October 2, 2023

SUBJECT: Department of Insurance

IDAPA 18.08.01 - Adoption of the International Fire Code (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 18-0801-2301)

Summary and Stated Reasons for the Rule

The Department of Insurance submits notice of proposed rulemaking at IDAPA 18.01.01. The Department notes this is a Zero-Based Regulation ("ZBR") chapter rewrite pursuant to Executive Order 2020-01. Accordingly, the Department states this rulemaking is intended to streamline and simplify existing rules previously submitted and reviewed by the Legislature regarding adoption of the International Fire Code and edits made thereto by the State Fire Marshal.

Negotiated Rulemaking / Fiscal Impact

The agency states that negotiated rulemaking was conducted for this docket. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 7, 2023 edition of the Idaho Administrative Bulletin. There is no anticipated negative fiscal impact to the General Fund.

Statutory Authority

This rulemaking appears to be authorized pursuant to Sections 41-211 and 41-253, Idaho Code.

cc: Department of Insurance
Weston Trexler

***** 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.

Paul Headlee, Deputy Director Kristin Ford, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

IDAPA 18 – DEPARTMENT OF INSURANCE
18.08.01 – ADOPTION OF THE INTERNATIONAL FIRE CODE
DOCKET NO. 18-0801-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 41-211 and 41-253, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Wednesday, September 27, 2023 3:00 p.m. to 4:30 p.m. (MT)
<i>In-person participation is available at:</i> Department of Insurance 700 W. State St. 3rd Floor Boise, ID 83702
<i>Web meeting link:</i> https://www.microsoft.com/microsoft-teams/join-a-meeting <i>Meeting ID: 297 636 144 490</i> <i>Meeting Password: 345BQf</i> <i>or by phone: +1 208-985-2810,,826046050#</i>

The hearing sites will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The purpose of this rule adopts the International Fire Code and edits by the State Fire Marshal, such as the minimum standard for the protection of life and property from fire and explosion in the State of Idaho. This rulemaking is consistent with the Governor’s [Executive Order 2020-01: Zero-Based Regulation](#). The proposed changes are to simplify, clarify, and reduce.

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

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: None.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 7, 2023 Idaho Administrative Bulletin, [Vol. 23-06, pages 56-57](#), under Docket No. 18-ZBRR-2301.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 27, 2023.

DATED this 3rd day of August, 2023.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID, 83720-0043
Phone: (208) 334-4250
Fax: (208) 334-4398.

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 18-0801-2301
(ZBR Chapter Rewrite)

18.08.01 – ADOPTION OF THE INTERNATIONAL FIRE CODE

000. LEGAL AUTHORITY.

Title 41, Chapter 2, Idaho Code.

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001. ~~TITLE AND SCOPE.~~

~~01. Title. IDAPA 18.08.01, “Adoption of the International Fire Code.”~~

~~(3-31-22)~~

~~02. Scope. This rule specifies the minimum standards for the protection of life and property from fire and explosion in Idaho.~~ Pursuant to the authority provided by Section 41-253, Idaho Code, the State Fire Marshal adopts the International Fire Code (IFC) as the minimum standard for the protection of life and property from fire and explosion in the state of Idaho. All such editions and appendices will be adopted in accordance with Section 67-5229, Idaho Code. Copies of the IFC are available for public inspection at the State Fire Marshal’s Office, or for purchase from the International Code Council by emailing customersuccess@iccsafe.org or calling 1-800-786-4452.

~~(3-31-22)~~()

002. -- 009. (RESERVED)

010. CONSTRUCTION AND DESIGN PROVISIONS, IFC SECTION 102.1, ~~INTERNATIONAL FIRE CODE.~~

Delete Item No. 3 ~~of from~~ Section 102.1, ~~International Fire Code.~~

~~(3-31-22)~~()

011. DEPARTMENT OF FIRE PREVENTION, IFC SECTION 103.2 -- APPOINTMENTS, ~~INTERNATIONAL FIRE CODE.~~

Delete ~~the following language in from s~~Section 103.2 ~~of the International Fire Code.~~: “~~..~~ and the fire code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.”

~~(3-31-22)~~()

012. GENERAL AUTHORITY AND RESPONSIBILITIES, IFC SECTION 104.1, ~~INTERNATIONAL FIRE CODE.~~

Add ~~the following second paragraph~~ to Section 104.1, General, ~~International Fire Code~~: (3-31-22)()

- 01. Fire Chief's Authority.** The fire chief is authorized to administer and enforce this code. Under the chief's direction, the fire department is authorized to enforce all ordinances of the jurisdiction ~~pertaining to about~~: (3-31-22)()
- a. ~~The prevention of~~ **Preventing** fires; (3-31-22)()
 - b. ~~The suppression or extinguishment of~~ **Suppressing or extinguishing** dangerous or hazardous fires; (3-31-22)()
 - c. ~~The s~~Storage, use and handling of hazardous materials; (3-31-22)()
 - d. ~~The installation and maintenance of~~ **Installing and maintaining** automatic, manual and other private fire alarm systems and fire- extinguishing equipment; (3-31-22)()
 - e. ~~The maintenance and regulation of~~ **Maintaining and regulating** fire escapes; (3-31-22)()
 - f. ~~The maintenance of~~ **Maintaining** fire protection and ~~the elimination of~~ **eliminating** fire hazards on land and in buildings, and other property, including those under construction; (3-31-22)()
 - g. ~~The maintenance of~~ **Maintaining** means of egress; and (3-31-22)()
 - h. ~~The investigation of~~ **Investigating** the cause, origin and circumstances of fire and unauthorized releases of hazardous materials; ~~For authority related to control and investigation of~~ **on controlling and investigating** emergency scenes, see Section 104.11. (3-31-22)()

013. -- 015. (RESERVED)

016. PERMITS REQUIRED, IFC SECTION 105.1.1, INTERNATIONAL FIRE CODE.
~~Delete~~ **Replace** "the required permit" ~~from the last sentence of in~~ Section 105.1.1 ~~of the International Fire Code and~~ **add, with** "a permit if needed by the authority having jurisdiction." (3-31-22)()

017. VIOLATION PENALTIES, IFC SECTION 110.4, INTERNATIONAL FIRE CODE.
~~In the first sentence of~~ Section 110.4 ~~of the International Fire Code, delete, replace~~ "[SPECIFY OFFENCE], punishable by a fine of not more than [AMOUNT] dollars, or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment" ~~and add the word with~~ "misdemeanor". (3-31-22)()

018. FAILURE TO COMPLY, IFC SECTION 112.4, INTERNATIONAL FIRE CODE.
~~In Delete~~ Section 112.4, ~~International Fire Code, delete this entire section.~~ (3-31-22)()

019. IFC SECTION 202, INTERNATIONAL FIRE CODE.
~~Regarding Section 202, IFC:~~ ()

01. Fire Code Official. Add "or as appropriate the Idaho State Fire Marshal" ~~to the end of the definition for~~ FIRE CODE OFFICIAL ~~in Section 202 of the International Fire Code.~~ (3-31-22)()

02. Driveway. Add "DRIVEWAY. A vehicular ingress and egress route that serves no more than five (5) single family dwellings, not including accessory structures." ()

03. Fire Station. Add "FIRE STATION, A building, or ~~portion part~~ of a building that provides, at a minimum, all weather protection for fire apparatus. Temperatures inside the building used for this purpose need to be maintained at above thirty-two (32) degrees Fahrenheit." (3-31-22)()

020. SKY LANTERNS, IFC SECTION 308.1.6.3, INTERNATIONAL FIRE CODE.

01. Untethered Sky lanterns. ~~To section 308.1.6.3 delete the sentence: "A person cannot release or~~

~~cause to be released an untethered sky lantern.” (3-31-22)~~

~~02. Sky lantern permit. To Replace sSection 308.1.6.3 add the following with: “A person cannot release or cause to be released a sky lantern, tethered or untethered without obtaining a permit, if required by the fire code or jurisdiction. When, in the opinion of the fire code official, the release of sky lanterns, tethered or untethered, constitutes a danger to persons or property, based on the current weather conditions, knowledge of topography, vegetation, or any other reasonable factor, is authorized to require additional safeguards prior to the release of sky lanterns. The fire code official may suspend, revoke, postpone, or prohibit the release of any sky lantern at any time.” (3-31-22)()~~

021. MOBILE FOOD PREPARATION VEHICLES, IFC SECTION 319, ~~INTERNATIONAL FIRE CODE.~~

~~01. Permit Required. ToReplace Section 319.2, International Fire Code, add permissive language with: “IF REQUIRED BY A LOCAL JURISDICTION, permits may be required as set forth in Section 105.6.” (3-31-22)()~~

~~02. Fuel Gas Systems. To Section 319.10.3, International Fire Code, add permissive language at beginning: “IF REQUIRED BY THE LOCAL JURISDICTION,” and at end: LP gas containers installed on the vehicle and fuel gas piping systems may be inspected annually by an approved inspection agency or a company that is registered with the U.S. Department of Transportation to requalify LP gas cylinders, ... Upon satisfactory inspection, the approved inspection agency shall affix a tag on the fuel gas system or within the vehicle indicating the name of the inspection agency and the date of satisfactory inspection, “OR PROVIDE DOCUMENTATION OF INSPECTION UPON REQUEST OF THE LOCAL JURISDICTION.” (3-31-22)()~~

022. IFC CHAPTER 5 FIRE SERVICE FEATURES.
~~Make the following changes within Regarding Chapter 5 of the International Fire Code; (3-31-22)()~~

~~01. Section 501. ()~~

~~a. To sSection 501.3, after the phrase, “Construction documents for proposed,” add the word “driveways.” (3-31-22)()~~

~~b. To sSection 501.4, after the phrase, “When fire apparatus access roads,” add the word “driveways.” (3-31-22)()~~

~~02. Section 502. (3-31-22)~~

~~a. To sSection 502, add the following word “DRIVEWAY?” and FIRE STATION.” (3-31-22)()~~

~~b. To section 502, add the words “FIRE STATION.” (3-31-22)~~

~~03. Section 503. ()~~

~~a. To sSection 503 heading, add the words, “AND DRIVEWAYS” to the section heading. (3-31-22)()~~

~~b. To sSection 503.1.1, add the following sentence, “Driveways need to be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.” (3-31-22)()~~

~~c. To sSection 503.6, delete the sentence, “The installation of security gates across a fire apparatus access road shall be approved by the fire chief code official.” (3-31-22)()~~

~~d. Add the following section, “503.7 Driveways. Need be provided when any portion part of an exterior wall of the first story of a building is located more than 150 feet (45720mm) from a fire apparatus access road. Driveways will provide a minimum unobstructed width of 12 feet (3658mm) and a minimum unobstructed height of 13 feet 6 inches (4115mm). Driveways in excess of over 150 feet (45720mm) in length need to be provided~~

~~with will have~~ turnarounds. Driveways ~~in excess of over~~ 200 feet (60960mm) ~~in length long~~ and less than 20 feet (6096mm) ~~in width wide~~ may ~~require need~~ turnouts in addition to turnarounds.” (3-31-22)()

e. Add ~~the following section~~, “503.7.1 Limits. A driveway cannot serve ~~in excess of more than~~ five single family dwellings.” (3-31-22)()

f. Add ~~the following section~~, “503.7.2 Turnarounds. Driveway turnarounds ~~need to will~~ have ~~an inside turning radius of not less than at least a~~ 30 feet (9144mm) ~~inside turning radius~~ and ~~an outside turning radius of not less than at least a~~ 45 feet (13716mm) ~~outside turning radius~~. Driveways that connect with an access road or roads at more than one point may be ~~considered as having deemed to have~~ a turnaround if all ~~directional~~ changes ~~of direction~~ meet the radius requirements for driveway turnarounds.” (3-31-22)()

g. Add ~~the following section~~, “503.7.3 Turnouts. Where ~~a man-made or natural feature obstructs the~~ line of sight along a driveway ~~is obstructed by a man made or natural feature~~, turnouts ~~need to will~~ be located as may be needed by the fire code official ~~to provide~~ for safe passage of vehicles. Driveway turnouts will be of an all-weather road surface at least 10 feet (3048mm) wide and 30 feet (9144mm) long.” (3-31-22)()

h. Add ~~the following section~~, “503.7.4 Bridge Load Limits. Vehicle load limits will be posted at both entrances to bridges on driveways and private roads. ~~The fire code official will set.~~ Design loads for bridges ~~will be established by the fire code official.~~” (3-31-22)()

i. Add ~~the following section~~, “503.7.5 Address markers. All ~~buildings need to~~ ~~of a building’s driveway entrances will~~ have a permanently posted address, ~~which will be placed at each driveway entrance and be that is~~ visible from both directions of travel along the road. ~~In all cases, the~~ address ~~needs to will always~~ be posted at the beginning of construction and maintained thereafter. The address need be visible and legible from ~~the road on which~~ the road on which the address is located. Address signs along one-way roads will be visible from both the intended direction of travel and the opposite direction. Where ~~multiple address’s are required at~~ a single driveway ~~has multiple addresses~~, they need to be mounted on a single post, ~~and with~~ additional signs ~~will be to~~ posted at locations where driveways divide.” (3-31-22)()

j. Add ~~the following section~~, “503.7.6 Grade. ~~The gradient for driveways cannot~~ Driveway gradients ~~may not~~ exceed 10% ~~percent~~ unless approved by the fire code official.” (3-31-22)()

k. Add ~~the following section~~, “503.7.7 Security Gates. Where security gates are installed, they ~~need to will~~ have an approved means of emergency operation. The security gates ~~and emergency operation~~ will be ~~maintained~~ operational at all times.” (3-31-22)()

l. Add ~~the following section~~, “503.7.8 Surface. Driveways ~~need to will~~ be designed and maintained to support the imposed loads of local responding fire apparatus and ~~will~~ be surfaced ~~as to provide allow~~ all weather driving ~~capabilities.~~” (3-31-22)()

04. Section 507. ~~To Replace s~~Section 507.2 ~~Type of water supply, delete the existing language and add the following, with:~~ “A water supply will consist of water delivered by fire apparatus, reservoirs, pressure tanks, elevated tanks, water mains or other sources approved by the fire code official capable of providing the needed fire flow. Exception. The water supply prescribed by this code needs to apply to structures served by a municipal fire department or a fire protection district and within ten miles (16093m) of a responding fire station.” (3-31-22)()

023. -- 026. (RESERVED)

027. ALTERNATIVE AUTOMATIC FIRE-EXTINGUISHING SYSTEMS, ~~IFC~~ SECTION 904.1.1, ~~INTERNATIONAL FIRE CODE.~~

Add ~~the following language~~ to the ~~beginning start~~ of sSection 904.1.1, ~~of the International Fire Code.~~: “If prescribed by the authority having jurisdiction,”. (3-31-22)()

028. PORTABLE FIRE EXTINGUISHERS, ~~IFC~~ SECTION 906.2.1, ~~INTERNATIONAL FIRE CODE.~~

Add ~~the following language~~ to the ~~beginning start~~ of sSection 906.2.1, ~~of the International Fire Code.~~: “If prescribed by the authority having jurisdiction,”. (3-31-22)()

029. FIRE ALARM AND DETECTION SYSTEMS, IFC SECTION 907.1, ~~INTERNATIONAL FIRE CODE.~~

Add to Section 907-1: “Notification Devices. When fire alarm systems not needed by the International Fire Code are installed, the notification devices need to meet the minimum design and installation requirements for systems that are prescribed by this code. Intent: (Non-prescribed fire alarm systems will provide the same level of occupant notification that prescribed systems provide).” (3-31-22)()

030. CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS, IFC SECTION 1101.1, ~~INTERNATIONAL FIRE CODE.~~

Add the following language to the end of sSection 1101.1 of the International Fire Code: “only, if in the opinion of the fire code official, they constitute a distinct hazard to life or property.” (3-31-22)()

031. EXPLOSIVES AND FIREWORKS, IFC CHAPTER 56, ~~INTERNATIONAL FIRE CODE.~~

Delete Sections 5601.1.3, 5601.2.2, 5601.2.3, 5601.2.4.1, 5601.2.4.2, and sSections 5608.2, 5608.2.1, and 5608.3 of the International Fire Code. (3-31-22)()

032. -- 045. (RESERVED)

046. UNDERGROUND TANKS OUT OF SERVICE FOR ONE YEAR, IFC SECTION 5704.2.13.1.3 ~~INTERNATIONAL FIRE CODE.~~

Add to Section 5704.2.13.1.3, ~~International Fire Code,~~ the following paragraph: “Upon approval of the Chief underground tanks that comply with the performance standards for new or upgraded underground tanks set forth in Title 40 Section 280.20 or 280.21 of the Code of Federal Regulations may remain out of service indefinitely so long as they remain in compliance with the operation, maintenance and release detection requirements of the federal rule.” (3-31-22)()

047. -- 055. (RESERVED)

056. REFERENCES TO APPENDIX, INTERNATIONAL FIRE CODE.

The following appendixes of the International Fire Code are hereby adopted: ()

01. Appendix B, Fire Flow Requirements for Buildings. ()

02. Appendix C, Fire Hydrant Location and Distribution. ()

03. Appendix D, Fire Apparatus Access Roads. ()

a. To sSection D101.1 Scope, add the following sentence: “Driveways as described in section 503.7 through 503.7.8 are not subject to the requirements of this appendix.” (3-31-22)()

b. To sSection D102.1, after the phrase, “by way of an approved fire apparatus access road,” add the following “designed and maintained to support the imposed loads of the responding fire apparatus and will be surfaced so as to provide all-weather driving capabilities.” And delete the remainder of the section. (3-31-22)()

c. To Replace sSection D103.2 Grade. Add the following. with “The gradient of the fire apparatus access road needs to be within the limits established by the fire code official based on the capabilities of the responding fire departments apparatus.” Delete the remainder of the section and the exception. (3-31-22)()

04. Appendix E, Hazard Categories. ()

05. Appendix F, Hazard Rankings. ()

057. -- 999. (RESERVED)