

TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 50
INSTALLATION OF HEATING, VENTILATION AND AIR CONDITIONING SYSTEMS

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, 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.

[54-5001, added 2003, ch. 276, sec. 1, p. 734; am. 2004, ch. 272, sec. 5, p. 760; am. 2008, ch. 255, sec. 1, p. 747.]

54-5002. EXCEPTIONS. (1) Certificate of competency requirements of this chapter shall not apply to:

(a) Any person who installs or maintains a heating, ventilation and air conditioning system in a single or duplex family dwelling, including accessory buildings, quarters and grounds in connection with such dwelling; provided that such person owns or is a contract purchaser of the premises; and provided further that such person shall comply with the standards and rules applicable to heating, ventilation and air conditioning installation or repairs as provided in this chapter.

(b) Farm buildings located outside the incorporated limits of any city; and a farm building is hereby defined to be a structure located on agricultural zoned property and designated and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products and includes sheds, barns, corrals or fences. This definition does not include a place for human habitation or a place of regular employment where agricultural products are extracted, processed, treated or packaged; a place used by the public; or conditioned livestock housing.

(c) Logging, mining or construction camps when heating, ventilation or air conditioning installations are made to conform to the recommendations of the department of health and welfare.

(d) Work on heating, ventilation or air conditioning systems on premises owned or operated by an employer who regularly employs maintenance or construction heating, ventilation and air conditioning journeymen, provided that alterations, extensions and new construction shall comply with the minimum standards and rules applicable to heating, ventilation and air conditioning practices in accordance with the provisions of this chapter.

(e) 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) Apprentice registration requirements shall not apply to high school students enrolled in an educational program recognized by the board in which the performance of HVAC 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 supervision of a licensed journeyman, 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.

[54-5002, added 2003, ch. 276, sec. 1, p. 734; am. 2005, ch. 54, sec. 1, p. 207; am. 2007, ch. 252, sec. 11, p. 747; am. 2008, ch. 255, sec. 2, p. 747; am. 2018, ch. 199, sec. 3, p. 449.]

54-5003. DEFINITIONS. As used in this chapter:

(1) "Heating, ventilation and air conditioning (HVAC)" means and includes the business, trade, practice or work, materials and fixtures used in the design, construction, installation, improvement, extension and alteration of all piping, venting, ductwork, appliances and appurtenances in connection with any heating, ventilation or air conditioning system or subsystems of such.

(2) "Heating, ventilation and air conditioning apprentice" means any person who, as his principal occupation, is engaged in learning and assisting in installation, improvement, extension, alteration or repair of HVAC systems. An apprentice shall perform HVAC work under the supervision of an HVAC journeyman or HVAC contractor.

(3) "Heating, ventilation and air conditioning contractor" means any person who fabricates, installs, maintains, services and repairs warm air heating and water heating systems, heat pumps, complete with warm air appliances including, but not limited to, boilers, pool heaters, space heaters, decorative gas and solid fuel-burning appliances, and gas, propane, electric or oil-fired water heaters; ventilating systems complete with blowers and plenum chambers; air conditioning systems complete with air conditioning unit and the ducts, registers, flues, humidity and thermostatic controls of air, liquid or gas temperatures below fifty (50) degrees fahrenheit or ten (10) degrees celsius, and air filters in connection with any of these systems.

(4) "Heating, ventilation and air conditioning journeyman" means any person who, as his principal occupation, is engaged in the installation, improvement, extension, alteration or repair of HVAC systems and who is familiar with the provisions of this chapter and who works in the employ and under direction of an HVAC contractor.

(5) "Heating, ventilation and air conditioning specialty apprentice including specialty limited heating apprentice" means any person who, as his principal occupation, is engaged in learning and assisting in a specific aspect of installation, improvement, extension, alteration or repair of HVAC systems that includes, but is not limited to, such aspects as gas piping, gas appliances and installation, or decorative gas-fired appliances. A spe-

cialty apprentice shall perform HVAC work under the supervision of an HVAC journeyman, HVAC specialty journeyman, HVAC contractor or an HVAC specialty contractor.

(6) "Heating, ventilation and air conditioning specialty contractor including specialty limited heating contractor" means any person who, as his principal occupation, is engaged in a specific aspect of the heating, ventilation and air conditioning trade that includes, but is not limited to, such aspects as gas piping, gas appliances and installation, or decorative gas-fired appliances.

(7) "Heating, ventilation and air conditioning specialty journeyman including specialty limited heating journeyman" means any person who, as his principal occupation, is engaged in a specific aspect of installation, improvement, extension, alteration or repairing of HVAC systems that includes, but is not limited to, such aspects as gas piping, gas appliances and installation, or decorative gas-fired appliances. A specialty journeyman is familiar with the provisions of this chapter and works in the employ and under direction of an HVAC contractor or an HVAC specialty contractor.

(8) "Heating, ventilation and air conditioning system" means any heating, ventilation or air conditioning system in a residential, private, public or semipublic building or structure including, but not limited to, any mechanical means of heating or air conditioning and to gas piping, venting, ductwork and controls.

(9) "Local government" means any incorporated city or any county in the state.

(10) "Specialty limited heating" as it applies to the definitions of "heating, ventilation and air conditioning specialty apprentice," "heating, ventilation and air conditioning specialty contractor" and "heating, ventilation and air conditioning specialty journeyman" means any person who installs, maintains, services and repairs LP gas-fired appliances, LP fuel gas piping and related exhaust venting. This definition of specialty limited heating shall exclude boilers, hydronic systems, ducted forced air systems, ventilating and air conditioning systems, systems with a BTU input rating over three hundred thousand (300,000), solid fuel and electric fueled systems. A "specialty limited heating journeyman" is required to meet the experience requirement and either the education or examination requirement set forth in this section to receive a certificate of competency. The education of a "specialty limited heating journeyman" shall include one hundred twenty (120) hours of instruction approved by the board for career technical education in LP gas specialty education. The experience requirement of a "specialty limited heating journeyman" shall be two (2) years' experience working in the trade, in compliance with the requirements of the state in which the applicant received his supervision or as a registered HVAC apprentice or registered HVAC specialty apprentice making HVAC installation on the job under the supervision of a qualified HVAC journeyman or qualified HVAC specialty journeyman. The examination required in this section shall be developed by the board for career technical education and approved by the Idaho heating, ventilation and air conditioning board.

[54-5003, added 2003, ch. 276, sec. 1, p. 734; am. 2004, ch. 308, sec. 1, p. 859; am. 2009, ch. 280, sec. 1, p. 842; am. 2012, ch. 49, sec. 1, p. 144; am. 2015, ch. 244, sec. 35, p. 1027; am. 2016, ch. 25, sec. 44, p. 60.]

54-5004. IDAHO HEATING, VENTILATION AND AIR CONDITIONING BOARD. (1) The Idaho heating, ventilation and air conditioning board, referred to as the board, is hereby created and made part of the division of occupational and professional licenses. It shall be the responsibility and duty of the administrator of the division of occupational and professional licenses to administer and enforce the provisions of this chapter, and the board shall make, promulgate and publish such rules as may be necessary to carry out the provisions of this chapter. Except as may be limited or prohibited by law, such rules so made and promulgated shall have the force of statute.

(2) The board shall consist of seven (7) members, appointed by the governor, who shall serve at the pleasure of the governor. All board members shall be appointed for a term of three (3) years. Whenever a vacancy occurs, the governor shall forthwith appoint a qualified person to fill the vacancy for the unexpired portion of the term. All members of the board shall be United States citizens, residents of this state for not less than two (2) years, and qualified by knowledge, integrity and experience to properly perform the functions of the board. All members of the board shall take, subscribe and file with the secretary of state an oath of office in the form, manner and time as prescribed by [chapter 4, title 59](#), Idaho Code.

(3) Of the seven (7) board members, two (2) members shall be active HVAC contractors with not less than five (5) years' experience in the HVAC contracting business; one (1) member shall be a city official; one (1) member shall be a county official; one (1) member shall be a private sector mechanical engineer with experience in mechanical system design; one (1) member shall be a representative of the HVAC industry; and one (1) member shall be a member of the general public with an interest in the rights of consumers of HVAC services.

(4) The board shall meet within thirty (30) days after the appointment of all its members and thereafter at such other times as may be expedient and necessary for the proper performance of its duties. At the board's first meeting, and every two (2) years thereafter, the members shall elect one (1) of their number to be chairman and one (1) of their number to be vice chairman. A majority of the board shall constitute a quorum for the transaction of business and not less than two (2) quorum meetings shall be held each year. The board may delegate to any member, or its chairman or other employees, the power to make investigations and hold hearings at any place it may deem proper, and to report findings to it; and it may delegate to its chairman and employees the performance of ministerial functions.

(5) Each member of the board shall be compensated as provided in section [59-509](#)(n), Idaho Code.

[54-5004, added 2003, ch. 276, sec. 1, p. 735; am. 2011, ch. 20, sec. 1, p. 58; am. 2016, ch. 340, sec. 43, p. 962; am. 2019, ch. 145, sec. 1, p. 496; am. 2021, ch. 222, sec. 36, p. 649.]

54-5005. POWERS AND DUTIES OF THE BOARD -- LIMITATION. The board shall have the general administration and supervision of the design, construction, installation, improvement, extension and alteration of heating, ventilation and air conditioning systems, except that which has been heretofore and hereinafter exempted from the jurisdiction of this board, in connection with all buildings, residences and structures in this state including buildings, residences and structures owned by the state or any political subdivision thereof. The division of building safety shall enforce the minimum standards and requirements therefor as provided by this chapter.

The board may exercise such powers and duties as are reasonably necessary to carry out the provisions of this chapter, and it may, among other things:

(1) Establish the fees to be charged for reviewing plans, investigations, permits and inspections of heating, ventilation and air conditioning systems under the jurisdiction of the state, and to establish such other fees as it deems necessary.

(2) Hold public meetings and attend or be represented at such meetings, within or without the state, prepare and publish rules pertaining to this chapter, and such other information as may be necessary, and furnish copies thereof to those engaged in the business, trade, practice or work of heating, ventilation and air conditioning and to the public upon request.

(3) Establish by administrative rule the fines to be paid for citations issued and shall hear appeals regarding the imposition of civil penalties for violations of this chapter and rules of the board. The board is authorized to affirm, reject, decrease or increase the penalty imposed by the administrator. However, in no case shall the penalty exceed one thousand dollars (\$1,000) for each offense.

The powers and duties of the board within the jurisdictional boundaries of local governments that have chosen to adopt and enforce mechanical codes shall be limited to those powers and duties needed to enforce the requirements governing a certificate of competency. Each local government that has chosen to adopt and enforce mechanical codes shall establish fees to be charged for permits and inspections within its jurisdiction.

[54-5005, added 2003, ch. 276, sec. 1, p. 736; am. 2004, ch. 308, sec. 2, p. 860.]

54-5006. ADMINISTRATOR OF THE DIVISION OF BUILDING SAFETY. The administrator shall exercise such powers and duties as are reasonably necessary to enforce standards provided in this chapter, and he may, among other things:

(1) Serve as secretary to the Idaho heating, ventilation and air conditioning board.

(2) Appoint state mechanical inspectors who shall be authorized to enter and inspect by and through a properly identified person, at reasonable hours, heating, ventilation and air conditioning systems.

(3) Make HVAC inspections for another state or local jurisdiction upon request by an appropriate building official. Such inspections shall be made in accordance with the applicable HVAC codes of the requesting jurisdiction. Fees charged for such inspection services shall be as provided in the rules promulgated by the board.

(4) Notwithstanding the exception provided in section [54-5002](#)(1)(e), Idaho Code, the administrator may make inspections of modular buildings constructed in Idaho upon written request from the manufacturer. Such inspections shall be made in accordance with the codes adopted in this chapter. Inspection fees for such inspections shall be as provided in section [39-4303](#), Idaho Code. The administrator may issue an insignia of approval if the buildings are in compliance with the requirements set forth in [chapter 43, title 39](#), Idaho Code.

(5) Summon witnesses to appear and testify before him on any matter within the provisions of this chapter. No person shall be required to testify outside the county wherein he resides or where his principal place of business is located. Such summons to testify shall be issued and served in like manner as a subpoena to witness issued from the district court,

or in other manner consistent with procedure of the division of building safety. In case any witness shall fail or refuse to appear and testify upon being summoned as herein provided, the clerk of the district court of the county shall, upon demand by said administrator or his designated agent, issue a subpoena reciting the demand therefor and summoning the witness to appear and testify at a time and place fixed. Violation of such subpoena or disobedience thereto shall be deemed and punished as a violation of any other subpoena issued from the district court.

(6) Administer oaths and take affirmations of witnesses appearing before him or a duly appointed hearing officer; and have the power to appoint competent persons to issue subpoenas, administer oaths and take testimony.

(7) Impose civil penalties as provided in this chapter and rules of the board.

[54-5006, added 2003, ch. 276, sec. 1, p. 736; am. 2004, ch. 308, sec. 3, p. 861; am. 2005, ch. 54, sec. 2, p. 208; am. 2007, ch. 252, sec. 12, p. 747; am. 2018, ch. 199, sec. 4, p. 450.]

54-5007. REQUIREMENTS FOR CERTIFICATES OF COMPETENCY. The Idaho heating, ventilation and air conditioning board shall provide standards and procedures and prescribe reasonable rules for examination, qualification and certification of heating, ventilation and air conditioning contractors, journeymen, apprentices, specialty contractors, specialty journeymen and specialty apprentices. HVAC contractors and specialty contractors shall provide a bond in the amount of two thousand dollars (\$2,000) or evidence of such coverage by a corporate industry group bond acceptable to the board.

[54-5007, added 2003, ch. 276, sec. 1, p. 737; am. 2004, ch. 308, sec. 4, p. 861.]

54-5008. CERTIFICATE A PREREQUISITE. On and after July 1, 2004, it shall be unlawful for any person or firm, copartnership, association or corporation to engage in the business, trade, practice or work of heating, ventilation and air conditioning in this state unless such person or responsible person representing such firm, copartnership, association or corporation, has successfully passed an examination as provided herein and has been issued a state certificate of competency. Such certificate of competency shall not be transferable.

[54-5008, added 2003, ch. 276, sec. 1, p. 737.]

54-5009. CLASSIFICATION OF COMPETENCY. There shall be four (4) classifications of competency in the business, trade, practice or work of heating, ventilation and air conditioning as follows:

(1) An apprentice shall be any person who, as his principal occupation, is engaged in learning and assisting in the installation, improvement, extension and alteration or repair of HVAC systems. An apprentice shall not perform HVAC work except under the supervision of an HVAC journeyman or HVAC contractor. This classification applies to a specialty apprentice as defined in section [54-5003](#), Idaho Code.

(2) A journeyman shall be any person who, as his principal occupation, is engaged in the installation, improvement, extension and alteration or repair of HVAC systems and who is familiar with the provisions of this chapter and who works in the employ and under direction of an HVAC contractor and has

successfully completed all trade required classes as directed by the board. This classification applies to a specialty journeyman as defined in section [54-5003](#), Idaho Code.

(3) A heating, ventilation and air conditioning contractor shall be any business, trade, partnership, company, firm or association engaged in, but not limited to, the business, trade, practice or work of installing, maintaining or repairing heating, ventilation or air conditioning appliances, or gas-fired equipment that requires special venting or gas supply piping systems or subsystems in the state of Idaho.

(4) A heating, ventilation and air conditioning specialty contractor shall be any person who, as his principal occupation, is engaged in a specific aspect of the heating, ventilation and air conditioning trade that includes, but is not limited to, such aspects as gas piping, gas appliances and installation, or decorative gas-fired appliances. A certificate of competency issued for the installation of hearth and barbecue products shall include the authority for all low voltage work necessary to complete the installations.

[54-5009, added 2003, ch. 276, sec. 1, p. 737; am. 2004, ch. 308, sec. 5, p. 862.]

54-5010. EXAMINATIONS -- NOTIFICATION -- APPLICATION. (1) The Idaho heating, ventilation and air conditioning board shall establish by rule the requirements as to education, continuing education and examinations relating to classifications of competency.

(2) Times and places for examinations shall be determined by the board and all applicants shall be notified thereof.

(3) All applications for examination shall be filed with the board on a form provided by the board. When any person is designated and authorized to be or act as an agent for the applicant, such authorization shall be in writing, signed by the applicant and the person designated, a certified copy of which shall be filed with the board. All applications shall expire and be canceled after a period of one (1) year if the applicant fails to appear for examination within such period.

(4) A heating, ventilation and air conditioning apprentice, as defined in section [54-5003](#)(2), Idaho Code, may take the journeyman's examination if the apprentice has completed the required related instruction for a heating, ventilation and air conditioning apprentice, as approved by the board, in conjunction with the state board for career technical education and has worked the required number of hours as prescribed by the Idaho heating, ventilation and air conditioning board.

[54-5010, added 2003, ch. 276, sec. 1, p. 738; am. 2018, ch. 210, sec. 1, p. 478.]

54-5011. ISSUANCE OF CERTIFICATE OF COMPETENCY. A certificate of competency in the form of a card shall be issued to an applicant upon successful completion of the examination. The card shall include the holder's name, classification for which the applicant was examined, the year for which the card is current, the holder's signature, certificate number, and the signature of the administrator of the division of building safety.

[54-5011, added 2003, ch. 276, sec. 1, p. 738; am. 2018, ch. 210, sec. 2, p. 479.]

54-5012. FEES FOR APPLICATION FOR EXAMINATION, CERTIFICATES OF COMPETENCY AND REGISTRATION OF APPRENTICES. (1) Application for examination.

(a) HVAC contractor or specialty contractor\$35.00

(b) HVAC journeyman or specialty journeyman\$35.00

(2) Certificate of competency, initial issue, valid for one (1) year; or may be issued at the annual rate for up to three (3) years.

(a) HVAC contractor or specialty contractor\$75.00

(b) HVAC journeyman or specialty journeyman\$50.00

(3) Renewal of certificate of competency, valid for one (1) year; or may be issued at the annual rate for up to three (3) years.

(a) HVAC contractor or specialty contractor\$50.00

(b) HVAC journeyman or specialty journeyman\$25.00

(4) Each apprentice and specialty apprentice is required to register with the division of building safety and maintain such registration during the entire period in which work experience is accrued. An apprentice registration shall be valid for one (1) year and shall expire on the last day of the month in which it is set to expire unless renewed. A specialty apprentice registration shall be valid for two (2) years and shall expire on the last day of the month in which it is set to expire unless renewed. The registration fee for an apprentice shall be ten dollars (\$10.00), and the registration fee for a specialty apprentice shall be twenty dollars (\$20.00).

[54-5012, added 2003, ch. 276, sec. 1, p. 738; am. 2004, ch. 308, sec. 6, p. 862; am. 2009, ch. 113, sec. 1, p. 367; am. 2020, ch. 75, sec. 1, p. 163.]

54-5013. CERTIFICATE EXPIRATION -- RENEWAL -- REINSTATEMENT. (1) Certificates of competency shall expire twelve (12) calendar months from the date of issue, or on the last day of the month of the certification period, unless renewed as provided in this section, or unless sooner revoked or suspended.

(2) Renewal of a certificate may be requested within sixty (60) days prior to the expiration date. Any certificate which has expired may be revived at any time within one (1) year from the first day of the final month of the certification period, by payment of a thirty-five dollar (\$35.00) revival fee in addition to the full annual renewal fee, and if any, all outstanding civil penalties, permits or other fees and penalties.

(3) Any person whose certificate has been revoked may, after the expiration of one (1) year from the date of such revocation, but not before, apply for a new certificate. Successful application shall require satisfactory proof of payment of any and all outstanding civil penalties, permits or other fees and penalties.

[54-5013, added 2003, ch. 276, sec. 1, p. 739; am. 2004, ch. 308, sec. 7, p. 863.]

54-5013A. REVOCATION OR SUSPENSION OF CERTIFICATE -- HEARINGS -- TAKING TESTIMONY -- JUDICIAL REVIEW. The administrator shall have the power to revoke or suspend any certificate if the same was obtained through error or fraud, or if the holder thereof is shown to be grossly incompetent, or has willfully violated any of the rules prescribed by the board, or as prescribed in this chapter; or has, after due notice, failed or refused to correct, within the specified time, any HVAC installation not in compliance with the provisions of this chapter, or has failed to pay within the time provided,

civil penalties which have become final by operation of law, provided, before any certificate shall be revoked or suspended, the holder thereof shall have written notice enumerating the charges against him, and shall be given a hearing by said administrator, and have an opportunity to produce testimony in his behalf, at a time and place specified in said notice, which time shall not be less than five (5) days after the service thereof. The proceedings shall be governed by the provisions of [chapter 52, title 67](#), Idaho Code. Any party aggrieved by the action of the administrator shall be entitled to judicial review thereof in accordance with the provisions of [chapter 52, title 67](#), Idaho Code.

[54-5013A, added 2004, ch. 308, sec. 8, p. 863.]

54-5014. CERTIFICATE TO BE DISPLAYED AND CARRIED ON THE JOB. (1) All holders of a valid certificate of competency for the classification of contractor or specialty contractor shall display a sign or card for public view in the holder's place of business.

(2) All journeymen, specialty journeymen, apprentices, and specialty apprentices shall have their certificate of competency or annual registration card available at all times while on the job.

[54-5014, added 2003, ch. 276, sec. 1, p. 739; am. 2004, ch. 308, sec. 9, p. 863.]

54-5015. EXCLUSIVE JURISDICTION OF THE STATE -- RESTRICTION ON REQUIREMENT FOR ADDITIONAL LICENSES OR FEES -- CLARIFICATION OF CERTIFICATION, LICENSING AND PERMITTING REQUIREMENTS. (1) Only the administrator of the division of building safety of the state of Idaho is authorized and empowered to conduct examinations and to pass upon the qualifications of applicants, and to grant and issue certificates of competency and registration of apprentices to such applicants as are found to be qualified to engage in the trade, business, work or practice of heating, ventilation and air conditioning.

(2) No local jurisdiction shall have the authority to require additional certification or registration or to require payment of any fees in order for any HVAC contractor, specialty contractor, journeyman, specialty journeyman, apprentice, or specialty apprentice to engage in the heating, ventilation and air conditioning trade within the local jurisdiction or to issue certificates to persons certified or registered under the provisions of this chapter.

(3) Nothing in this chapter shall restrict a city or county from imposing stricter public safety rules, notwithstanding any provision of Idaho Code.

(4) A certificate issued pursuant to [chapter 26, title 54](#), Idaho Code, or a license issued pursuant to [chapter 10, title 54](#), Idaho Code, shall be acceptable for all HVAC installation work that falls within the scope of the certificate or license that has been issued. This will allow:

(a) Individuals holding a current HVAC or electrical license or a current plumbing certification to install electrical circuitry from the disconnecting means to a water heater and electrical connections to the 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 or electrical license to 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) Individuals holding either an HVAC certification or plumbing certification to install:

- (i) Boilers that are not otherwise subject to inspection by the industrial commission or its authorized agent;
- (ii) Fuel piping;
- (iii) Piping for hydronic systems; and
- (iv) Piping for steam and hot water boiler systems;

(d) HVAC licensees to install control wiring of twenty-four (24) volts or less for HVAC equipment of five (5) tons or less in capacity.

(5) Notwithstanding any other provision of this section, plumbing certificate holders are not authorized to install control wiring in HVAC equipment, regardless of voltage.

[54-5015, added 2003, ch. 276, sec. 1, p. 739; am. 2004, ch. 308, sec. 10, p. 864; am. 2007, ch. 197, sec. 6, p. 601; am. 2013, ch. 101, sec. 1, p. 242.]

54-5016. PERMITS REQUIRED -- EXCEPTION -- LOCAL GOVERNMENT FEES ALLOWED. (1) On and after January 1, 2005, it shall be unlawful for any person, firm, partnership, company, association or corporation to do or cause to be done, whether acting as principal, agent or employee, any construction, installation, improvement, extension or alteration of any heating, ventilation or air conditioning system, in any building, residence or structure in the state of Idaho, without first obtaining a permit from the authority having jurisdiction, authorizing such work to be done, except that no permit shall be required to perform work related to repair or maintenance of an existing HVAC system.

(2) To the extent that a plumbing or electrical installation permit issued by the Idaho division of building safety includes any part of an HVAC system installation, or an HVAC installation permit issued by the division includes any part of a plumbing or electrical installation, the permit issued and inspection performed shall be sufficient to satisfy the permitting and inspection requirements of the other division entities.

(3) The plumbing, HVAC and electrical boards shall promulgate rules adopting fees that will allow the division of building safety entity issuing a permit to charge, in addition to the permit fee it would originally charge, additional permit fees that relate to the HVAC portion of an installation for which a plumbing or electrical installation permit is being obtained, or the electrical and plumbing portions of an installation for which an HVAC permit is being obtained.

(4) No provision of this chapter shall preclude local governments from collecting fees for permits and inspections where such work is regulated and enforced by city or county code or ordinance. Municipalities may also require fees for permits and inspections in areas designated by local code or ordinance as areas of city impact.

[54-5016, added 2003, ch. 276, sec. 1, p. 739; am. 2004, ch. 308, sec. 11, p. 864; am. 2007, ch. 197, sec. 7, p. 602.]

54-5017. PERMITS -- APPLICATION -- FEES. (1) On and after January 1, 2005, any person, firm, partnership, company, association or corporation entitled to receive a permit, shall make application to the board on a form provided by the board. The application shall require a description of the work proposed to be done, the location, ownership and use of the premises.

(2) Until fees are established by rule of the board, the following fees shall be paid:

(a) Residential single and duplex family dwelling, a fifty dollar (\$50.00) base permit fee plus an inspection fee of:

(i) Thirty-five dollars (\$35.00) for the first furnace, furnace-air conditioner combination, heat pump, air conditioner, evaporative cooler, unit heater, space heater, decorative gas-fired appliance, incinerator, boiler, pool heater, and similar fixtures or appliances, plus

(ii) Fifteen dollars (\$15.00) for any additional furnace, furnace-air conditioner combination, heat pump, air conditioner, evaporative cooler, unit heater, space heater, decorative gas-fired appliance, incinerator, boiler, pool heater, and similar fixtures or appliances. Fee includes ducts, vents and flues attached thereto.

(iii) Fifteen dollars (\$15.00) for the first exhaust or ventilation duct such as dryer vents, range hood vents, cook stove vents, bath fan vents, and similar exhaust and ventilation ducts, plus

(iv) Five dollars (\$5.00) for any additional exhaust and ventilation ducts.

(v) Fifteen dollars (\$15.00) for the first fixture or appliance outlet of the fuel gas piping system, plus

(vi) Five dollars (\$5.00) for any additional outlets of the fuel gas piping system.

(b) Multifamily, commercial, institutional, industrial and all other installations, a fifty dollar (\$50.00) base permit fee for each building, plus an inspection fee based on the selling price of the completed installation including equipment, appliances, piping systems, materials, and labor of:

(i) Three percent (3%) of the value of the installation through twenty thousand dollars (\$20,000), plus

(ii) Two percent (2%) of the value of installation in excess of twenty thousand dollars (\$20,000) through one hundred thousand dollars (\$100,000), plus

(iii) One percent (1%) of the value of the installation in excess of one hundred thousand dollars (\$100,000) through two hundred thousand dollars (\$200,000), plus

(iv) One-half percent (1/2%) of the value of the installation in excess of two hundred thousand dollars (\$200,000).

(c) Plan check and technical service, a fifty dollar (\$50.00) minimum fee plus fifty dollars (\$50.00) per hour.

(d) Additional and reinspections, a fifty dollar (\$50.00) minimum fee plus an additional fifty dollars (\$50.00) per hour before approval of the installation if the following services are necessary:

(i) Trips to inspect when the permittee had given notice to the inspector that the work was ready for inspection when it was not, or if the permittee has not clearly given the location of the installation either by directions or maps, or if the inspector cannot gain access to make the inspection;

(ii) Trips to inspect corrections required by the inspector as a result of the permittee improperly responding to a corrective notice;

(iii) Each trip necessary to remove a red tag from the job site;

(iv) When corrections have not been made in the prescribed time, unless an extension has been requested and granted.

(3) Expiration of permits. Every permit issued by the HVAC bureau or authority having jurisdiction, shall expire by limitation and become null and void if the work authorized by such permit is not commenced within ninety (90) days from the date of issuance of such permit or if the work authorized by such permit is suspended or abandoned at any time after work is commenced for a period of one hundred eighty (180) days. A permit may be renewed for an additional year upon receiving approval from the bureau or authority having jurisdiction, and a fifty dollar (\$50.00) renewal fee.

(4) No permit. Failure to acquire, post and send permit and to pay required fees in the prescribed time may result in the assessment of a double fee. Any additional offenses within a twelve (12) month period for failure to acquire, post and send permit and to pay required fees in the prescribed time shall result in the assessment of a triple fee.

[54-5017, added 2003, ch. 276, sec. 1, p. 740; am. 2004, ch. 308, sec. 12, p. 864.]

54-5018. INSPECTION BY AGENT. A designated, qualified, properly identified agent of the authority having jurisdiction shall inspect work performed under each permit to ensure compliance with the provisions of this chapter and rules as promulgated by the board, and applicable codes and ordinances as adopted.

[54-5018, added 2003, ch. 276, sec. 1, p. 740.]

54-5019. APPROVAL AND CERTIFICATION OF INSPECTION. The inspector shall either approve the portion of the work completed at the time of inspection, or shall notify the permit holder of a failure to comply with the provisions of this chapter or rules as promulgated by the board. When final inspection has been made and the work is approved, the inspector shall certify to the permit holder by securely attaching an inspector's tag to the equipment stating completion of the final inspection.

[54-5019, added 2003, ch. 276, sec. 1, p. 740.]

54-5020. REQUEST FOR INSPECTION -- FEE FOR REINSPECTION. (1) It shall be the duty of the permit holder to notify the division of building safety at least one (1) day prior to the desired inspection, Sundays and holidays excluded, that the project is ready for inspection. If a reinspection is required after the final inspection due to a failure to meet requirements of this chapter, a fee not to exceed the actual cost of reinspection shall be charged.

(2) Local governments that have adopted mechanical codes shall by ordinance establish times within which permit holders shall notify the authority of the desire for an inspection.

[54-5020, added 2003, ch. 276, sec. 1, p. 740.]

54-5021. APPOINTMENT AND QUALIFICATION OF INSPECTORS -- NO FINANCIAL INTEREST. (1) The administrator of the division of building safety, or the local government having jurisdiction, as the case may be, shall appoint such number of inspectors as are necessary for the effective enforcement of this chapter.

(2) All state mechanical inspectors shall be knowledgeable in HVAC installations and demonstrate knowledge of the provisions of this chapter and rules of the administrator and the board. All inspectors shall be certified by rule of the HVAC board as a commercial mechanical inspector or a residential mechanical inspector, depending upon the duties assigned.

(3) No inspector shall be permitted to be engaged or financially interested in business, trade, practice or work related to this chapter, or sell any supplies connected to the HVAC business, nor act as an agent, directly or indirectly, for any person, firm, copartnership, association or corporation so engaged in HVAC. The qualifications and requirements as set forth in this section shall apply to inspectors employed by a municipality.

(4) Each local government mechanical inspector shall be certified as a mechanical inspector.

[54-5021, added 2003, ch. 276, sec. 1, p. 740.]

54-5022. VIOLATION -- MISDEMEANOR -- PENALTY. It shall be a misdemeanor for any person, firm, partnership, company, association or corporation by and through a member, representative or agent to:

(1) Engage in the business, trade, practice or work of HVAC without a certificate of competency or without registration;

(2) Perform work without a permit as provided in this chapter;

(3) Violate any provision of this chapter or the rules made by both the administrator of the division of building safety and the Idaho heating, ventilation and air conditioning board;

(4) Refuse to perform any duty lawfully enjoined upon him by the administrator within the prescribed time; or

(5) Fail, neglect or refuse to obey any lawful order given or made by the administrator.

Such person, firm, partnership, company, association or corporation shall be subject to the civil penalties established by administrative rule but not to exceed one thousand dollars (\$1,000). Each day of such violation shall constitute a separate offense. A violation shall be considered a second or additional offense only if it occurs within one (1) year of the first violation.

[54-5022, added 2003, ch. 276, sec. 1, p. 741; am. 2004, ch. 308, sec. 13, p. 866.]

54-5023. ATTORNEY GENERAL -- PROSECUTING ATTORNEYS. It shall be the right and duty of the attorney general or the prosecuting attorneys of the various counties to represent and appear for the people of the state of Idaho and the administrator of the division of building safety in all actions and

proceedings involving any question under this chapter or under any order or act of the administrator and perform such other services as required.

[54-5023, added 2003, ch. 276, sec. 1, p. 741.]

54-5024. OCCUPATIONAL LICENSES FUND -- RECEIPTS AND DISBURSEMENTS. All fees, charges, and fines received by the board under the provisions of this chapter shall be deposited in the state treasury to the credit of the occupational licenses fund, and all costs and expenses incurred by the board under the provisions of this chapter shall be a charge against and paid from the fund for such purposes. The funds collected under this chapter shall be immediately available for the administration of this chapter, the provisions of any other law notwithstanding.

[54-5024, added 2021, ch. 224, sec. 73, p. 688.]