

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 26
DEPARTMENT OF SELF-GOVERNING AGENCIES

67-2601. DEPARTMENT CREATED -- ORGANIZATION. (1) There is hereby created the department of self-governing agencies. The department shall, for the purposes of section 20, article IV, of the constitution of the state of Idaho, be an executive department of the state government.

(2) The department shall consist of the following:

(a) Agricultural commodity commissions: Idaho apple commission, as provided by [chapter 36, title 22](#), Idaho Code; Idaho bean commission, as provided by [chapter 29, title 22](#), Idaho Code; Idaho beef council, as provided by [chapter 29, title 25](#), Idaho Code; Idaho cherry commission, as provided by [chapter 37, title 22](#), Idaho Code; Idaho dairy products commission, as provided by [chapter 31, title 25](#), Idaho Code; Idaho pea and lentil commission, as provided by [chapter 35, title 22](#), Idaho Code; Idaho potato commission, as provided by [chapter 12, title 22](#), Idaho Code; the Idaho wheat commission, as provided by [chapter 33, title 22](#), Idaho Code; and the Idaho alfalfa and clover seed commission, as provided in [chapter 42, title 22](#), Idaho Code.

(b) The board of commissioners of the Idaho state bar, as provided by [chapter 4, title 3](#), Idaho Code.

(c) The board of examiners, pursuant to section [67-2001](#), Idaho Code.

(d) The division of veterans services to be headed by a division administrator who shall be a nonclassified employee exempt from the provisions of [chapter 53, title 67](#), Idaho Code. The administrator of the division shall administer the provisions of [chapter 2, title 65](#), Idaho Code, and [chapter 9, title 66](#), Idaho Code, with the advice of the veterans affairs commission established under [chapter 2, title 65](#), Idaho Code, and shall perform such additional duties as are imposed upon him by law.

(e) The board of library commissioners, pursuant to section [33-2502](#), Idaho Code.

(f) The Idaho state historical society, pursuant to section [67-4123](#), Idaho Code.

(g) The state public defense commission, pursuant to section [19-849](#), Idaho Code.

(h) The division of occupational and professional licenses, which is hereby created.

(3) Notwithstanding any other provision of law to the contrary, the governor shall have the authority to assign entities listed in subsection (2) of this section to divisions, sections, or units in such a manner as will tend to provide an orderly arrangement in the administrative organization of state government.

[67-2601, added 1974, ch. 13, sec. 2, p. 138; am. 1976, ch. 213, sec. 2, p. 782; am. 1982, ch. 183, sec. 2, p. 485; am. 1994, ch. 15, sec. 1, p. 29; am. 1995, ch. 44, sec. 61, p. 103; am. 1996, ch. 421, sec. 6, p. 1414; am. 2000, ch. 59, sec. 8, p. 129; am. 2000, ch. 82, sec. 2, p. 171; am. 2000, ch. 274, sec. 152, p. 890; am. 2000, ch. 438, sec. 2, p. 1397; am. 2001, ch. 150, sec. 1, p. 544; am. 2002, ch. 111, sec. 2, p. 310; am. 2003, ch. 201, sec. 18, p. 540; am. 2004, ch. 313, sec. 7, p. 882; am. 2004,

ch. 335, sec. 3, p. 1004; am. 2004, ch. 350, sec. 2, p. 1047; am. 2005, ch. 143, sec. 2, p. 449; am. 2005, ch. 277, sec. 3, p. 867; am. 2005, ch. 329, sec. 3, p. 1034; am. 2006, ch. 16, sec. 26, p. 61; am. 2006, ch. 79, sec. 10, p. 239; am. 2006, ch. 116, sec. 22, p. 327; am. 2007, ch. 162, sec. 1, p. 485; am. 2007, ch. 252, sec. 15, p. 751; am. 2008, ch. 27, sec. 17, p. 56; am. 2009, ch. 65, sec. 2, p. 185; am. 2009, ch. 167, sec. 1, p. 497; am. 2009, ch. 178, sec. 1, p. 575; am. 2009, ch. 251, sec. 3, p. 768; am. 2010, ch. 79, sec. 36, p. 156; am. 2011, ch. 151, sec. 29, p. 435; am. 2011, ch. 181, sec. 4, p. 515; am. 2014, ch. 247, sec. 9, p. 621; am. 2016, ch. 342, sec. 12, p. 974; am. 2018, ch. 228, sec. 4, p. 535; am. 2020, ch. 96, sec. 2, p. 247; am. 2021, ch. 224, sec. 1, p. 660.]

67-2602. ADMINISTRATOR OF THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES. The division of occupational and professional licenses shall be headed by an administrator appointed by the governor and who shall serve at the pleasure of the governor.

[67-2602, added 2021, ch. 224, sec. 4, p. 662.]

67-2603. DIVISION EMPLOYEES. (1) Employees of the division of occupational and professional licenses shall be subject to the provisions set forth in [chapter 53, title 67](#), Idaho Code, except where otherwise specified.

(2) A division administrator shall be considered a nonclassified employee, an executive employee, and an exempt employee.

[67-2603, added 2021, ch. 224, sec. 7, p. 662.]

67-2604. DUTIES OF DIVISION ADMINISTRATOR. (1) In administering the laws regulating professions, trades, and occupations within the division of occupational and professional licenses, and in addition to the authority granted to the administrator by the laws and rules of the agencies and entities within the division, the administrator may:

(a) Revise the operating structure of the division as needed to provide efficient and appropriate services to the various professions, trades, occupations, and programs administered within the division;

(b) Conduct examinations to ascertain the qualifications and fitness of applicants to exercise the profession, trade, or occupation for which an examination is held;

(c) Pass upon the qualifications of applicants for reciprocal licenses, certificates, registrations, and authorities;

(d) Prescribe rules for a fair and impartial method of examination of candidates to exercise the respective profession, trade, or occupation;

(e) Appoint hearing officers, administer oaths, take depositions of witnesses within or without the state in the manner provided by the administrative rules adopted by the division, issue subpoenas, compel the attendance of witnesses, and assess costs and fees incurred in the investigation and prosecution or defense of any certificate holder, licensee, or registrant of the division, in accordance with the provisions of section [12-117](#)(5), Idaho Code, when applicable, the contested case provisions of [chapter 52, title 67](#), Idaho Code, and laws and rules of the agencies within the division;

(f) Assess civil penalties as authorized for a violation of laws or rules, provided that any such civil penalty collected for a violation

of laws or rules shall not exceed one thousand dollars (\$1,000), unless otherwise provided by statute or rule, and shall be deposited in the occupational licenses fund;

(g) Implement processes and promulgate rules for the administration of the chapters of those agencies assigned to the division, including but not limited to:

(i) The application, issuance, renewal, cancellation, and reinstatement of licenses, certificates, registrations, and permits, together with assessment of all related fees;

(ii) The terms by which fees may be prorated, if any; and

(iii) Procedures for the replacement of lost or destroyed licenses, certificates, or registrations;

(h) Employ individuals, make expenditures, enter into contracts, require reports, make investigations, travel, and take other actions deemed necessary;

(i) Collect and pay such fees as are required for criminal background checks of applicants, licensees, or registrants;

(j) Provide honoraria as set forth in section [59-509](#)(p), Idaho Code;

(k) Require applications to be verified under oath;

(l) Require applicants to provide a clear and legible copy of a government-issued photo identification;

(m) Notwithstanding any other provisions of law, terminate an application that has not had any activity within one (1) year, unless otherwise specified in law or rule;

(n) Issue a license, certificate, permit, or authority only on behalf of an agency that has administrative rules approved by the legislature;

(o) Implement application processes that provide for clear administration of all licenses, registrations, permits, and certificates, including their status and history; and

(p) Establish advisory committees as needed to provide efficient and appropriate services to the various professions, trades, occupations, and programs administered within the division.

(2) Notwithstanding any law governing any agency within the division, each board or commission member shall hold office until a successor has been duly appointed and qualified.

(3) The administrator shall administer the following provisions and shall perform such additional duties as are imposed by law: [chapter 41, title 39](#), Idaho Code, relating to the Idaho building code; [chapter 40, title 39](#), Idaho Code, relating to manufactured homes; [chapter 43, title 39](#), Idaho Code, relating to modular buildings; [chapter 21, title 44](#), Idaho Code, relating to manufactured home dealer and installer licensing; [chapter 25, title 44](#), Idaho Code, relating to mobile home rehabilitation; [chapter 10, title 54](#), Idaho Code, relating to electrical contractors and journeymen; [chapter 19, title 54](#), Idaho Code, relating to public works contractors; [chapter 26, title 54](#), Idaho Code, relating to plumbing and plumbers; [chapter 45, title 54](#), Idaho Code, relating to public works construction management licensing; [chapter 50, title 54](#), Idaho Code, relating to installation of heating, ventilation and air conditioning systems; [chapter 80, title 39](#), Idaho Code, relating to uniform public school building safety; [chapter 59, title 33](#), Idaho Code, relating to Idaho school safety and security; [chapter 86, title 39](#), Idaho Code, relating to elevator safety; and [chapter 22, title 55](#), Idaho Code, relating to underground facilities damage prevention.

(4) For those agencies listed in subsection (3) of this section, the administrator may, in addition to those powers listed in this chapter:

- (a) Issue registrations, licenses, and certificates;
- (b) Charge a fee of seventy-five dollars (\$75.00) for each examination administered, unless a different fee is established in law or rule;
- (c) Conduct hearings on proceedings to discipline, renew, or reinstate licenses, certificates, or authorities of persons exercising the respective profession, trade, or occupation;
- (d) Revoke, suspend, refuse to renew, or take other disciplinary action against such licenses, certifications, or authorities; and
- (e) Assess civil penalties as authorized for a violation of law or rule.

[67-2604, added 2021, ch. 224, sec. 9, p. 663; am. 2022, ch. 48, sec. 2, p. 148.]

67-2605. ADMINISTRATOR TO PERFORM SAFETY INSPECTIONS AND ISSUE SAFETY ORDERS. (1) The administrator of the division of occupational and professional licenses shall have the authority to perform safety inspections and safety training programs for logging operations in Idaho.

(2) When an inspection reveals evidence of a condition that poses an immediate threat of serious bodily harm or loss of life to any person, the administrator, and while on public highways the directors of the Idaho state police and the Idaho transportation department, may issue a safety order to immediately stop the work, close the facility or site, or detain the vehicle where the threat exists. The safety order shall not be rescinded until after the threat has been corrected or removed.

(3) A safety order provided for in this section may be enforced by the attorney general in a civil action brought in the district court for the county wherein the hazardous work site or facility is located or the vehicle is detained.

(4) Any person who knowingly fails or refuses to comply with a safety order shall be guilty of a misdemeanor.

(5) The administrator shall promulgate rules adopting minimum logging safety standards and procedures for conducting inspections and safety training.

(6) The directors of the Idaho state police and the Idaho transportation department shall have authority on public highways to stop and inspect vehicles and enforce rules promulgated by the administrator pursuant to this section.

(7) In addition to safety inspections of state-owned public buildings conducted under [chapter 23, title 67](#), Idaho Code, the administrator may conduct safety inspections of buildings owned or maintained by political subdivisions of the state upon receipt of a written request from the governing body of that political subdivision, subject to the availability of division resources and the requesting entity's agreement to pay the division's current fees for such an inspection.

(a) The findings of such safety inspection shall be reported to the governing body of the political subdivision.

(b) The administrator may promulgate rules adopting minimum safety standards and procedures for conducting such safety inspections, as well as fees for performing the same.

(c) For purposes of this section, "political subdivision" means any governmental unit or special district of the state of Idaho other than public school districts.

[67-2605, added 2021, ch. 224, sec. 11, p. 664.]

67-2606. LICENSE FEES -- MILITARY EXEMPTION. All persons holding occupational or professional licenses issued by the state of Idaho and who are serving in the armed forces of the United States or its allies, or auxiliary services thereof, and any prisoners of war in custody of the enemy countries of the United States or its allies may be exempt from the payment of any professional or occupational license or renewal fee required by any law of this state for the period during which such persons shall be engaged in the military services of the United States, or its auxiliary branches, or held as prisoners. During such period of military service, or service in the auxiliary branches thereof, or servitude and for six (6) months following the discharge from such military service or auxiliary service, such license shall remain in good standing without the necessity of renewal, and during said period the same shall not be canceled, suspended, or revoked.

[67-2606, added 2021, ch. 224, sec. 13, p. 665.]

67-2607. DIVISION ADMINISTRATOR -- EXPENSES. The expenses of the division administrator of the division of occupational and professional licenses and such other administrative, technical, or other personnel as may be deemed necessary for the conduct of the affairs of the division shall be paid from the occupational licenses fund.

[67-2607, added 2021, ch. 224, sec. 14, p. 665.]

67-2608. OCCUPATIONAL LICENSES FUND CREATED -- DISPOSITION OF FEES. There is hereby created in the state treasury the occupational licenses fund. All fees and renewal fees received by the division of occupational and professional licenses for licenses to engage in trades, businesses, occupations, or professions shall be deposited to the credit of the occupational licenses fund. The administrator shall ensure that fees collected by the division are not waived, prorated, transferred, or refunded unless authorized by rule or law of the agency within the division.

[67-2608, added 2021, ch. 224, sec. 16, p. 666.]

67-2609. DIVISION ADMINISTRATOR TO COOPERATE WITH OTHER AGENCIES. In administering the laws regulating professions, trades, and occupations within the division of occupational and professional licenses, the administrator of the division of occupational and professional licenses may share information and otherwise cooperate with government regulatory and law enforcement agencies.

[67-2609, added 2021, ch. 224, sec. 18, p. 666.]

67-2610. REGISTRATION OF OCCUPATIONS -- REEXAMINATIONS. Whenever the division administrator is satisfied that substantial justice has not been done either in an examination or in the revocation of or refusal to renew a license, certificate, or authority, he may order reexamination or rehearings.

[67-2610, added 2020, ch. 96, sec. 13, p. 253.]

67-2611. ISSUANCE OF LICENSES -- ISSUANCE OF DUPLICATE -- FEE. (1) All certificates, licenses, and authorities, upon written application of the owner of a certificate, license, or authority, shall be issued by the division of occupational and professional licenses in the name of such division, with the Idaho state seal attached.

(2) The division of occupational and professional licenses may assess a reasonable fee for the issuance of an original or duplicate certificate, license, or authority.

[67-2611, added 2020, ch. 96, sec. 15, p. 253.]

67-2612. RECORDING OF LICENSES. Every license that may be issued by the division of occupational and professional licenses as a prerequisite to engage in a trade, occupation, or profession shall be recorded in the office of the division, which shall relieve the licensee from being required to record the same in the office of the county recorder in the county in which the licensee intends to practice. No fee shall be charged for recording of the license by the division.

[67-2612, added 2020, ch. 96, sec. 17, p. 253.]

67-2613. CLARIFICATION OF DEFINITIONS. Solely for the purposes of [chapter 14, title 67](#), Idaho Code, the associations created in chapters 36 and 43, [title 41](#), Idaho Code, shall be considered self-governing entities as defined in this chapter, which creates the department of self-governing agencies.

[67-2613, added 2021, ch. 224, sec. 20, p. 666.]

67-2614. RENEWAL OR REINSTATEMENT OF LICENSES. (1) Licenses or registrations issued by the division of occupational and professional licenses as a prerequisite to engaging in a trade, occupation, or profession may be subject to annual renewal and may expire and be canceled unless renewed prior to expiration as provided by this section, unless otherwise specified in law or rule. The required fees for renewals and reinstatements shall be the amounts set forth in the laws or rules of the relevant agency within the division. As used in this section, the term "person," unless otherwise indicated, shall mean a natural person or an entity applying for licensure or registration pursuant to the laws or rules of an agency within the division.

(2) All natural persons required to procure a license or registration must annually renew the same on or before the birthday of the holder of the license or registration in the manner prescribed in subsection (4) of this section, unless otherwise specified in law or rule. However, the first renewal of the license or registration shall not be required until twelve (12) months after the holder's next birthday following the initial licensure or registration, unless otherwise specified in law or rule.

(3) All persons required to procure a license or registration for an entity or a facility as a prerequisite for operating a business or place of business in which a trade, occupation, or profession is practiced must annually renew the same on or before the anniversary of the original issue date of the license or registration in the manner prescribed in subsection (4) of this section, unless otherwise specified in law or rule.

(4) Licenses or registrations may be renewed up to six (6) weeks prior to the expiration date, unless otherwise specified in law or rule.

(a) Submission of an approved and completed paper or electronic renewal application prior to expiration is the responsibility of each licensee or registrant. Failure to receive a renewal application or notice shall not excuse failure to comply with renewal requirements.

(b) The renewal application shall be submitted to the division along with the required renewal fee and confirmation of compliance with renewal requirements of the relevant agency within the division, including but not limited to insurance, completion of any continuing education, and payment of all fines, costs, fees including attorney's fees, or other amounts that are due and owing or in compliance with a payment arrangement.

(5) Applicants, licensees, permittees, and registrants are responsible for keeping their information up to date as follows:

(a) Whenever a change of the applicant's, licensee's, or registrant's name or address of record occurs, the licensee or registrant must immediately notify the division in writing of the change. The division will use the most recent mailing or electronic mail address it has on file for purposes of written communication with a licensee or registrant. It is the responsibility of each applicant, licensee, and registrant to keep the division informed of a current mailing and electronic mail address and any other contact information; and

(b) Unless otherwise specified by law or rule, all substantive changes in professional status must be reported to the division in writing within ninety (90) days. Substantive changes may include but are not limited to:

(i) Any criminal convictions of felonies or misdemeanors other than traffic violations;

(ii) Administrative adjudicative proceedings against the applicant, licensee, or registrant in other states or jurisdictions;

(iii) Adjudicated ethics violations or other sanctions levied against the applicant, licensee, or registrant by a professional association or specialty association; and

(iv) Any civil proceedings adjudicated against the applicant, licensee, or registrant related to his license, registration, or certificate.

(6) Fees for renewal and reinstatement cannot be waived, prorated, transferred, or refunded unless otherwise specified in law or rule.

(7) If a license, registration, certificate, or authority is not renewed on or before the expiration date, it shall be immediately canceled by the division following the date of expiration, unless otherwise specified in law or rule. Within five (5) years of the date of expiration, the division may reinstate a license or registration canceled for failure to renew upon receiving documentation of compliance with requirements for timely renewal as set forth in subsection (4) (b) of this section and any other reinstatement requirements of the division plus payment of a reinstatement fee of thirty-five dollars (\$35.00) or other amount as specified in law or rule.

(8) (a) When a license, registration, certificate, or authority has been canceled for a period of more than five (5) years, the person so affected shall be required to make application for a new license, registration, certificate, or authority to the division. The application shall consist of the following:

(i) All forms and information required of an application for a new license, registration, certificate, or authority; and

- (ii) The fee currently required of an applicant for a new license, registration, certificate, or authority.
- (b) In addition to the application, the person shall provide all moneys due and owing to the division or proof that the person is in compliance with a payment arrangement.
- (c) The person shall fulfill certain requirements as determined by the division that demonstrate the person's competency to resume practice in this state. Such requirements may include but are not limited to education, supervised practice, and examination. The division may consider the person's practice in another jurisdiction in determining the person's competency.
- (d) Persons who fulfill the conditions and requirements of this subsection shall be issued a new license, registration, certificate, or authority.

[67-2614, added 2020, ch. 96, sec. 21, p. 254; am. 2021, ch. 224, sec. 21, p. 666.]

67-2615. DIVISION INVESTIGATIONS AND COOPERATION. (1) Complaints, investigations, and informal proceeding records are the property of the division of occupational and professional licenses and are exempt from disclosure under the public records act pursuant to section [74-106\(9\)](#), Idaho Code.

(2) In addition to the authority granted to a division board or commission by its respective practice act or other applicable state law, a division board or commission may participate with any other division board or commission in joint investigations of licenses, permits, registrations, and certificates. The division and its boards and commissions may share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated by a division board or commission. The internal sharing of investigative records between division boards and commissions and their respective division staff or officials does not alter any of the disclosure exemptions set forth in [chapter 1, title 74](#), Idaho Code.

(3) A subpoena issued by a division board or commission shall be enforceable by any other division board or commission.

[67-2615, added 2022, ch. 275, sec. 1, p. 884.]