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Director

Legislative Services Office

Idaho State Legislature

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MEMORANDUM

TO: Senators COOK, Ward-Engelking, Lakey and,
Representatives CLOW, Crane, Berch

FROM: Matt Drake - Division Manager

DATE: August 08, 2024

SUBJECT: Temporary Rule

IDAPA 24.39.70 - Rules Governing Installation of Heating, Ventillation, and Air Conditioning Systems
- Adoption of Temporary Rule - Docket No. 24-3970-2401

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Matt Drake at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

Paul Headlee, Deputy Director Matt Drake, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
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IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.39.70 – RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS

DOCKET NO. 24-3970-2401

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 10, 2024.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 67-2604, Idaho Code, as well as Sections 67-9404, 67-9405, 67-9406, 67-9409, and 67-9413, Idaho Code, Idaho Code, and Title 54, Chapter 50, Idaho Code, and Section 54-5005, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

This temporary rule adds a new paragraph (c) under Section 100.02 Journeyman Certificate of Competency to allow for the waiver of the requirement of a written examination if the applicant can provide proof they have completed of approved U.S. Department of Labor HVAC apprenticeship or sheet metal apprenticeship.

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

As large projects enter the state, the Division of Occupational and Professional Licenses and the Idaho Heating, Ventilation, and Air Conditioning Board recognize the need for additional workers to help complete those projects to further the positive impacts on the economy of Idaho. This temporary rule also goes hand in hand with one of the Governor's top initiatives to continue reducing regulatory burden on licensees throughout all professions within the state.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

There is no fee added or changed as part of this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the rulemaking can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

DATED this 10th of July, 2024.

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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 24-3970-2401
(Only Those Sections With Amendments Are Shown.)

**24.39.70 – RULES GOVERNING INSTALLATION OF HEATING, VENTILATION,
AND AIR CONDITIONING SYSTEMS**

100. CERTIFICATES OF COMPETENCY AND REGISTRATION.

01. Apprentice and Specialty Apprentice Registration and Renewal. To register or renew an apprentice or specialty apprentice registration, a person shall comply with Section 54-5012(4), Idaho Code. A specialty apprentice's scope of work is limited as set forth in Rule 100.04.a. (3-28-23)

02. Journeyman Certificate of Competency. An applicant must pass an examination designated by the Board and either (a) submit evidence of a minimum of eight thousand (8,000) hours of work experience as an apprentice making HVAC installations in accordance with the requirements of the jurisdiction in which the applicant obtained the experience and satisfactory completion of 576 hours of a board-approved course of instruction, or (b) submit proof of sixteen thousand (16,000) hours of HVAC experience in accordance with the requirements of the jurisdiction in which the applicant obtained the experience. (3-28-23)

a. Examination. An applicant may sit for the exam after showing proof of completion of either 576 hours of board-approved course of instruction or 16,000 hours of HVAC experience. (3-28-23)

b. Educational Lab Work. Time spent by an applicant performing lab work in a board-approved course of instruction may be credited toward the eight thousand (8,000) hour work experience requirement. (3-28-23)

c. Waiver of Exam. Applicants from another state who have demonstrated successful completion of an approved U.S. Department of Labor HVAC apprenticeship or Sheetmetal apprenticeship are not required to take a written examination. (7-10-24)T

03. Contractor and Specialty Contractor Certificate of Competency. An applicant must successfully pass an examination designated by the Board and provide a compliance bond in the amount of two thousand dollars (\$2,000) which is effective for the duration of the certificate period. The specialty contractor's scope of work is limited as set forth in Rule 100.04.a. (3-28-23)

04. Specialty Journeyman Certificate of Competency. An applicant must submit evidence of a minimum of two thousand (2,000) hours of specialty-related experience in accordance with the requirements of the jurisdiction in which the applicant obtained the experience, and either (a) pass an examination designated by the Board, or (b) submit evidence of satisfactory completion of a minimum of sixty (60) hours of education in fuel gas code and piping installation methods. (3-28-23)

a. Permitted Scope of Work. Permitted to install hearth appliances, and non-duct connected oil furnaces, the associated fuel gas piping, and venting dedicated exclusively thereto. Does not include any plumbing, electrical or duct work. (3-28-23)