



Eric Milstead  
Director

# Legislative Services Office Idaho State Legislature

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*Serving Idaho's Citizen Legislature*

## MEMORANDUM

**TO:** Senators PATRICK, Agenbroad, Ward-Engelking and,  
Representatives DIXON, DeMordaunt, Smith

**FROM:** Ryan Bush - Principal Legislative Drafting Attorney

**DATE:** April 20, 2020

**SUBJECT:** Temporary Rule

IDAPA 07.00.00 - Notice of Omnibus Rulemaking (Fee Rule) - Adoption of Temporary Rule - Docket  
No. 07-0000-2000F

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 Ryan Bush at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

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## IDAPA 07 – DIVISION OF BUILDING SAFETY

### DOCKET NO. 07-0000-2000F (FEE RULE)

#### NOTICE OF OMNIBUS RULEMAKING – ADOPTION OF TEMPORARY RULE

**EFFECTIVE DATE:** The effective date of the temporary rules being adopted through this omnibus rulemaking is the adjournment date of the second regular session of the 65th Idaho State Legislature - March 20, 2020.

**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 the following sections of Idaho Code:

I.C. § 39-4107	I.C. § 39-4112	I.C. § 39-4113	I.C. § 39-4303
I.C. § 39-4302	I.C. § 39-8605	I.C. § 39-8616	I.C. § 44-2103
I.C. § 44-2104	I.C. § 44-2107	I.C. § 54-1005	I.C. § 54-1006
I.C. § 54-2605	I.C. § 54-2606	I.C. § 54-2607	I.C. § 54-1907
I.C. § 54-4510	I.C. § 54-5005	I.C. § 54-5017	I.C. § 54-5022
I.C. § 55-2203	I.C. § 55-2211	I.C. § 67-2601A	

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

This temporary rulemaking adopts the following chapters under IDAPA 07:

#### **IDAPA 07**

- 07.01.01, *Rules of the Idaho Electrical Board;*
- 07.02.02, *Rules Governing Plumbing;*
- 07.03.01, *Rules of Building Safety (Building Code Rules);*
- 07.03.03, *Rules for Modular Buildings;*
- 07.03.11, *Rules Governing Manufactured/Mobile Home Industry Licensing;*
- 07.03.12, *Rules Governing Manufactured or Mobile Home Installations;*
- 07.04.02, *Safety Rules for Elevators, Escalators, and Moving Walks;*
- 07.05.01, *Rules of the Public Works Contractors License Board;*
- 07.07.01, *Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems; and*
- 07.10.01, *Rules Governing the Damage Prevention Board*

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rules is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These temporary rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules.

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

The fees or charges are authorized in the following sections of Idaho Code:

I.C. § 39-4112	I.C. § 39-4113	I.C. § 39-4303	I.C. § 39-8605
I.C. § 39-8616	I.C. § 44-2103	I.C. § 54-1005	I.C. § 54-1014

I.C. § 54-2614	I.C. § 54-2616	I.C. § 54-1904	I.C. § 54-4510
I.C. § 54-5012	I.C. § 54-5017	I.C. § 55-2203	I.C. § 67-2601A

The fees or charges are part of the agency's 2021 budget that relies upon the existence of these fees or charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these temporary rules would create immediate danger to the state budget, immediate danger to necessary state functions and services, and immediate danger of a violation of Idaho's constitutional requirement that it balance its budget.

The following is a specific description of the fees or charges:

The preceding sections of Idaho Code and the attached rules provide a specific description of the fee or charge imposed by this rulemaking. This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously approved and codified in the prior rules. All fees contained in rules covered by this notice relate to licensing and related administrative fees, fees to perform inspections on various types of construction installations, or the assessment of civil penalties for non-compliance with applicable statutes. All Division programs that are covered by this notice operate from statutorily created dedicated funds that provide for the licensing of persons within the respective professions, as well as the inspection of such installations and/or administration of such programs by the Division. All of these operations require the collection of certain fees to ensure compliance with applicable standards and to protect the health and safety of the public.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Patrick Grace, Regional Manager at 208-332-7120.

DATED this 20th day of February, 2020.

Chris Jensen  
Administrator  
Division of Building Safety  
1090 E. Watertower St., Ste 150  
Meridian, ID 83642  
208-332-7100

## IDAPA 07 – DIVISION OF BUILDING SAFETY

### 07.01.01 – RULES OF THE IDAHO ELECTRICAL BOARD

#### 000. LEGAL AUTHORITY.

These rules are promulgated by the Idaho Electrical Board and the Division of Building Safety under Title 54, Chapter 10, Idaho Code. (3-20-20)T

#### 001. TITLE AND SCOPE.

These rules are titled IDAPA 07.01.01, “Rules of the Idaho Electrical Board.” These rules include criteria for the use of electrical permits for electrical installations, inspections, the criteria and fees for licenses, continuing education, adoption of the National Electrical Code, and civil penalties. (3-20-20)T

#### 002. INCORPORATION BY REFERENCE.

The National Electrical Code, 2017 Edition, is incorporated by reference into these rules as further specified in Section 250. (3-20-20)T

#### 003. DEFINITIONS.

**01. Associated Buildings.** All buildings, structures, and fixtures used for domestic purposes and in connection with the primary or secondary residence, such as garages, sheds, barns, or shops. (3-20-20)T

**02. Board.** Idaho Electrical Board. (3-20-20)T

**03. Division.** Idaho Division of Building Safety. (3-20-20)T

**04. Person.** Includes an individual, company, firm, partnership, corporation, association or other organization. (3-20-20)T

**05. Recognized License.** A license from another jurisdiction that is recognized by the Board as requiring qualifications at least equal to the qualifications for a license contained in Title 54, Chapter 10, Idaho Code, and these rules. (3-20-20)T

**06. Registration Card.** The registration certificate referred to in Title 54, Chapter 10, Idaho Code. (3-20-20)T

#### 004. – 010. (RESERVED)

### SUBCHAPTER A – ELECTRICAL PERMITS AND INSPECTIONS (Rules 011 through 049)

#### 011. ELECTRICAL PERMITS.

Electrical permits as authorized by Section 54-1005, Idaho Code are available for purchase online or at the Division by those legally authorized to make electrical installations. Each permit shall bear a serial number registered in the name of the permit holder to whom they are issued and are transferable only as provided in these rules. Electrical permits shall be used only for the electrical installations identified in the permit application and for which said permit holder shall assume full responsibility. (3-20-20)T

**01. Completion of Electrical Installation.** For each electrical installation made by a permit holder and coming under the provisions of Section 54-1001, Idaho Code, said permit holder or his authorized representative shall request an inspection from the Division. (3-20-20)T

**02. Purchase of Electrical Permit.** All electrical permits shall be purchased before work is commenced. Where the total cost of installation is unknown, the minimum permit fee as listed in the fee schedule of these rules applies. In all cases, payment of the total permit fee shall be made prior to completion of the installation and a final inspection. (3-20-20)T

**a.** The Division may refuse to extend credit to any person with outstanding fines, violations or unpaid permit fees recorded with the Division. Permit holders will not be allowed to purchase further electrical permits unless and until all outstanding fees due have been paid in full. (3-20-20)T

b. No electrical inspections will be provided prior to the purchase of an electrical permit. (3-20-20)T

**03. Power Supply Company.** Pursuant to Section 54-1005, Idaho Code, a power supply company may connect and energize an electrical installation made by an electrical contractor without delay and before the installation has passed inspection if the contractor submits to the power supply company a copy of an electrical permit purchased by the contractor and the power supply company deems the connection and energization necessary to preserve life or property. The contractor shall request that the Division conduct an inspection on the next business day. (3-20-20)T

**012. ELECTRICAL PERMITTING AND INSPECTION REQUIREMENTS FOR PERSONS EXEMPT FROM LICENSING.**

Persons exempt from licensing pursuant to Section 54-1016, Idaho Code, shall secure all electrical permits required by Section 54-1005, Idaho Code, before making any electrical installation. No electrical wiring or equipment may be concealed in any manner from access or sight until the work has been inspected and approved for cover by the electrical inspector. A final inspection shall be made upon the completion of all electrical work. The procedure for obtaining electrical permits follows: (3-20-20)T

**01. Electrical Permit.** Any exempt person shall obtain an electrical permit from the Division with the proper permit fee as provided for in rule. (3-20-20)T

**02. Notice to Power Supplier.** The Division shall provide notice to the power supplier to connect installations requiring energization once an installation has passed inspection. (3-20-20)T

**013. ELECTRICAL PERMIT AND INSPECTION REQUIREMENTS FOR FACILITY ACCOUNTS.**

An electrical facility employer account licensee, as defined by Section 54-1003A, Idaho Code, who uses licensed or registered employees to make electrical installations coming under the provisions of Section 54-1001, Idaho Code, on the licensee's own premises, shall obtain a facility account license and purchase electrical permits from the Division with the proper permit fee as provided in these rules. Employees performing electrical installations under a facility account shall be licensed electrical journeymen or master electricians or registered electrical apprentices under the constant on-the-job supervision of a licensed journeyman or master electrician as provided in Title 54, Chapter 10, Idaho Code. One (1) properly licensed journeyman or master electrician shall be designated the supervising electrician for the facility account with the Division. Individuals employed as maintenance electricians may only perform maintenance electrical installations in accordance with Section 54-1016, Idaho Code. (3-20-20)T

**014. TEMPORARY INSTALLATIONS CONNECTED PRIOR TO INSPECTION.**

Only a licensed electrical contractor may have a power supply company connect and energize a temporary service for construction prior to an inspection being performed. Any contractor energizing a temporary service prior to inspection shall assume full responsibility for the installation of the temporary service. A power supply company may only connect and energize a temporary service upon receipt of a copy of an electrical permit purchased from the Division. (3-20-20)T

**015. -- 049. (RESERVED)**

**SUBCHAPTER B – FEES FOR ELECTRICAL PERMITS AND INSPECTIONS**  
**(Rules 050 through 099)**

**050. FEES FOR ELECTRICAL PERMITS AND INSPECTIONS.**

Electrical permit fees are to cover the cost of electrical inspections as provided by Section 54-1005, Idaho Code; any person making an electrical installation coming under the provisions of Section 54-1001, Idaho Code, shall pay to the Division a permit fee as provided in the following schedule. The type of electrical permit a person may purchase is limited to the scope of work for which the person is licensed. (3-20-20)T

**01. Temporary Construction Service (Temporary Power) Permit.** To be installed for construction purposes only, for a period not to exceed one (1) year: (3-20-20)T

a. Two hundred (200) amp or less, one (1) location: sixty-five dollars (\$65). (3-20-20)T

**b.** All others to be calculated using Subsection 050.06, Other Installation (Including Industrial and Commercial) Permit, of these rules. (3-20-20)T

**02. New Residential.** Includes associated buildings with wiring being constructed on each property.

<b>New – One-Family Dwellings</b>		
Up to 1,500 square feet of living space	-	\$130
1,501 to 2,500 square feet of living space	-	\$195
2,501 to 3,500 square feet of living space	-	\$260
3,501 to 4,500 square feet of living space	-	\$325
Over 4,500 square feet of living space	-	\$325 plus \$65 for each additional 1,000 square feet or portion thereof
<b>New – Two- and Multi-Family Dwellings</b>		
Two-family dwellings	-	\$260
Multi-family dwellings		\$130 per building plus \$65 per unit

(3-20-20)T

**a.** Existing dwelling unit permit: sixty-five dollars (\$65) plus ten dollars (\$10) for each additional branch circuit up to the maximum of the corresponding square footage of the dwelling unit. (3-20-20)T

**b.** Residential Dwelling unit spa, hot tub, hydro massage tub, and swimming pool permit: sixty-five dollars (\$65) for each trip to inspect. (For all other installations of spas, hot tubs, hydro massage tubs, and swimming pools, use Subsection 050.06, Other Installation (including Industrial and Commercial) Permit, of these rules.) (3-20-20)T

**03. Residential Electric Space Heating and Air Conditioning.** When not part of a new residential construction permit, or heat/ventilating/air conditioning permit with no additional wiring: sixty-five dollars (\$65). (3-20-20)T

**04. Domestic Water Pump Permit.** See Subsection 050.06 - Pump (Water, Domestic Water, Irrigation, Sewage) -- Each Motor Permit, of these rules. (3-20-20)T

**05. Mobile/Manufactured Home Permit.** Sixty-five dollars (\$65) basic fee plus ten dollars (\$10) for each additional circuit. Mobile home and RV parks for distribution wiring including pedestal, service conductors and lot supply to individual units come under Subsection 050.06, Other Installation (Including Industrial and Commercial) Permit, of these rules. (3-20-20)T

**06. Other Installation (Including Industrial and Commercial) Permit.** The permit fees listed in this section apply to any and all electrical installations not specifically mentioned elsewhere in this schedule. The electrical cost shall be the cost to the owner of all labor charges and all other costs that are incurred in order to complete the installation of any and all electrical wiring and equipment installed as part of the electrical system, factory assembled industrial machinery to be operated by electrical energy shall not be included in calculating these fees. (3-20-20)T

**a.** Wiring cost not exceeding ten thousand dollars (\$10,000): sixty dollars (\$60) plus two percent (2%) of total wiring cost. (3-20-20)T

**b.** Wiring cost over ten thousand dollars (\$10,000) but not exceeding one hundred thousand dollars (\$100,000): two hundred sixty dollars (\$260) plus one percent (1%) of wiring cost in excess of ten thousand dollars (\$10,000). (3-20-20)T

**c.** Wiring cost over one hundred thousand dollars (\$100,000): one thousand one hundred sixty dollars (\$1,160) plus one-half of one percent (.5%) of the portion of wiring costs exceeding one hundred thousand dollars (\$100,000). (3-20-20)T

**d.** All fees calculated under this schedule must be calculated on the total wiring cost of the job, and this figure must be shown on the permit. The permit fees listed in this Subsection apply to any and all electrical installations not specifically mentioned elsewhere in this schedule. The wiring cost shall be the cost to the owner of all labor charges and all wiring materials and equipment installed as part of the wiring system. When labor is performed by the owner, such labor cost shall be based upon the market value of said labor and used or reused materials shall be based at fifty percent (50%) of the column 3 pricing as published by Trade Service Publication or National Price Service Pricing or the actual cost, whichever is greater. For all owner-supplied, factory assembled electrical infrastructural equipment to be installed, the inspection will be based on one-half of one percent (.5%) of total cost of the equipment OR an hourly rate of one hundred thirty dollars (\$130) for the first hour of each inspection and sixty-five dollars (\$65) for each subsequent hour. Factory assembled machinery to be operated by electrical energy shall not be included when calculating these fees. (3-20-20)T

**e.** Small work not exceeding two hundred dollars (\$200) in cost and not involving a change in service connections: ten dollars (\$10). (3-20-20)T

**07. Pump (Water, Domestic Water, Irrigation, Sewage) -- Each Motor Permit.**

To 25 HP	-	\$65
26 to 200 HP	-	\$95
Over 200 HP	-	\$130
For phase inverters and roto phase equipment, use Subsection 050.06, in addition to the pump motor fee.		

(3-20-20)T

**08. Electrically-Driven Irrigation Machine Permit.** Center Pivot: sixty-five dollars (\$65) plus ten dollars (\$10) per tower or drive motor. Other types: sixty-five dollars (\$65) plus ten dollars (\$10) per motor. (Note: No additional fee required for underground feeder). (3-20-20)T

**09. Electric Sign and Outline Lighting Permit.** Electric signs: sixty-five dollars (\$65) per sign; Outline lighting: sixty-five dollars (\$65) per each occupancy. (3-20-20)T

**10. Requested Inspection Permit.** A base fee of sixty-five dollars (\$65) plus an additional sixty-five dollars (\$65) for each hour, or portion thereof, in excess of one (1) hour including travel time. Out-of-state travel expenses shall be paid by the requesting party. (3-20-20)T

**11. Additional Fees and Reinspection Fees.** A base fee of sixty-five dollars (\$65) plus an additional sixty-five dollars (\$65) for each additional hour, or portion thereof, in excess of one (1) hour including travel time, shall also be paid before approval of the installation if the following services are necessary: (3-20-20)T

**a.** Trips to inspect when the permit holder had given notice to the inspector that the work is ready for inspection when it was not. (3-20-20)T

**b.** Trips to inspect when the permit holder has not clearly or correctly given the location of the installation either by directions, maps, coordinates, or correct address and posting a copy of the permit at the service or other conspicuous location on the property or the inspector cannot gain access to make the inspection. (3-20-20)T

**c.** Trips to inspect corrections required by the inspector as a result of the submitter improperly responding to a corrective notice. (3-20-20)T

**d.** Each trip necessary to remove a red tag from the jobsite. (3-20-20)T

**e.** Trips to conduct a reinspection because corrections have not been made in the prescribed time, unless an extension has been requested and granted. (3-20-20)T

**12. No Permit.** Failure to purchase an electrical permit before work is commenced, may result in the imposition of a double permit fee. (3-20-20)T

**13. Plan Check Fee.** Sixty-five dollars (\$65) minimum for one (1) hour or less. Over one (1) hour: sixty-five dollars (\$65) plus sixty-five dollars (\$65) for each hour, or portion thereof, in excess of one (1) hour. (3-20-20)T

**14. Fees for Temporary Amusement/Industry Electrical Inspections.** Each time a ride, concession, or generator is set up: sixty-five dollars (\$65) base fee plus ten dollars (\$10) for each ride, concession, or generator. (3-20-20)T

**15. Expiration of Permits.** Every permit issued by the Division 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 receipt of Division approval and sixty-five dollars (\$65) renewal fee. (3-20-20)T

**16. Transferring a Permit.** An electrical permit may be transferred to another eligible party if such party provides to the Division written authorization signed and notarized by the original permit holder consenting to the transfer itself and assignment of all the responsibilities and conditions incorporated into the original permit issuance. A permit may be transferred to the owner of the property on which the electrical work is to be performed and for which the permit was issued, or such owner's designated legal agent, in cases where such owner has terminated his legal relationship with the electrical contractor who originally obtained the permit. An administrative fee in the amount of forty-five dollars (\$45) for the transfer of the permit shall be assessed by the Division. (3-20-20)T

**17. Refunds of Permits.** The administrator of the Division may authorize a refund for any permit fee paid on the following bases: (3-20-20)T

**a.** The administrator may authorize a refund of the entire permit fee paid when no work has been performed related to the installations or electrical work covered by a permit issued by the Division. A lesser amount up to fifty percent (50%) of the permit fee amount may be refunded if work has commenced and the project is less than fifty percent (50%) complete as determined by the Division; and (3-20-20)T

**b.** The administrator cannot authorize a refund of any permit fee paid except upon written application for such filed by the original permit holder or the property owner's representative not less than one hundred eighty (180) days after the date the permit was issued. (3-20-20)T

**051. -- 099. (RESERVED)**

**SUBCHAPTER C – ELECTRICAL LICENSING AND REGISTRATION**  
**(Rules 100 through 149)**

**100. LICENSURE HISTORY.**

An applicant for any electrical registration or license who has previously obtained a Recognized License as a journeyman or master electrician shall upon application to the Division disclose such license and provide sufficient proof thereof. An applicant for any electrical registration, license, or certificate of competency who has previously obtained a Recognized License as a journeyman or master electrician shall not be issued an electrical apprentice registration. (3-20-20)T

**101. LICENSE AND REGISTRATION APPLICATION.**

Application forms will be available at the Division's offices and electronically on the Division's website. (3-20-20)T

**01. Application Form.** Each applicant shall properly complete and submit to the Division the



applicable form, giving all pertinent information and obtaining notarization of all signatures. (3-20-20)T

**02. Application Fee.** Each applicant shall pay to the Division the applicable fee provided in Section 54-1014, Idaho Code, with the application form. For registrations, the application fee set forth in Section 54-1014, Idaho Code, may satisfy the initial registration fee or any portion thereof. (3-20-20)T

**03. Examination and Licensure Approval.** The Division must approve each application before examination and licensure. (3-20-20)T

**04. Examination.** An applicant who does not take the applicable examination within ninety (90) days of the date of approval must reapply. (3-20-20)T

**05. License.** Upon application approval and successful completion of the applicable examination, each license applicant must purchase a license. A license applicant who does not purchase a license within ninety (90) days of successful completion of the applicable examination must reapply, obtain application approval again, and re-examine. (3-20-20)T

**06. License or Registration Period.** The license or registration period set forth in Section 54-1008, Idaho Code, for each license or registration shall begin upon satisfaction of the applicable fee provided in Section 54-1013, Idaho Code. Each license or registration period shall expire at midnight on the last day of the final month of the license or registration period. Notwithstanding the foregoing, the license or registration period for each expired license or registration revived in accordance with Section 54-1013, Idaho Code, shall begin on the day the license or registration previously expired. (3-20-20)T

## **102. APPRENTICE ELECTRICIAN REGISTRATION.**

**01. Registration Requirements.** To become an apprentice electrician, a person shall comply with Section 54-1010(3), Idaho Code. Each apprentice electrician shall carry a current Registration Card while performing electrical work and present the Registration Card upon request by the Division for examination. (3-20-20)T

**02. Renewal Requirements.** To renew an apprentice registration, an apprentice electrician shall submit to the Division sufficient evidence demonstrating the apprentice electrician has successfully completed one (1) of the following during the prior registration period: (3-20-20)T

**a.** One (1) year of a Board-approved sequence of instruction and one (1) year, defined as a minimum of two thousand (2,000) hours of work experience, under the constant, on-the-job supervision and training of a journeyman electrician. Verification of work experience shall consist of a notarized letter from each employer with which the apprentice electrician obtained the experience. (3-20-20)T

**b.** Continuation training, defined as eight (8) hours of NFPA 70E training and sixteen (16) hours of code-update training, code-related training, or industry-related training. (3-20-20)T

## **103. JOURNEYMAN ELECTRICIAN EXAMINATION AND LICENSE.**

**01. Examination Requirements.** To take the journeyman examination, an applicant shall submit to the Division sufficient evidence demonstrating the applicant has successfully completed one (1) of the following: (3-20-20)T

**a.** Four (4) years of a sequence of instruction approved by the Board and the Idaho Division of Career-Technical Education and three (3) years, defined as a minimum of six thousand (6,000) hours, of work experience under the constant on-the-job supervision and training of a journeyman electrician. (3-20-20)T

**b.** Eight (8) years, defined as a minimum of sixteen thousand (16,000) hours, of work experience in accordance with the requirements of the jurisdiction in which the applicant obtained the experience. Verification of work experience shall consist of a notarized letter from each employer with which the applicant obtained the experience. (3-20-20)T

**02. License Requirements.** (3-20-20)T

**a.** To obtain a provisional journeyman license, an applicant shall submit to the Division evidence demonstrating the applicant has successfully completed eight (8) years, defined as a minimum of sixteen thousand (16,000) hours, of work experience in accordance with the requirements of the jurisdiction in which the applicant obtained the experience. Verification of work experience shall consist of a notarized letter from each employer with which the applicant obtained the experience. (3-20-20)T

**b.** To obtain a journeyman license, an applicant shall submit to the Division sufficient evidence demonstrating the applicant has successfully completed the journeyman examination; and (3-20-20)T

**i.** Four (4) years, defined as a minimum of eight thousand (8,000) hours, of work experience under the constant on-the-job supervision and training of a journeyman electrician; or (3-20-20)T

**ii.** Eight (8) years, defined as a minimum of sixteen thousand (16,000) hours, of work experience in accordance with the requirements of the jurisdiction in which the applicant obtained the experience. (3-20-20)T

**c.** To obtain a journeyman license, an applicant with a Recognized License shall comply with Section 54-1007(5), Idaho Code, and submit to the Division sufficient evidence demonstrating: (3-20-20)T

**i.** The applicant's Recognized License is current, active, and in good standing; and (3-20-20)T

**ii.** The applicant obtained the Recognized License by testing from the issuing jurisdiction. (3-20-20)T

**03. Unacceptable Work Experience.** The Division will not accept work experience in appliance repair, motor winding, or communications to meet the requirements to take the journeyman examination or obtain a provisional journeyman or journeyman license. (3-20-20)T

**104. MASTER ELECTRICIAN.**

An applicant for a master electrician license must have at least four (4) years' experience as a licensed journeyman electrician as provided in Section 54-1007, Idaho Code. Any person having these qualifications may make application at any time by remitting to the Division the application fee. Upon approval, the applicant will be notified and may apply to take the next examination. Upon notification of passing the examination, the applicant must remit the required fee for the issuance of a master license. A person holding a current master license shall not be required to hold a journeyman license. (3-20-20)T

**105. ELECTRICAL CONTRACTOR.**

**01. Qualifications for Electrical Contractor.** (3-20-20)T

**a.** On and after July 1, 2008, except as hereinafter provided, any person, partnership, company, firm, association, or corporation shall be eligible to apply for an electrical contractor license upon the following requirements: (3-20-20)T

**i.** Applicant shall have at least one (1) full-time employee who holds a valid master electrician license issued by the Division. Licensed electrical contractors who are current and active prior to July 1, 2008, shall not be required to have a master electrician as the supervising electrician until a new supervising electrician is designated. A master electrician license will be required for a new supervising electrician designated after July 1, 2008. (3-20-20)T

**ii.** The master electrician shall be designated the supervising electrician and shall be available during working hours to carry out the duties of supervising, as set forth herein, and who will be responsible for supervision of electrical installations made by said company, firm, association, or corporation as provided by Section 54-1010, Idaho Code. (3-20-20)T

**iii.** An individual electrical contractor may act as his own supervising master electrician upon the condition that he holds a valid master electrician license. (3-20-20)T

iv. Applicant must pass a contractor examination administered by the Division or its designee. Any applicant which purports to be a non-individual (such as, corporation, partnership, company, firm, or association), must designate in writing an individual to represent it for examination purposes. Any such designee shall be a full-time supervisory employee and may not represent any other applicant for an electrical contractor's license. (3-20-20)T

v. Applicant shall provide proof of liability insurance to the Division in the amount of three hundred thousand dollars (\$300,000) from an insurance company licensed to do business in the state of Idaho. The liability insurance shall be in effect for the duration of the applicant's contractor licensing period. (3-20-20)T

vi. Applicant shall provide to the Division proof of Idaho's worker's compensation insurance unless specifically exempt from Idaho law. The Division will provide written confirmation of exemption status. (3-20-20)T

b. Any person designated under Paragraph 105.01.a. of these rules, and the contractor he represents, shall each notify the Division in writing if the supervising master's or the designee's working relationship with the contractor has been terminated within ten (10) days of the date of termination. If the supervising master's or the designee's relationship with the contractor is terminated, the contractor's license is void within ninety (90) days unless another supervising master is qualified by the Division, or unless another duly qualified designee passes the electrical contractor's examination on behalf of the contractor, as applicable. (3-20-20)T

**02. Required Signatures on Application.** An application for an electrical contractor license shall be signed by the applicant or by the official representative of the partnership, company, firm, association, or corporation making the application countersigned by the supervising master electrician. (3-20-20)T

**03. Electrical Contracting Work Defined.** An electrical contractor license issued by the Division must be obtained prior to acting or attempting to act as an electrical contractor in Idaho. (3-20-20)T

a. Electrical contracting work includes electrical maintenance or repair work, in addition to new electrical installations, unless such work is expressly exempted by Section 54-1016, Idaho Code. (3-20-20)T

b. Any person or entity performing or offering to perform electrical contracting services, including, but not limited to, advertising or submitting a bid shall be considered as acting or attempting to act as an electrical contractor and shall be required to be licensed. Advertising includes, but is not limited to: newspaper, telephone directory, community flier ads or notices, telephone, television, radio, internet, business card, or door-to-door solicitations. (3-20-20)T

c. Any person or entity, not otherwise exempt, who performs or offers to perform electrical contracting work, is acting as an electrical contractor, whether or not any compensation is received. (3-20-20)T

d. Registered general contractors who submit a bid on a multi-trade construction project that includes a licensed electrical contractor's pricing shall not be considered to be acting or attempting to act as an electrical contractor. (3-20-20)T

**04. Previous Revocation.** Any applicant for an electrical contractor license who has previously had his electrical contractor license revoked for cause, as provided by Section 54-1009, Idaho Code, shall be considered as unfit and unqualified to receive a new electrical contractor license so long as such cause for revocation is continuing and of such nature that correction can be made by the applicant. (3-20-20)T

**05. Reviving an Expired License.** Any applicant for an electrical contractor license who has allowed his license to expire and seeks to revive it under the provisions of Section 54-1013, Idaho Code, may be denied a license as unfit and unqualified if, while operating under the license prior to expiration, he violates any of the laws or rules applicable to electrical contractors. (3-20-20)T

**06. Qualification and Duties for Supervising Journeyman or Master.** (3-20-20)T

a. A master electrician shall not be considered as qualified to countersign an electrical contractor license application as the supervising master, nor shall said application be approved if he does countersign said

application as the supervising master, if said master has had his Idaho electrical contractor license revoked for cause under Section 54-1009, Idaho Code. (3-20-20)T

**b.** A supervising master shall not countersign for more than one (1) contractor. (3-20-20)T

**c.** A journeyman who is a full-time employee of a company, corporation, firm or association with a facility account may sign as supervising journeyman for that facility account in addition to signing as supervising journeyman for his own contractor's license so long as the journeyman is listed as the owner and complies with the provisions of Paragraphs 105.01.a. and 01.b. of these rules. (3-20-20)T

**d.** Duties include: assuring that all electrical work substantially complies with the National Electrical Code and other electrical installation laws and rules of the state, and that proper electrical safety procedures are followed; assuring that all electrical labels, permits, and licenses required to perform electrical work are used; assuring compliance with correction notices issued by the Division. (3-20-20)T

**07. Failure to Correct Defects in Electrical Installations.** If a master countersigns an electrical contractor license application pursuant to Subsection 105.02 of these rules and thereafter willfully fails to correct defects in electrical installations he made or supervised, and such defects are within his power to correct and are not the fault of the contractor, then the Division shall have the power to suspend or revoke said master's license pursuant to Section 54-1009, Idaho Code. (3-20-20)T

**08. Overcharging of Fees.** It shall be grounds for suspension or revocation of an electrical contractor license if he charges and collects from the property owner an electrical permit or inspection fee which is higher than the fee actually in effect at the time of such charging and collection, pursuant to the current Electrical Laws and Rules of the Division, and the fee remitted by the contractor to the Division is less than the fee actually charged and collected by him. (3-20-20)T

**09. Direct Supervision and Training.** It shall be the responsibility of the employing electrical contractor to ensure that each apprentice electrician and provisional journeyman electrician perform electrical work only under the constant on-the-job supervision and training of a journeyman electrician. (3-20-20)T

**a.** Journeyman-to-Apprentice Ratio. One (1) journeyman shall not supervise more than four (4) apprentices performing electrical work on one and two-family dwelling units. One (1) journeyman shall not supervise and train more than two (2) apprentices performing electrical work on all other types of electrical installations. (3-20-20)T

**b.** Any electrical contractor violating the journeyman-to-apprentice ratio established in Paragraph 105.09.a of these rules is presumed to be in violation of the direct supervision requirement of Section 54-1010(1), Idaho Code, and the constant on-the-job supervision requirement of Section 54-1003A(3), Idaho Code. The journeyman-to-apprentice ratio established herein these rules may be adjusted on a case-by-case basis by a showing by an electrical contractor of special circumstances that are peculiar to the work done by that electrical contractor and that allow for effective supervision and training by each journeyman electrician. An electrical contractor must obtain permission from the Division to adjust the journeyman-to-apprentice ratio. Failure to comply with this requirement will be grounds for suspension or revocation of the electrical contractor's license. (3-20-20)T

**106. -- 149. (RESERVED)**

**SUBCHAPTER D – LIMITED ELECTRICAL LICENSING AND REGISTRATION**  
**(Rules 150 through 199)**

**150. QUALIFIED JOURNEYMAN ELECTRICIANS.**

Qualified journeyman electricians, as defined in Section 54-1003A(2), Idaho Code, shall be permitted to make all installations as subsequently described herein without securing an additional license for said installation. (3-20-20)T

**151. MINIMUM EXPERIENCE REQUIREMENTS.**

Experience gained by an individual while engaged in the practice of one (1) or more of the limited categories named below shall not be considered towards the satisfaction of the minimum experience requirements for licensing as a

journeyman electrician.

(3-20-20)T

**152. LIMITED EXPERIENCE REQUIREMENT.**

**01. Limited Electrical Installer.** An applicant for a limited electrical installer license must have at least two (2) years of experience, or more as specified for the individual category, with the type of installation for which the license is being applied for, in compliance with the requirements of the state in which the experience was received, or as a limited electrical installer trainee making electrical installations in accordance with the requirements as stated herein. (3-20-20)T

**02. Limited Electrical Installer Trainee.** A limited electrical installer trainee shall be required to work not less than two (2) years, defined as a minimum of four thousand (4,000) hours of work experience, under the constant on-the-job supervision of a limited electrical installer of the same limited category to qualify for testing as a limited electrical installer. A person wishing to become a limited electrical installer trainee shall register with the Division for a period of three (3) years and pay the applicable fee prior to going to work. Said person shall carry a current registration certificate on his person at all times and present it upon request to personnel. Time shall not be credited while the trainee is inactive or not registered. (3-20-20)T

**153. ELECTRICAL INSTALLATIONS REQUIRING A LIMITED ELECTRICAL INSTALLER LICENSE.**

The following categories of electrical installations shall be considered limited electrical installations, the practice of which shall require a journeyman electrician, master electrician, or limited electrical installer license: (3-20-20)T

**01. Elevator, Dumbwaiter, Escalator, or Moving-Walk Electrical.** Any person qualifying for and having in his possession a current elevator electrical license may install, maintain, repair, and replace equipment, controls, and wiring beyond the disconnect switch in the machine room of the elevator and pertaining directly to the operation and control thereof when located in the elevator shaft and machine room. He shall be employed by a licensed elevator electrical contractor or electrical contractor, and his installations shall be limited to this category. The holder of such limited license may only countersign a limited electrical contractor's license application as a supervising limited electrical installer for work within this category. (3-20-20)T

**02. Sign Electrical.** Any person qualifying for and having in his possession a current sign electrical license may install, maintain, repair, and replace equipment, controls, and wiring on the secondary side of sign disconnecting means; providing the disconnecting means is located on the sign or within sight therefrom. He shall be employed by a licensed sign electrical contractor or electrical contractor, and his installations shall be limited to this category. The holder of such limited license may only countersign a limited electrical contractor's license application as supervising limited electrical installer for work within this category. (3-20-20)T

**03. Manufacturing or Assembling Equipment. (3-20-20)T**

**a.** A licensed limited electrical manufacturing or assembling equipment installer must be employed by a licensed limited electrical manufacturing or assembling equipment contractor or electrical contractor, and his installation shall be limited to this category. The holder of such limited license may only countersign a limited electrical contractor's license application as a supervising limited electrical installer for work within this category. (3-20-20)T

**b.** Any person licensed pursuant to Paragraph 153.03.a. of these rules may install, maintain, repair, and replace equipment, controls, and accessory wiring, integral to the specific equipment, on the load side of the equipment disconnecting means. Electrical service and feeder are to be installed by others. The licensee may also install circuitry in modules or fabricated enclosures for the purpose of connecting the necessary components which individually bear a label from a nationally recognized testing laboratory when such equipment is designed and manufactured for a specific job installation. All wiring completed shall meet all requirements of Title 54, Chapter 10, Idaho Code, all rules promulgated pursuant thereto, and the most current edition of the National Electrical Code. (3-20-20)T

**c.** Subsection 153.03 of these rules does not apply to a limited electrical manufacturing or assembling equipment installer installing electrical wiring, equipment, and apparatus in modular buildings as that term is defined

in Section 39-4105, Idaho Code. Only journeyman electricians and electrical apprentices, employed by an electrical contractor, may perform such installations. (3-20-20)T

**04. Limited Energy Electrical.** (3-20-20)T

**a.** Limited energy systems are defined as fire and security alarm systems, class 2 and class 3 signaling circuits, key card operators, nurse call systems, motor and electrical apparatus controls and other limited energy applications covered by the NEC. (3-20-20)T

**b.** Limited energy systems do not include, and no license of any type is required for, the installation of landscape sprinkler controls or communication circuits, wires and apparatus that include telephone systems, telegraph facilities, outside wiring for fire and security alarm systems which are used for communication purposes, and central station systems of a similar nature, PBX systems, audio-visual and sound systems, public address and intercom systems, data communication systems, radio and television systems, antenna systems and other similar systems. (3-20-20)T

**c.** Unless exempted by Section 54-1016, Idaho Code, any person who installs, maintains, replaces or repairs electrical wiring and equipment for limited energy systems in facilities other than one (1) or two (2) family dwellings shall be required to have a valid limited energy limited electrical license and must be employed by a licensed limited energy limited electrical contractor or electrical contractor. The holder of such limited license may only countersign a limited electrical contractor's application as a supervising limited electrical installer for work within this category. (3-20-20)T

**05. Irrigation Sprinkler Electrical.** Any person qualifying for and having in his possession, an irrigation system electrical license may install, maintain, repair and replace equipment, controls and wiring beyond the disconnect switch supplying power to the electric irrigation machine. The irrigation machine is considered to include the hardware, motors and controls of the irrigation machine and underground conductors connecting the control centers on the irrigation machine to the load side of the disconnecting device. Disconnect device to be installed by others. All such installations performed by individuals under this Subsection shall be done in accordance with the applicable provisions of the National Electrical Code. He shall be employed by a licensed limited electrical contractor whose license is contingent upon the granting of a limited electrical license to an employee, and his installations shall be limited to this category. The holder of such limited license may not countersign a limited electrical contractor's license application as supervising limited electrical installer except for work within this category. (3-20-20)T

**06. Well Driller and Water Pump Installer.** All installations performed by individuals under this Subsection shall be done in accordance with the applicable provisions of the approved National Electrical Code. A license holder in this category shall be employed by a licensed well driller and water pump installer limited electrical contractor or electrical contractor, and his installations shall be limited to this category. The holder of such limited license may only countersign a limited electrical contractor's license application as supervising limited electrical installer for work within this category. Any person currently licensed in this category may perform the following types of installations: (3-20-20)T

**a.** Single or three (3) phase water pumps: install, maintain, repair and replace all electrical equipment, wires, and accessories from the pump motor up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. (3-20-20)T

**b.** Domestic water pumps, one hundred twenty/two hundred forty (120/240) volt, single phase, sixty (60) amps or less: Install, maintain, repair and replace all electrical equipment, wires, and accessories from the pump motor up to and including the disconnecting device. (3-20-20)T

**c.** Temporarily connect into a power source to test the installations, provided that all test wiring is removed before the installer leaves the site. (3-20-20)T

**d.** Individual residential wastewater pumping units. Install, maintain, repair and replace all electrical equipment, wires, and accessories from the pump motor up to and including the disconnecting device for systems that serve one-family, two-family, or three-family residential installations. (3-20-20)T

**07. Refrigeration, Heating, and Air-Conditioning Electrical Installer.** All installation, maintenance, and repair performed by individuals under this Subsection shall be done in accordance with applicable provisions of the National Electrical Code. A license holder in this category shall be employed by a licensed limited electrical contractor whose license shall be covered by this category or electrical contractor, and his installations shall be limited to this category. The holder of such limited license may only countersign a limited electrical contractor's license application as a supervising limited electrical installer for work in this category. Any person currently licensed in this category may perform the following types of installations, which installations shall be limited to factory-assembled, packaged units: (3-20-20)T

**a.** Heating Units (single phase): install, repair, and maintain all electrical equipment, wires, and accessories from the unit up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. (3-20-20)T

**b.** Refrigeration, Air-Conditioning Equipment and Heat Pumps (single phase): install, repair, and maintain all electrical equipment, wires, and accessories from the unit up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. (3-20-20)T

**c.** Refrigeration, Air-Conditioning and Heating Systems (three (3) phase): install, maintain, and repair all electrical equipment and accessories up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. (3-20-20)T

**08. Outside Wireman.** All installation, maintenance, and repair not exempt under the provisions of Section 54-1016, Idaho Code, performed by individuals under this Subsection shall be done in accordance with the applicable provisions of the National Electrical Code. A license holder in this category shall be employed by a licensed limited electrical contractor whose license shall be covered by this category or electrical contractor, and his installations shall be limited to this category. The holder of such limited electrical license may only countersign a limited electrical contractor's license application as a supervising limited electrical installer for work in this category. Applicants for this license category shall provide documentation of having completed an electrical lineman apprenticeship program or similar program approved by the U.S. Department of Labor, Office of Apprenticeship. Any person currently licensed in this category may perform the following types of installations: (3-20-20)T

**a.** Overhead distribution and transmission lines in excess of six hundred (600) volts. (3-20-20)T

**b.** Underground distribution and transmission lines in excess of six hundred (600) volts. (3-20-20)T

**c.** Substation and switchyard construction in excess of six hundred (600) volts. (3-20-20)T

**09. Solar Photovoltaic.** All installation, maintenance, and repair not exempt under the provisions of Section 54-1016, Idaho Code, performed by individuals under this Subsection shall be done in accordance with the applicable provisions of the National Electrical Code. A license holder in this category shall be employed by a licensed limited electrical contractor whose license shall be covered by this category or electrical contractor, and his installations shall be limited to this category. The holder of such limited electrical license may only countersign a limited electrical contractor's application as a supervising limited electrical installer for work in this category. Applicants for this license category shall provide proof of photovoltaic installer certification by the North American Board of Certified Energy Practitioners (NABCEP) or equivalent. Any person licensed in this category may perform the following types of installations: (3-20-20)T

**a.** Solar Photovoltaic DC Systems: Install, maintain, repair, and replace all electrical equipment, wires, and accessories up to and including the inverter. (3-20-20)T

**b.** Solar Photovoltaic micro-inverter/AC Systems: Install, maintain, repair, and replace all electrical equipment, wires, and accessories up to and including the AC combiner box. (3-20-20)T

**154. APPLICATIONS FOR LIMITED ELECTRICAL INSTALLER LICENSE.**

An application for a limited electrical installer license may be obtained from the Division. The forms shall be returned with the application fee, as provided by Section 54-1014, Idaho Code, with proof of the required two (2)

years of experience in the field of limited electrical category and notarized signature. Upon receiving a passing grade, the applicant may remit the license fee for issuance of the license. (3-20-20)T

**155. LICENSURE PERIOD AND FEES.**

All original limited electrical licenses and registrations shall be issued by the Division immediately upon receipt of the licensure fee and other necessary documentation from the applicant which date will be designated as the original license anniversary date and signify the commencement of the licensing period. All specialty license and registration renewals shall be effective in the year renewed as of the original license anniversary date. All license and registration periods end at midnight on the last day of the final month of the licensing or registration period. Limited electrical licenses and registrations not renewed by this date are expired. Any expired license revived within the twelve-month period following the expiration date will continue to have the original license anniversary date for the purposes of subsequent renewal. The license fee and renewal fee for each type of limited electrical license is provided for by Section 54-1014, Idaho Code, for other journeyman licenses. (3-20-20)T

**156. LIMITED ELECTRICAL CONTRACTOR LICENSE.**

**01. Qualifications for Limited Electrical Contractor.** Except as herein provided, any person, partnership, company, firm, association, or corporation shall be eligible to apply for a limited electrical contractor license upon the condition that such applicant will be responsible for supervision of electrical installations made by said company, firm, association, or corporation as provided by Section 54-1010, Idaho Code. The supervising limited electrical installer shall be available during working hours to carry out the duties of supervising limited electrical installer, as set forth herein. In addition, the applicant shall meet or have at least one (1) full-time employee who meets one (1) of the following criteria: (3-20-20)T

**a.** Holds a valid limited electrical installer license issued by the Division, in the same category as the limited electrical contractor, and has held a valid limited electrical installer license for a period of not less than two (2) years, during which time he was employed as a limited electrical installer for a minimum of four thousand (4,000) hours; (3-20-20)T

**b.** Holds a valid limited electrical installer license issued by the Division, in the same category as the limited electrical contractor, and has at least four (4) years of experience in the limited electrical category with a minimum of two (2) years practical experience in planning, laying out, and supervising electrical installations in the category. (3-20-20)T

**02. Modification to Qualifications.** Applicants for limited electrical contractor licenses, or individuals countersigning such applications, shall be subject to the same requirements, restrictions, and fees applicable to other electrical contractors and countersigning master, as set forth in the current electrical statutes and rules with the exception that an electrical contractor requires a master electrician to countersign as a supervising master whereas a supervising limited electrical installer for a limited electrical contractor must meet the requirements of Subsection 156.01 of these rules. (3-20-20)T

**157. -- 199. (RESERVED)**

**SUBCHAPTER E – EXAMINATIONS**  
**(Rules 200 through 249)**

**200. EXAMINATIONS.**

**01. Frequency of Conducting of Examinations.** Board-approved examinations for all classifications under the Electrical Laws and Rules will be offered a minimum of four (4) times each year at the Division's three (3) office locations. The applicant will be notified in writing of the date, time, and location at which the examination will be given, following approval of the application. (3-20-20)T

**02. Professional Testing Services.** In lieu of the administration by the Board of the examination for licenses pursuant to this rule, the Board may contract with a professional testing service to administer the examination and require license applicants to pay to the testing service the fee that they have set for the examination, take such examination at the time set by such service, and provide the Division acceptable verification of the test



score. If the examination is conducted in this fashion, the Board may charge and retain the application fee provided for by Section 54-1014, Idaho Code, to cover the cost of reviewing the applicant's application. (3-20-20)T

**03. Required Scores.** The following scores are considered minimum for passing and are required to be achieved by the applicant prior to issuance of the appropriate license or certification.

Required Scores		
Journeyman Electrician	-	70%
Limited Electrical Installer	-	70%
Electrical Contractor	-	75%
Limited Electrical Contractor	-	70%
Electrical Inspector	-	75%
Master Electrician	-	75%

(3-20-20)T

**04. Failed Examinations.** (3-20-20)T

**a.** An applicant receiving less than a passing score on a first or second examination attempt may be reexamined. (3-20-20)T

**b.** Before being reexamined after failing an examination the third time, an applicant must: (3-20-20)T

**i.** Wait until the expiration of one (1) year from the date of the failed third examination; or (3-20-20)T

**ii.** Provide proof, satisfactory to the Board, of completion of a minimum of twenty-four (24) hours of Board-approved, related electrical training or continuing education since the date of the failed third examination. (3-20-20)T

**c.** Before being reexamined after any further failures, an applicant for reexamination must: (3-20-20)T

**i.** Wait until the expiration of an additional one (1) year from the date of the failed examination; or (3-20-20)T

**ii.** Provide proof, satisfactory to the Electrical Board, of completion of thirty-two (32) hours of Board-approved, related electrical training or continuing education since the date of the failed examination. (3-20-20)T

**201. -- 249. (RESERVED)**

**SUBCHAPTER F – USE OF THE NATIONAL ELECTRICAL CODE**  
**(Rules 200 through 299)**

**250. ADOPTION AND INCORPORATION BY REFERENCE OF THE NATIONAL ELECTRICAL CODE.**

**01. Documents.** Under the provisions of Section 54-1001, Idaho Code, the National Electrical Code, 2017 Edition, (herein NEC) is hereby adopted and incorporated by reference for the state of Idaho and are in full force and effect on and after July 1, 2017, with the following amendments: (3-20-20)T

**a.** Article 110.3(A) and 110.3(B) shall not apply to submersible well pumps installed in swimming and marine areas; provided however, such articles shall apply to all other equipment required in the installation of a

submersible well pump in such areas except for the actual submersible well pump itself. (3-20-20)T

**b.** Article 210.8(A)(7) Sinks. Delete article 210.8(A)(7) and replace with the following: Sinks - located in areas other than kitchens where receptacles are installed within one and eight tenths (1.8) meters (six (6) feet) of the outside edge of the sink. (3-20-20)T

**c.** Article 210.8(A)(10). Delete article 210.8(A)(10). (3-20-20)T

**d.** Article 210.8(D). Delete article 210.8(D). (3-20-20)T

**e.** Article 210.52(E)(3). Delete article 210.52(E)(3) and replace with the following: Balconies, Decks, and Porches. Balconies, decks, and porches having an overall area of twenty (20) square feet or more that are accessible from inside the dwelling unit shall have at least one (1) receptacle outlet installed within the perimeter of the balcony, deck, or porch. The receptacle shall not be located more than two (2.0) meters (six and one half (6½) feet) above the balcony, deck, or porch surface. (3-20-20)T

**f.** Add a new Article 225.30(F) – One (1)- or Two (2)-Family Dwelling Unit(s). For a one (1)- or two (2)-family dwelling unit(s) with multiple feeders with conductors one aught (1/0) or larger, it shall be permissible to install not more than six (6) disconnects grouped at one (1) location where the feeders enter the building, provided that the feeder conductors originate at the same switchboard, panelboard, or overcurrent protective device location. (3-20-20)T

**g.** Where the height of a crawl space does not exceed one and four tenths (1.4) meters or four and one half (4.5) feet it shall be permissible to secure NM cables, that run at angles with joist, to the bottom edge of joist. NM cables that run within two and one tenth (2.1) meters or seven (7) feet of crawl space access shall comply with Article 320.23. (3-20-20)T

**h.** Article 334.10(3). Delete Article 334.10(3) and replace with the following: Other structures permitted to be of Types III, IV, and V construction. Cables shall be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a fifteen (15)-minute finish rating as identified in listings of fire-rated assemblies. For the purpose of this section, cables located in attics and underfloor areas that are not designed to be occupied shall be considered concealed. (3-20-20)T

**i.** Article 675.8(B). Compliance with Article 675.8(B) will include the additional requirement that a disconnecting means always be provided at the point of service from the utility no matter where the disconnecting means for the machine is located. (3-20-20)T

**j.** Article 682.10 shall not apply to submersible well pumps installed in swimming and marine areas; provided however, such articles shall apply to all other equipment required in the installation of a submersible well pump in such areas except for the actual submersible well pump itself. (3-20-20)T

**k.** Article 682.11. Add the following exception to Article 682.11: This article shall not apply to service equipment that is located on or at the dwelling unit and which is not susceptible to flooding. (3-20-20)T

**l.** Article 682.13. Add the following exceptions to Article 682.13: (3-20-20)T

**i.** Exception No 1. Wiring methods such as HDPE schedule eighty (80) electrical conduit or its equivalent or greater, and clearly marked at a minimum “Caution Electrical” to indicate that it contains electrical conductors shall be approved. It shall be buried whenever practical, and in accordance with the requirements of the authority having jurisdiction. The use of gray HDPE water pipe rated at two hundred (200) PSI (e.g. SIDR-7 or DR-9) is suitable for use as a chase only when the following conditions are met: (3-20-20)T

(1) When internal conductors are jacketed submersible pump cable. (3-20-20)T

(2) When used in continuous lengths, directly buried, or secured on a shoreline above and below the water line. (3-20-20)T

(3) When submersible pump wiring terminations in the body of water according to 682.13 Exception No. 2 are met. (3-20-20)T

ii. Exception No. 2. Any listed and approved splices required to be made at the submersible well pump itself, outside of a recognized submersed pump sleeve or housing, when wires are too large to be housed inside such sleeve, shall be covered with a non-metallic, impact resistant material, no less than one quarter (.25) inches thick, such as heavy duty heat shrink or other equivalent method approved by the authority having jurisdiction. (Eg. install a heat shrink over the sleeve or housing that the submersible well pump is installed in, and then recover (apply heat) the heat shrink over both the HDPE and the water line). At least six (6) inches shall be over the sleeve and at least twelve (12) inches over the HDPE and water line. (3-20-20)T

iii. Exception No. 3. Pipe, conduit, PVC well casing, or other electrically unlisted tubing may be used as a chase, but not as a raceway, to protect conductors or cables from physical damage. Conductors or cables within a chase shall be rated for the location. (3-20-20)T

**m.** Article 682.14. Add the following additional exception to Article 682.14: For installations of submersible well pumps installed in public swimming and marine areas, submersible well pumps shall be considered directly connected and shall be anchored in place. Ballast is an acceptable form of anchoring. (3-20-20)T

**n.** Article 682.14(A). Add the following exception to Article 682.14(A): For installations of submersible well pumps installed in public swimming and marine areas, motor controller circuits such as remotely located stop pushbutton/s, disconnect/s, relay/s or switches shall be permitted as a required disconnecting means. Such circuits shall be identified at a minimum as “Emergency Pump Stop”, or “Emergency Stop” with other obvious indications on the visible side of the enclosure, that it controls a submersible pump in the body of water. (3-20-20)T

**o.** Article 682.15. Add the following exceptions to Article 682.15: (3-20-20)T

i. Exception No. 1. Submersible pumps, and their motor leads, located in bodies of water, and that are rated sixty (60) amperes maximum, two hundred fifty (250) volts maximum of any phase, shall have GFCI or Ground Fault Equipment Protection designed to trip at a maximum of thirty (30) milliamps or less, protected by means selected by a licensed installer, meeting listing or labeling requirements, and inspected by the AHJ prior to submersion in bodies of water. (3-20-20)T

ii. Exception No. 2. Installations or repair and replacement of submersible pumps located in bodies of water, that are rated over sixty (60) amperes, and rated at any voltage, shall be evaluated by a qualified designer or experienced licensed contractor, or involve engineering or be engineered, for each specific application, with the goal of public safety. Whenever possible, GFCI or Ground Fault Equipment Protection designed to trip at a maximum of thirty (30) milliamps or less, meeting listing or labeling requirements, shall be installed, and inspected by the AHJ prior to submersion in bodies of water. (3-20-20)T

**p.** Article 550.32(B). Compliance with Article 550.32(B) shall limit installation of a service on a manufactured home to those homes manufactured after January 1, 1992. (3-20-20)T

**q.** Poles used as lighting standards that are forty (40) feet or less in nominal height and that support no more than four (4) luminaires operating at a nominal voltage of three hundred (300) volts or less, shall not be considered to constitute a structure as that term is defined by the National Electrical Code (NEC). The disconnecting means shall not be mounted to the pole. The disconnecting means may be permitted elsewhere in accordance with NEC, Article 225.32, exception 3. SEC special purpose fuseable connectors (model SEC 1791-DF or model SEC 1791-SF) or equivalent shall be installed in a listed handhole (underground) enclosure. The enclosure shall be appropriately grounded and bonded per the requirements of the NEC applicable to Article 230-Services. Overcurrent protection shall be provided by a (fast-acting – minimum - 100K RMS Amps 600 VAC) rated fuse. Wiring within the pole for the luminaires shall be protected by supplementary overcurrent device (time-delay – minimum - 10K RMS Amps 600 VAC) in break-a-away fuse holder accessible from the hand hole. Any poles supporting or incorporating utilization equipment or exceeding the prescribed number of luminaires, or in excess of forty (40) feet, shall be considered structures, and an appropriate service disconnecting means shall be required per the NEC. All luminaire-supporting poles shall be appropriately grounded and bonded per the NEC. (3-20-20)T

r. Compliance with Article 210.12 Arc-Fault Circuit-Interrupter Protection. Article 210.12 shall apply in full. Exception: In dwelling units Arc-Fault Circuit-Interrupter Protection shall only apply to all branch circuits and outlets supplying bedrooms. All other locations in dwelling units are exempt from the requirements of Article 210.12. (3-20-20)T

02. **Availability.** A copy of the National Electrical Code is available at the offices of the Division. (3-20-20)T

251. --299. (RESERVED)

**SUBCHAPTER G – CONTINUING EDUCATION REQUIREMENTS**  
**(Rules 300 through 349)**

**300. CONTINUING EDUCATION REQUIREMENTS.**

Journeyman and master electricians must complete at least twenty-four (24) hours of continuing education instruction in every three (3) year period between renewals of such licenses. The twenty-four (24) hours of instruction shall consist of eight (8) hours of code update covering changes included in the latest edition of the National Electrical Code. The remaining sixteen (16) hours may consist of any combination of code-update training, code-related training, or industry-related training. Proof of completion of these continuing education requirements must be submitted to the Division prior to or with the application for license renewal by any such licensee in order to renew a journeyman or master electrician license for the code change year. (3-20-20)T

**301. COURSE APPROVAL REQUIREMENTS.**

Continuing education courses for electricians must cover technical aspects of the electrical trade. Courses will be approved as either code update, code related or industry related based on the criteria as defined in this section. (3-20-20)T

01. **General Course Requirements.** (3-20-20)T

a. Courses must be at least four (4) hours in length. (3-20-20)T

b. Courses must be taught by an instructor approved by the Division. (3-20-20)T

c. The presentation should be delivered orally with the assistance of power point or other means of visual media. Pre-taped video or audio shall be held to a minimum. (3-20-20)T

d. A course evaluation card shall be provided to all participants to evaluate course and presentation. The completed evaluation cards must be submitted to the Division. (3-20-20)T

e. All programs are subject to audit by representatives of the Division or Board for content and quality without notice and at no charge. Course and instructor approval are subject to revocation if the minimum requirements of course content or instructor qualifications are not met. (3-20-20)T

02. **Code-Update Programs.** Code-update programs must cover changes to the National Electrical Code utilizing pre-approved materials such as the NFPA-IAEI Analysis of Changes. (3-20-20)T

03. **Code-Related Programs.** Code-related programs must cover portions of NFPA 70 other than changes to the National Electrical Code. (3-20-20)T

04. **Industry-Related Programs.** Industry-related programs shall be technical in nature and directly related to the electrical industry. Electrical theory, application of the National Electrical Code, grounding, photovoltaic systems, programmable controllers, and residential wiring methods are examples of industry-related programs. (3-20-20)T

05. **Program Approval Procedures.** (3-20-20)T

a. Program approvals are effective for one (1) code cycle. Subsequent applications for the same

program may incorporate by reference all or part of the original application. An application for course approval must be on a form obtained from the Division and include all requirements specified on the form. (3-20-20)T

**b.** Certificates of Completion. Certificates of completion must contain the following: the date of the program the title of the program; the location of the program the name of the sponsor; the number of hours of credit completed; the name of the attendee; the license number of the attendee; the name of the instructor; and the Idaho course approval number. (3-20-20)T

**c.** Evaluation Cards. Evaluation cards or forms must be pre-addressed to the Division and must include the following: the date; title; and location of the program; the instructors name; and an evaluation of the course and of the instructor's presentation skills. (3-20-20)T

**06. Appeals.** Appeals for courses that have been denied approval shall be submitted in writing to the Board within thirty (30) days for review. (3-20-20)T

**07. Instructor Approval Procedures.** (3-20-20)T

**a.** Instructor approvals shall be effective for one (1) code cycle. (3-20-20)T

**b.** An application for instructor approval may be obtained from the Division. Documentation of the instructor qualifications must be included with the instructor application. The minimum qualification for an instructor shall be established by providing proof of one (1) of the following: (3-20-20)T

**i.** Current and active master or journeyman electrician license; (3-20-20)T

**ii.** An appropriate degree related to the electrical field; or (3-20-20)T

**iii.** Other recognized experience or certification in the subject matter to be presented. (3-20-20)T

**c.** Any person denied instructor approval may appeal to the Board within thirty (30) days. (3-20-20)T

**08. Revocation of Approval.** (3-20-20)T

**a.** The Board may revoke, suspend, or cancel the approval of any continuing education program or instructor if the Board determines that the program or instruction does not meet the intent of furthering the education of electricians. Grounds for revocation of approval include, but are not limited to: (3-20-20)T

**i.** Failure of the instructor to substantially follow the approved course materials; (3-20-20)T

**ii.** Failure to deliver instruction for the full amount of time approved for the course; or (3-20-20)T

**iii.** Substantial dissatisfaction with the instructor's presentation or the content of the course or materials by the class attendees or representatives of the Division or Board. (3-20-20)T

**09. Board and Negotiated Rulemaking Meetings.** Licensees may receive up to eight (8) hours of industry-related continuing education credits by attending eight (8) hours of board meetings or electrical-board negotiated rulemaking meetings. (3-20-20)T

**10. Schedule of Approved Classes.** The Division shall publish a list of approved classes at a minimum of once a year. This list shall be forwarded to all states that are members of the continuing education reciprocal agreement and shall be made available to any licensee through the Division. (3-20-20)T

**302. -- 349. (RESERVED)**

**SUBCHAPTER H – ELECTRICAL INSPECTION APPEALS**  
**(Rules 350 through 399)**

**350. APPEALS.**

In order to determine the suitability of materials and methods of wiring and to provide for interpretations of the provisions of the National Electrical Code NFPA 70, the creation of an electrical appeals board is hereby authorized by the administrator of the Division, to be composed of three (3) members of the Board, or an electrical supervisor and two (2) members of the Board, as determined and selected by the administrator upon receipt of a written notice of appeal as set forth below. (3-20-20)T

**01. Notice of Appeal.** A person, firm, or corporation making an electrical installation subject to the provisions of Title 54, Chapter 10, Idaho Code, may appeal, to the administrator, a decision by the Electrical Program Manager or other electrical inspector, that a particular electrical installation is not in conformance with Idaho Code, these rules, or the National Electrical Code as adopted by Idaho law. An appeal must be lodged by filing a written notice of appeal with the administrator within ten (10) days of the date of issuance of a notice of correction issued pursuant to Section 54-1004, Idaho Code. The notice of appeal shall state in particular the reasons why the appellant contends that the notice of defects is incorrect. (3-20-20)T

**02. Filing Date.** If mailed, the notice of appeal shall be considered filed as of the date of postmark. (3-20-20)T

**03. Appeals Board.** The members of the Board and other persons appointed by the administrator to act as the appeals board, are authorized to hold hearings at the Division in Meridian, Idaho, to determine the merits of an appeal filed pursuant to this rule. (3-20-20)T

**04. Function of Appeals Board.** The members of the Board, acting as an appeals board, shall not have the authority to grant variances from the National Electrical Code; its sole function as an appeals board shall be to determine whether the materials or method of wiring utilized by the appellant meets the requirements of the National Electrical Code. (3-20-20)T

**05. Appeals Hearing Fee.** An appeals hearing fee of one hundred dollars (\$100) shall be charged to an appellant for each appeal brought before the appeals board and accompany the notice of appeal. When the appeal is found in favor of the appellant, the appeals hearing fee shall be returned to the appellant. (3-20-20)T

**06. Conditions Disqualifying Board Member.** No Board member shall sit on an appeals board in which he or his employer, employee, business partner or any person related to him, is the appellant in the matter. or where he has a pecuniary interest in the outcome of the matter to be decided by the appeals board. (3-20-20)T

**07. Rules of Evidence.** The rules of evidence for the hearing are governed by the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code. (3-20-20)T

**08. Limitations of Appeal.** The filing of an appeal does not stay or discontinue a red tag, disconnect order, or notification to the power company not to connect or energize, in situations where the defect is of a nature so as to be an imminent threat to life or property. (3-20-20)T

**09. Preliminary Order.** Within five (5) days of the conclusion of the administrative hearing, the appeals board shall issue a preliminary order. The preliminary order will become a final order without further notice unless reviewed by the administrator, or review is requested by any party to the inspection appeal, pursuant to the provisions of Section 67-5245, Idaho Code. When a preliminary order is reviewed by the administrator, the administrator will issue a final order pursuant to the requirements of Sections 67-5245 and 67-5246, Idaho Code. (3-20-20)T

**10. Motions for Reconsideration.** Motions for reconsideration of the appeal board's preliminary order or of the administrator's final order are not allowed. (3-20-20)T

**351. -- 399. (RESERVED)**

**SUBCHAPTER I – CERTIFICATION AND APPROVAL OF ELECTRICAL PRODUCTS**

**AND MATERIALS**  
**(Rules 400 through 449)**

**400. CERTIFICATION AND APPROVAL OF ELECTRICAL PRODUCTS AND MATERIALS.**

In the state of Idaho, all materials, devices, fittings, equipment, apparatus, luminaires, and appliances installed or to be used in installations that are supplied with electric energy shall be approved as provided in one (1) of the following methods: (3-20-20)T

**01. Testing Laboratory.** Be tested, examined, and certified (Listed) by a Nationally Recognized Testing Laboratory (NRTL). (3-20-20)T

**02. Field Evaluation.** Non-listed electrical equipment may be approved for use through a field evaluation process performed in accordance with recognized practices and procedures such as those contained in the 2012 edition of NFPA 791 - Recommended Practice and Procedures for Unlabeled Electrical Equipment Evaluation published by the National Fire Protection Association (NFPA). Such evaluations shall be conducted by: (3-20-20)T

**a.** The authority having jurisdiction; (3-20-20)T

**b.** A field evaluation body approved by the authority having jurisdiction. The field evaluation body shall meet minimum recognized standards for competency, such as NFPA 790 - Standard for Competency of Third-Party Field Evaluation Bodies, 2012 edition, published by the National Fire Protection Association (NFPA); or (3-20-20)T

**c.** In the case of industrial machinery only, as defined by NFPA 79 - Electrical Standard for Industrial Machinery, 2012 edition, a field evaluation may be performed by a professional engineer currently licensed to practice electrical engineering by the state of Idaho and who is not involved in the design of the equipment being evaluated or the facility in which the equipment is to be installed. (3-20-20)T

**03. Availability of NFPA Standards.** The most recent edition of NFPA 790 - Standard for Competency of Third-Party Field Evaluation Bodies, and NFPA 791 - Recommended Practice and Procedures for Unlabeled Electrical Equipment Evaluation published by the National Fire Protection Association (NFPA) are available at the Division. (3-20-20)T

**401. -- 449. (RESERVED)**

**SUBCHAPTER J – CIVIL PENALTIES**  
**(Rules 450 through 499)**

**450. CIVIL PENALTIES.**

Except for the acts described in Subsections 450.01 and 450.10 of this rule, the acts described in this section shall subject the violator to a civil penalty of not more than two hundred dollars (\$200) for the first offense and not more than one thousand dollars (\$1,000) for each offense that occurs thereafter within one (1) year of an earlier violation. (3-20-20)T

**01. Electrical Contractor.** Except as provided by Section 54-1016, Idaho Code, any person who acts, or purports to act as an electrical contractor, as defined by Section 54-1003A, Idaho Code, without a valid Idaho state electrical contractor's license shall be subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-20-20)T

**02. Employees.** Any person, who knowingly employs a person who does not hold a valid Idaho state electrical license or registration as required by Section 54-1010, Idaho Code, to perform electrical installations. (3-20-20)T

**03. License or Registration.** Except as provided by Section 54-1016, Idaho Code, any person performing electrical work as a journeyman electrician as defined by Section 54-1003A(2), Idaho Code, limited

electrical installer as defined by Section 54-1003A(6), Idaho Code, apprentice electrician as defined by Section 54-1003A(3), Idaho Code, or a limited electrical installer trainee as defined by Section 54-1003A(8), Idaho Code, without a valid license or registration. (3-20-20)T

**04. Journeyman to Apprentice Ratio.** Any electrical contractor or facility account employing electricians in violation of the journeyman to apprentice ratio established by the Board. (3-20-20)T

**05. Supervision.** Any contractor failing to provide constant on-the-job supervision to apprentice electricians or trainees by a qualified journeyman electrician or limited electrical installer. (3-20-20)T

**06. Performance Outside Scope of License.** Any limited electrical contractor or limited electrical installer performing electrical installations, alterations or maintenance outside the scope of the contractor's or installer's limited electrical license. (3-20-20)T

**07. Fees and Permits.** Any person failing to pay applicable fees or properly post an electrical permit. (3-20-20)T

**08. Corrections.** Any person who fails to make corrections in the time allotted in the notice on any electrical installation as set forth in Section 54-1004, Idaho Code. (3-20-20)T

**09. Failure to Disclose.** Any applicant for an electrical registration, license, or certificate of competency who upon request fails to disclose any required information including, but not limited to, their complete licensure history or the fact that they have been previously granted a recognized license. (3-20-20)T

**10. Gross Violation.** In the case of continued, repeated or gross violation of Title 54, Chapter 10, Idaho Code, or these rules, a license revocation shall be initiated for licensees under this chapter and non-licensees shall be subject to prosecution by the appropriate jurisdiction under Idaho law. (3-20-20)T

**451. -- 999. (RESERVED)**



## 07.02.02 – RULES GOVERNING PLUMBING

### 000. LEGAL AUTHORITY.

In accordance with Sections 54-2605(1) and 54-2606(3), Idaho Code, the Idaho Plumbing Board is authorized to make, promulgate, and publish such rules as may be necessary for carrying out the provisions of this act in order to effectuate the purposes thereof and for the orderly and efficient administration thereof, and except as may be limited or prohibited by law and the provisions of this act, such rules so made and promulgated have the force of statute.

(3-20-20)T

### 001. TITLE AND SCOPE.

01. **Title.** IDAPA 07.02.02, “Rules Governing Plumbing.”

(3-20-20)T

02. **Scope.** These rules prescribe criteria for plumbing permits, fee schedules for plumbing permits, inspections of plumbing installations, the issuance of licenses for plumbing installation, adoption and amendment of the Idaho State Plumbing Code, and civil penalties.

(3-20-20)T

### 002. ADMINISTRATIVE APPEALS.

Within ten (10) days of receiving notice of a civil penalty, the notified party shall comply with the penalty or file a written request for an administrative appeal before the Board and pay a bond in the amount of the penalty. Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General,” shall govern administrative appeals and judicial review thereof.

(3-20-20)T

### 003. INCORPORATION BY REFERENCE.

The Idaho State Plumbing Code, 2017 Edition, is incorporated by reference into these rules as further specified in Rule 301.

(3-20-20)T

### 004. -- 006. (RESERVED)

### 007. DEFINITIONS.

01. **Administrator.** The Division of Building Safety Administrator.

(3-20-20)T

02. **Board.** The Idaho State Plumbing Board, created under the provisions of Section 54-2605, Idaho Code.

(3-20-20)T

03. **Division.** The Division of Building Safety of the state of Idaho.

(3-20-20)T

04. **Fixture.** Any water using or waste producing unit attached to the plumbing system, and includes sewers, water treatment equipment, solar systems, sprinkler systems, hot tubs and spas.

(3-20-20)T

### 008. -- 100. (RESERVED)

## SUBCHAPTER A – PLUMBING PERMITS, FEE SCHEDULE, AND SAFETY INSPECTIONS

### (Rule 101 through 103)

### 101. PERMITS.

01. **Serial Number.** Each permit must bear a serial number.

(3-20-20)T

02. **Plumbing Contractors.** Permits will be furnished by the Division to licensed plumbing contractors upon request. Permit serial numbers must be registered in the name of the plumbing contractor and are transferable only as provided herein these rules.

(3-20-20)T

03. **Home Owners.** Home owners making plumbing installations on their own premises under the provisions of Section 54-2602, Idaho Code, must secure a plumbing permit by making application to the Division as provided by Section 54-2620, Idaho Code.

(3-20-20)T

04. **Commercial, Industrial and Others.** The application form must be properly completed, and returned to the Division together with a verified copy of bid acceptance and the proper permit fee as hereinafter provided. Persons, companies, firms, associations, or corporations making plumbing installations, other than on their

own property, must be licensed as a contractor by the state of Idaho as provided by Section 54-2610, Idaho Code. (3-20-20)T

**05. Expiration of Permit.** Every permit expires and becomes null and void if the work authorized by such permit is not commenced within one hundred twenty (120) days from the date of permit issuance, or if work authorized by such permit is suspended or abandoned at any time after work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced, a new permit must first be obtained, and the fee is one-half (1/2) the amount of a new permit for such work; provided, no changes have been made, or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one (1) year. All plumbing fixtures must be listed on the application for permit. (3-20-20)T

**06. Transferring a Permit.** A plumbing permit may be transferred to another eligible party if such party provides to the Division written authorization signed and notarized by the original permit holder consenting to the transfer itself, as well as assignment of all responsibilities and conditions incorporated into the original permit issuance. A permit may be transferred to the owner of the property on which the plumbing work is to be performed and for which the permit was issued, or such owner’s designated legal agent in cases where the property owner has terminated their legal relationship with the plumbing contractor who originally obtained the permit. An administrative fee in the amount of forty-five dollars (\$45) for the transfer of a permit will be assessed by the Division. (3-20-20)T

**07. Refunds of Permits.** (3-20-20)T

**a.** The Administrator may authorize a refund of the entire permit fee paid when no work has been performed related to the installation of plumbing work covered by a permit issued by the Division. A lesser amount up to fifty percent (50%) of the permit fee amount may be refunded if work has commenced and the project is less than fifty percent (50%) complete as determined by the Division; and (3-20-20)T

**b.** The Administrator will not authorize a refund of any permit fee paid except upon written application for such filed by the original permit holder or the property owner’s representative not less than one hundred eighty (180) days after the date the permit was issued. (3-20-20)T

**102. PERMIT FEE SCHEDULE.**

**01. New Residential.** Includes all buildings with plumbing systems being constructed on each property. The following fees shall apply to new residential construction:

<b>One-Family Dwelling</b>	
<b>Square Feet</b>	<b>Fee</b>
Up to 1,500	- \$130
1,501 to 2,500	- \$195
2,501 to 3,500	- \$260
3,501 to 4,500	- \$325
Over 4,500	- \$325 plus \$65 for each additional 1,000 square feet or portion thereof

<b>Two- or Multi-Family Dwelling</b>	
<b>Dwelling</b>	<b>Fee</b>
Two-family dwelling	- \$260

<b>Two- or Multi-Family Dwelling</b>	
<b>Dwelling</b>	<b>Fee</b>
Multi-family dwelling -	130 per Building plus \$65 per Unit

(3-20-20)T

**02. Miscellaneous.** The following fees shall apply for the types of permits listed:

<b>Type</b>	<b>Fee</b>
Existing residential	\$65 per inspection plus \$10 for each additional fixture
Requested inspection	\$65 per hour or portion thereof plus costs of out-of-state travel
Technical service	\$65 per hour or portion thereof
Plan check	
Mobile home, manufactured home, or recreational vehicle park	Calculated under Subsection 102.03 of these rules
Sewer or water service line - nonresidential (new construction, installations, and replacements)	
Reclaimed water system	
Lawn sprinkler system - nonresidential	
Lawn sprinkler system - residential	\$65 per inspection
Sewer or water service line - residential (new construction, installations, and replacements)	
Mobile or manufactured home	
Modular building	
Multipurpose residential fire sprinkler	\$65 or \$4 per fire sprinkler head, whichever is greater
Gray water system	\$130 per inspection

(3-20-20)T

**03. Other Installations Including Industrial and Commercial.** The fees listed in this Subsection shall apply to plumbing installations in this schedule that refer to this Subsection and installations not specifically mentioned elsewhere in this schedule. The plumbing system cost shall be the cost to the owner of labor charges and other costs incurred to complete the installation of plumbing equipment and materials installed as part of the plumbing system. All fees calculated under this Subsection must be based on the total plumbing system cost, which must be listed on the permit.

<b>Plumbing System Cost</b>	<b>Fee</b>
Up to \$10,000 -	\$60 plus 2% of plumbing system cost
\$10,000 to \$100,000 -	\$260 plus 1% of plumbing system cost exceeding \$10,000

Plumbing System Cost	Fee
Over \$100,000	- \$1,160 plus .5% of plumbing system cost exceeding \$100,000

(3-20-20)T

**04. Additional Fees.** A fee of sixty-five dollars (\$65) per hour or portion thereof shall apply to trips to inspect when the permit holder has given notice to the Division of Building Safety that the work is ready for inspection and it is not; (3-20-20)T

- a. If the permit holder has not accurately identified the work location; (3-20-20)T
- b. If the inspector cannot gain access to make the inspection; (3-20-20)T
- c. Corrections required by the inspector as a result of the permit holder improperly responding to a corrective notice. (3-20-20)T
- d. When corrections have not been made in the prescribed time, unless an extension has been requested and granted. (3-20-20)T

**05. No Permit.** Failure to purchase a permit before commencing work may result in the assessment of a double fee. (3-20-20)T

**103. REQUIRED INSPECTIONS.**

**01. Ground Work Inspection Tags.** For ground work to be covered, with acceptance by the inspector. A tag will be attached in a prominent location, preferably to a vertical riser. (3-20-20)T

**02. Rough-In Inspection Tags.** For rough-in, prior to covering or concealing, with acceptance by the inspector. A tag will be placed in a prominent location. (3-20-20)T

**03. Final Inspection Tags.** For final, attached when the plumbing as specified on the permit is complete and conforms to the requirements of the code. (3-20-20)T

**04. Inspection Tags for Unacceptable Plumbing.** Correction Notice - when attached to the plumbing system means that the plumbing is not acceptable and that corrections are required. A reinspection and reinspection fee for such installations shall be required in accordance with this chapter. (3-20-20)T

**104. -- 199. (RESERVED)**

**SUBCHAPTER B – PLUMBING SAFETY LICENSING**  
**(Rule 201 through 210)**

**201. LICENSURE HISTORY.**

An applicant for any plumbing registration or certificate of competency who has been previously licensed as a journeyman or master plumber in any recognized jurisdiction is required upon application to the Division of Building Safety to disclose such licensure history and provide sufficient proof thereof. An applicant for any plumbing registration or certificate of competency who has been previously licensed as a journeyman or master plumber in any recognized jurisdiction will not be issued a plumbing apprentice registration. (3-20-20)T

**202. APPRENTICE REGISTRATION.**

A person wishing to become a plumbing apprentice must register with the Division prior to going to work. All apprentices must pay the registration fee as prescribed by Section 54-2614, Idaho Code. The minimum age for any apprentice must be sixteen (16) years. No examination is required for such registration. In order to maintain registration, the apprentice must renew his registration in accordance with Sections 54-2614 and 54-2614A, Idaho Code. (3-20-20)T

**01. Work Requirements.** A plumbing apprentice must work at the trade under the constant on-the-job supervision of a journeyman and in the employ of a contractor for a total of four (4) years, defined as a minimum of eight thousand (8,000) hours work experience in order to be eligible for a journeyman certificate of competency. (3-20-20)T

**02. Schooling Requirements.** A plumbing apprentice must complete a Board-approved related course of instruction for four (4) years in order to be eligible for a journeyman certificate of competency. Unless prior approval has been granted by the Division the apprentice must complete the required course work sequentially: year one (1) must be completed prior to beginning year two (2); year two (2) must be completed prior to beginning year three (3); and year three (3) must be completed prior to beginning year four (4). A minimum of one hundred forty-four (144) hours of classroom or other Idaho Plumbing Board-approved instruction time per school year is required. A grade average of seventy percent (70%) must be attained in these courses. Upon completion of apprenticeship schooling, the apprentice must obtain a certificate of completion, or a letter signed by the chairman of his apprenticeship committee, and attach the certificate or letter to his application for a journeyman license. (3-20-20)T

**03. Journeyman Examination.** (3-20-20)T

**a.** Any plumbing apprentice who desires to take the written portion of the journeyman examination must complete an Idaho Plumbing Board approved related course of instruction for four (4) years as described in Subsection 202.02 of these rules prior to the date of the exam and provide a certificate of completion with the application for examination. There is no minimum work requirement in order to be eligible to take the written portion of the plumbing journeyman examination. (3-20-20)T

**b.** Successful completion of the journeyman written examination does not eliminate the requirement to complete four (4) years of work experience, defined as eight thousand (8,000) hours, under the constant on-the-job supervision of a journeyman plumber or the practical portion of the examination in order to be issued a journeyman certificate of competency. Successful completion of the written plumbing journeyman examination notwithstanding, no journeyman certificate of competency will be issued until an apprentice successfully completes the practical portion for the examination and furnishes to the Division proof of satisfaction of the work requirements contained in Subsection 011.01 of these rules. Satisfaction of the work requirements contained in Subsection 202.01 of these rules is required before any individual is eligible to take the practical portion of the journeyman examination. (3-20-20)T

## **203. JOURNEYMAN.**

**01. Qualifications for Journeyman Plumber.** An applicant for a journeyman plumber's certificate of competency must have at least four (4) years' experience as an apprentice making plumbing installations under the constant on-the-job supervision of a qualified journeyman plumber, as provided by Section 54-2611, Idaho Code. Pipe fitting will not be accepted as qualifications for a journeyman plumber's certificate of competency. In order to obtain a journeyman certificate of competency, an individual must submit an application for examination and license. The application must be accompanied by proof the applicant has completed an approved course of instruction for four (4) years as provided in Subsection 202.02 of these rules. The journeyman examination may be taken by an individual who has successfully completed a Board-approved course of instruction for four (4) years as described in Subsection 202.03 of these rules. The examination fee is as prescribed by Section 54-2614, Idaho Code, and must accompany the application. (3-20-20)T

**02. Examination.** The journeyman examination grade is based on answers to written questions and practical work performed on plumbing installations as determined by the Division after successful completion of the written examination. Time allowed for the written examination is four (4) hours. A passing grade is required on the written examination. The practical portion of the exam may be performed on a job in-progress or in a laboratory setting and must consist of work performed in either a residential or commercial application. The practical portion of the exam must pass with no violations. (3-20-20)T

**03. Out-of-State Journeyman Applications.** (3-20-20)T

**a.** Exhibition of a license issued by another recognized jurisdiction may be accepted as proof of meeting the experience and schooling requirements listed in Subsections 203.01 and 203.02 of these rules. An

application for a journeyman certificate of competency from an individual previously licensed as a journeyman in another jurisdiction recognized by the Idaho Plumbing Board must include satisfactory proof of licensure in such jurisdiction. The applicant must pay all applicable application and examination fees to the Division, and successfully complete the journeyman examination administered by the Division. (3-20-20)T

**b.** An application for a journeyman certificate of competency from an individual who has never been previously licensed as a journeyman in a jurisdiction recognized by the Board must include evidence that demonstrates that the applicant has four (4) years of plumbing work experience of a nature at least equivalent to that which a plumbing apprentice must perform in Idaho, as well as four (4) years of schooling equivalent to that which a plumbing apprentice must complete in Idaho. Alternatively, such an applicant may submit proof verifying eight (8) years, defined as a minimum of sixteen thousand (16,000) hours of plumbing work experience of a nature at least equivalent to that which a plumbing apprentice must perform in Idaho. Upon submission of sufficient proof of having completed such experience and schooling requirements, such applicant must also pay all applicable application and examination fees to the Division, and successfully complete the journeyman examination administered by the Division. (3-20-20)T

## **204. PLUMBING CONTRACTOR.**

**01. Qualifications for Plumbing Contractor.** A plumbing contractor must be certified as competent by the Idaho Plumbing Board and the administrator of the Division before he offers his service to the public. To obtain the certificate, he must first submit an acceptable application. The applicant must possess an active journeyman plumbing certificate of competency issued by the Division, a provable minimum of two and one-half (2 1/2) years' experience as a licensed journeyman plumber in the state of Idaho, as well as provide payment to the Division for all applicable application and examination fees, and successfully complete the contractor examination administered by the Division. The compliance bond required by Section 54-2606, Idaho Code, is required to be on file with the Division upon successful completion of the examination. The examination fee is as prescribed by Section 54-2614, Idaho Code. (3-20-20)T

### **02. Out-of-State Contractor Applications.** (3-20-20)T

**a.** An applicant for a contractor certificate of competency who has previously been licensed as a journeyman in another jurisdiction recognized by the Idaho Plumbing Board must first obtain an Idaho journeyman certificate of competency in accordance with Section 203 of these rules. Such applicants may provide proof of two and one half (2 1/2) years of experience as a plumbing journeyman by providing satisfactory evidence to the Division of such work history in another recognized jurisdiction. Such applicants must also pay all applicable application and examination fees to the Division, and successfully complete the contractor examination administered by the Division. The compliance bond required by Section 54-2606, Idaho Code, is required to be on file with the Division upon successful completion of the examination. (3-20-20)T

**b.** An applicant for a contractor certificate of competency who has never been previously licensed as a journeyman in a jurisdiction recognized by the Idaho Plumbing Board must first obtain an Idaho journeyman certificate of competency in accordance with Section 203 of these rules. Such applicants must also provide proof of four (4) years of experience performing plumbing work of a nature equivalent to what a journeyman in Idaho must demonstrate to qualify for a contractor certificate of competency. Proof of such work experience may be provided by the submission of three (3) sworn affidavits from individuals attesting to the fact that the applicant has had at least four (4) years' experience performing such work. Alternatively, such an applicant must provide proof of two and one half (2 1/2) years of experience as a journeyman plumber in the state of Idaho. Such applicants must also pay all applicable application and examination fees to the Division, and successfully complete the contractor examination administered by the Division. The compliance bond required by Section 54-2606, Idaho Code, is required to be on file with the Division upon successful completion of the examination. Applications that are incomplete in any detail will be returned as unacceptable, or denied. (3-20-20)T

**03. Restrictive Use of Contractor Certificate.** Any individual holding a contractor certificate and designated by a firm to represent that firm for licensing purposes represents one (1) firm only, and must immediately notify the Division in writing when his working arrangement with that firm has been terminated for purposes of becoming self-employed or affiliation with another firm, or for any other reason. A license holder cannot represent any other person or firm, self-employed or otherwise, than originally stated on his application for license. When a

change is made, he is required to so inform the Division. Otherwise, he is guilty of transferring his license in violation of Section 54-2610, Idaho Code, and is subject to license suspension, revocation, or refusal to renew under Section 54-2608, Idaho Code, or to prosecution under the provisions of Section 54-2628, Idaho Code. (3-20-20)T

**04. Previous Revocation.** Any applicant for a plumbing contractor's license who has previously had his plumbing contractor's license revoked for cause, as provided by Section 54-2608, Idaho Code, is considered as unfit and unqualified to receive a new plumbing contractor's license so long as such cause for revocation is continuing, and of such a nature that correction can be made by the applicant. (3-20-20)T

**05. Reviving an Expired License.** Any applicant for a plumbing contractor's license who has allowed his license to expire and seeks to revive it under the provisions of Section 54-2617, Idaho Code, may be denied a license as unfit and unqualified if, while operating under the license prior to expiration, he violated any of the laws, rules or regulations applicable to plumbing contractors, and such violation is continuing, and of such a nature that corrections can be made by the applicant. (3-20-20)T

**06. Effective Dates.** The effective dates of the compliance bond referred to in Subsection 204.01 of these rules coincide with the effective dates of the contractor's license. Proof of renewal of the compliance bond must be on file with the Division before the contractor can renew or revive his license. (3-20-20)T

**07. Plumbing Contractor's Responsibility.** It is the responsibility of the plumbing contractor to ensure that all his employees working at the plumbing trade are licensed as provided by Idaho Code and these rules. (3-20-20)T

**08. Advertising.** Any person or entity advertising to engage in the business, trade, practice, or work of a plumbing contractor as defined in Section 54-2611, Idaho Code, who does not possess a current and valid plumbing contractor certificate of competency issued by the Division of Building Safety, is in violation of the licensing provisions of Title 54, Chapter 26, Idaho Code. Such conduct is punishable as a misdemeanor as prescribed by Section 54-2628, Idaho Code, and subject to civil penalties in accordance with these rules. (3-20-20)T

**a.** For the purposes of this Section, advertising includes, but is not limited to: newspaper, telephone directory, community flier ads or notices; telephone, television, radio, internet, or door-to-door solicitations. (3-20-20)T

**b.** Any advertising, as defined in Subsection 204.08 of these rules, conducted by those persons or entities with a valid certificate of competency must include the contractor certificate of competency number. (3-20-20)T

**205. APPLICATIONS.**

All applications for licenses must be properly completed giving all pertinent information, and signatures must be notarized. Applications for plumbing contractor's license must be accompanied by a license fee in the amount prescribed by Section 54-2616, Idaho Code. An application for a journeyman license must be accompanied by a license fee in the amount prescribed by Section 54-2616, Idaho Code, and an examination fee as provided by Section 54-2614, Idaho Code. An application for a license must be submitted to the administrator of the Division and must be approved by an authorized representative of the Division before any examination is given and before any license is issued. The provisions of this section do not apply to renewal of licenses. (3-20-20)T

**206. EXAMINATIONS.**

**01. Examinations for Journeyman Plumber.** Written examinations for any journeyman plumber's license are formulated and approved by the Idaho Plumbing Board. Examination questions are based on the practical application of the Uniform Plumbing Code. No certificate of competency will be issued unless the applicant receives a final grade of seventy-five percent (75%) or higher on the written examination and passes the practical portion with no violations, as well as completes the work requirements described in Paragraph 202.03.a. of these rules. An applicant receiving a grade of less than seventy-five percent (75%) may apply for reexamination upon payment of the examination fee. An applicant has six (6) months to achieve a passing score. If an applicant does not achieve a passing score in six (6) months, the applicant must enroll in year four (4) in a, Idaho Plumbing Board-approved related training course, complete year four (4), be registered with the Division as an apprentice, and maintain

registration as per Section 202 of these rules before the applicant will be eligible to apply for examination. A completion certificate for year four (4) and the proper application fee must accompany a new application for a journeyman examination. (3-20-20)T

**02. Frequency of Conducting of Examinations.** Examinations for all classifications under the Plumbing Laws and rules will be given a minimum of four (4) times each year in the Division's three office three (3) locations. (3-20-20)T

**03. Professional Testing Services.** In lieu of the administration by the Idaho Plumbing Board of the examination for licenses pursuant to this rule, the Idaho Plumbing Board may contract with a professional testing service to administer the examination, and require license applicants to pay to the testing service the fee that they have set for the examination and to take such examination at the time set by such service. If the examination is conducted in this fashion, the Idaho Plumbing Board may charge and retain the application fee provided for by Section 54-2616, Idaho Code, to cover the cost of reviewing the applicant's application. (3-20-20)T

**207. CERTIFICATES OF COMPETENCY -- ISSUANCE, RENEWAL, EXPIRATION, REVIVAL -- FEES.**

**01. Issuance.** Certificates of competency will be issued in such a manner as to create a renewal date that coincides with the birthdate of the individual to whom the certificate is issued and allows for renewals every three (3) years. (3-20-20)T

**a.** Certificates of competency will be issued for a period of no less than one (1) year and no more than three (3) years. For example: a qualified applicant who applies for a certificate of competency in August of year one (1) but whose birthday will not occur until March of year two (2) will be issued a certificate of competency renewable on the anniversary of the applicant's birthdate. (3-20-20)T

**b.** The fee for issuance of certificates of competency will be prorated based on the number of months for which it is issued. (3-20-20)T

**02. Renewal.** Certificates of competency will be renewed in such a manner as will achieve a staggered system of certificate renewal using the birthdate of the individual to whom the certificate is issued as the expiration date. (3-20-20)T

**a.** Certificates of competency will be renewed for a period of no less than one (1) year and no more than three (3) years. (3-20-20)T

**b.** The fee for renewal of certificates of competency will be prorated based on the number of months for which it is issued. (3-20-20)T

**c. Continuing Education.** The Idaho Plumbing Board will establish criteria for approval of instruction and instructors and courses and instructors will be approved by the Division of Building Safety. Proof of completion of the following continuing education requirements must be submitted to the Division prior to, or with the application for, licensure renewal by any licensee in order to renew a journeyman or contractors plumbing license. (3-20-20)T

**i.** Journeymen must complete eight (8) hours of continuing education for every three-year license cycle, or complete an exam administered by the Division. Of the required eight (8) hours, four (4) hours must be plumbing code update related and the other four (4) hours may be industry related training. (3-20-20)T

**ii.** Contractors must complete sixteen (16) hours of continuing education for every three-year license cycle. Hours accrued obtaining journeyman education may be applied toward this requirement whenever applicable. (3-20-20)T

**03. Expiration - Revival.** (3-20-20)T

**a.** A certificate that has expired may be revived in accordance with Section 54-2617, Idaho Code by submitting a completed application and meeting all other certification requirements. (3-20-20)T



**b.** Revived certificates will be issued in such a manner as to create a renewal date that coincides with the birthdate of the applicant to achieve a staggered system of renewal. (3-20-20)T

**208. SPECIALTY PLUMBING LICENSES.**

The purpose of this section is to set out the special types of plumbing installations for which a specialty license is required; to set out the minimum experience requirements for such licenses; and to describe the procedure for securing such licenses. (3-20-20)T

**01. Qualified Journeyman Plumbers.** Qualified journeyman plumbers as defined in Section 54-2611(b), Idaho Code, are permitted to make installations as subsequently described herein without securing an additional license for said installation. (3-20-20)T

**02. Minimum Experience Requirements.** (3-20-20)T

**a.** Experience gained by an individual while engaged in the practice of mobile home hook-ups is not considered towards the satisfaction of the minimum experience requirements for licensing as a journeyman plumber. (3-20-20)T

**b.** All installers must be licensed and be in the employ of a licensed plumbing contractor or specialty contractor limited to this category. (3-20-20)T

**03. Mobile Home Set-Up or Installers.** (3-20-20)T

**a.** Any person qualifying for and having in his possession a current license in this category may make the proper connections of sewer and water to existing facilities on site. All material and workmanship must comply with the requirements of the Uniform Plumbing Code. (3-20-20)T

**b.** All installers must be licensed and be in the employ of a licensed plumbing contractor or specialty contractor limited to this category. This specialty license does not permit any extension, alteration, or addition to the plumbing system within the mobile home or the installation of any underground plumbing outside the mobile home. (3-20-20)T

**04. Applications for Specialty Licenses.** Applications for the above specialty licenses may be obtained from the Division of Building Safety. The forms must be returned with the examination fee provided by Section 54-2614, Idaho Code, with proof of the required two (2) years' experience in the field of this specialty. (3-20-20)T

**05. Examinations for Specialty Licenses.** Written examinations for specialty plumbing licenses are formulated from the practical application of the sections of the Uniform Plumbing Code as adopted by the Idaho Plumbing Board under Section 54-2601, Idaho Code. (3-20-20)T

**06. Fees.** Fees for certificates are required in accordance with Section 54-2616, Idaho Code. (3-20-20)T

**209. APPLIANCE PLUMBING SPECIALTY LICENSE.**

The purpose of this section is to set out the special types of plumbing installations for which an appliance plumbing specialty license is required; to set out the minimum experience requirements for such licenses; and to describe the procedure for securing such licenses. (3-20-20)T

**01. Qualified Journeyman Plumbers.** Qualified journeyman plumbers as defined in Section 54-2611(b), Idaho Code, are permitted to make installations as subsequently described herein without securing an additional license for said installation. (3-20-20)T

**02. Qualified Apprentice Plumbers.** Qualified apprentice plumbers as defined in Section 54-2611(c), Idaho Code, are permitted to make installations as subsequently described herein without securing an additional license for said installation. (3-20-20)T

**03. Minimum Experience Requirements.** (3-20-20)T

**a.** Experience gained by an individual while engaged in the practice of appliance plumbing specialty is not considered towards the satisfaction of the minimum experience requirements for licensing as a journeyman plumber. (3-20-20)T

**b.** All qualified appliance plumbing specialty journeymen must be licensed and be in the employ of a licensed plumbing contractor or specialty contractor limited to this category. (3-20-20)T

**c.** Appliance plumbing specialty contractors must have a two thousand dollar (\$2,000) surety bond, thirty (30) months minimum journeyman experience, and successful completion of appliance plumbing specialty contractor's test. (3-20-20)T

**d.** Appliance plumbing specialty journeymen must have eighteen (18) months apprentice on-the-job experience, satisfactory completion of seventy-two (72) hours of Idaho Plumbing Board-approved, related training classes and successful completion of the appliance plumbing specialty journeyman's test. (3-20-20)T

**e.** Appliance plumbing specialty apprentices must be employed by a licensed contractor, under the supervision of a journeyman, be enrolled in or have completed Idaho Plumbing Board-approved related training classes and maintain state registration. (3-20-20)T

**04. Special Grandfathering Provision.** (3-20-20)T

**a.** Contractor: In lieu of the thirty (30) months minimum journeyman experience requirement, an individual may use five (5) years' experience of owning and operating a business where this specialty applies and satisfactory completion of seventy-two (72) hours of Idaho Plumbing Board-approved related training classes. For this purpose, a business is defined as an activity in which tax returns were required to be and have been filed for at least five (5) years. (3-20-20)T

**b.** Journeyman: In lieu of the eighteen (18) months apprentice on-the-job experience requirement, an individual may use five (5) years' experience working for a business where this specialty applies. For this purpose, working for a business is defined as being issued a W-2 earning form from a related business or businesses for at least five (5) years. (3-20-20)T

**05. Applications for Specialty Licenses.** Applications for the above specialty licenses may be obtained from the Division of Building Safety. The forms must be returned with the examination fee provided by Section 54-2614, Idaho Code, with proof of the required experience in the field of this specialty. (3-20-20)T

**06. Examinations for Specialty Licenses.** Written examinations for specialty plumbing licenses are formulated from the practical application of the sections of the Uniform Plumbing Code as adopted by the Idaho Plumbing Board under Section 54-2601, Idaho Code. (3-20-20)T

**07. Fees.** Fees for certificates are required in accordance with Section 54-2616, Idaho Code. (3-20-20)T

**08. Scope of Work Permitted.** Permitted to disconnect, cap, remove, and reinstall within sixty (60) inches of original location: water heating appliance, water treating or filtering devices; air or space temperature modifying equipment which involves potable water; humidifier; temperature and pressure relief valves; condensate drains and indirect drains in one-family and two-family residences only. Does not include installation, testing, or certifying of backflow prevention devices. Does NOT include any modification to the drain, waste or vent systems. Must comply with all Idaho plumbing laws and rules and the requirements of the Uniform Plumbing Code. (3-20-20)T

**210. WATER PUMP PLUMBING SPECIALTY LICENSE.**

The purpose of this section is to set out the special types of plumbing installations for which a water pump plumbing specialty license is required; to set out the minimum experience requirements for such licenses; and to describe the

procedure for securing such licenses. (3-20-20)T

**01. Qualified Journeyman Plumbers.** Qualified journeyman plumbers as defined in Section 54-2611(b), Idaho Code, are permitted to make installations as subsequently described herein without securing an additional license for said installation. (3-20-20)T

**02. Qualified Apprentice Plumbers.** Qualified apprentice plumbers as defined in Section 54-2611(c), Idaho Code, are permitted to make installations as subsequently described herein without securing an additional license for said installation. (3-20-20)T

**03. Minimum Experience Requirements.** (3-20-20)T

**a.** Experience gained by an individual while engaged in the practice of water pump plumbing specialty is not considered towards the satisfaction of the minimum experience requirements for licensing as a journeyman plumber. (3-20-20)T

**b.** All qualified water pump plumbing specialty journeymen must be licensed and be in the employ of a licensed plumbing contractor or specialty contractor limited to this category. (3-20-20)T

**c.** Water pump plumbing specialty contractors must have a two thousand dollars (\$2,000) surety bond, thirty (30) months minimum journeyman experience, and successful completion of water pump plumbing specialty contractor's test. (3-20-20)T

**d.** Water pump specialty journeymen must have eighteen (18) months apprentice on-the-job experience, satisfactory completion of twelve (12) hours of Idaho Plumbing Board-approved, related training classes and successful completion of the water pump plumbing specialty journeyman's test. (3-20-20)T

**e.** Water pump plumbing specialty apprentices must be employed by a licensed contractor, under the supervision of a journeyman, be enrolled in or have completed Idaho Plumbing Board-approved related training classes and maintain state registration. (3-20-20)T

**04. Special Grandfathering Provision.** (3-20-20)T

**a.** Contractor: In lieu of the thirty (30) month minimum journeyman experience requirement, an individual may use three (3) years' experience of owning and operating a business where this specialty applies and satisfactory completion of twenty-four (24) hours of Idaho Plumbing Board-approved related training classes. For this purpose, a business is defined as an activity in which tax returns were required to be and have been filed for at least three (3) years. (3-20-20)T

**b.** Journeyman: In lieu of the eighteen (18) months apprentice on-the-job experience requirement, an individual may use three (3) years' experience working for a business where this specialty applies. For this purpose, working for a business is defined as being issued a W-2 earning form from a related business or businesses for at least three (3) years. (3-20-20)T

**05. Applications for Specialty Licenses.** Applications for the above specialty licenses may be obtained from the Division of Building Safety. The forms must be returned with the examination fee provided by Section 54-2614, Idaho Code, with proof of the required experience in the field of this specialty. (3-20-20)T

**06. Examinations for Specialty Licenses.** Written examinations for specialty plumbing licenses are formulated from the practical application of the sections of the Uniform Plumbing Code as adopted by the Idaho Plumbing Board under Section 54-2601, Idaho Code. (3-20-20)T

**07. Fees.** Fees for certificates are required in accordance with Section 54-2616, Idaho Code. (3-20-20)T

**08. Scope of Work Permitted.** Permitted to install and connect water service piping from pump to storage expansion pressure tank in one (1) and two (2) family residences only. Does not include installation, testing or

certifying of backflow prevention devices. Must comply with all Idaho plumbing laws and rules and the requirements of the Uniform Plumbing Code. (3-20-20)T

**211. -- 300. (RESERVED)**

**SUBCHAPTER C – IDAHO STATE PLUMBING CODE**  
**(Rule 301)**

**301. ADOPTION AND INCORPORATION BY REFERENCE OF THE IDAHO STATE PLUMBING CODE.**

The Idaho State Plumbing Code published in 2017, including Appendices “A, B, C, D, E, G, I, J, K and L,” (herein ISPC) is adopted and incorporated by reference with amendments as prescribed by the Idaho Plumbing Board and contained in this Section. The Idaho State Plumbing Code is modeled after the 2015 Uniform Plumbing Code (UPC). (3-20-20)T

**01. Section 105.3 Testing of Systems.** (3-20-20)T

**a.** Delete and replace the following: Plumbing systems must be tested and approved in accordance with this code or the Authority Having Jurisdiction. Tests may be conducted in the presence of the Authority Having Jurisdiction or the Authority Having Jurisdiction’s duly appointed representative. (3-20-20)T

**b.** No test or inspection is required where a plumbing system, or part thereof, is set up for exhibition purposes and has no connection with a water or drainage system. In cases where it would be impractical to provide the required water or air tests, or the presences of the Authority Having Jurisdiction, or for minor installations and repairs, the Authority Having Jurisdiction, in accordance with procedures established thereby, is permitted to make such inspection as deemed advisable in accordance with the intent of this code. Joints and connections in the plumbing system must be gastight and watertight for the pressures required by the test. (3-20-20)T

**02. Section 218 Definitions.** Delete definition of “Plumbing System.” Incorporate definition of “Plumbing System” as set forth in Section 54-2604, Idaho Code. (3-20-20)T

**03. Section 314.4 Excavations.** Add: Where unsuitable or soft material is encountered, excavate to a depth not less than two (2) pipe diameters below the pipe and replace with select backfill. Such backfill must be sand, fine gravel, or stone and must provide lateral support for the pipe. Where rock is encountered, the trench must be excavated to a minimum depth of six (6) inches (152 mm) below the bottom of the pipe. Sand must be added to provide uniform bedding and support for the pipe. The pipe may not rest on any rock at any point, including joints. (3-20-20)T

**04. Section 401.2 Qualities of Fixtures.** Replace with the following: Plumbing fixtures must be constructed of dense, durable, non-absorbent materials and must have smooth, impervious surfaces, free from unnecessary concealed fouling surfaces. (3-20-20)T

**05. Section 403.3 Exposed Pipes and Surfaces.** Delete. (3-20-20)T

**06. Section 407.4 Transient Public Lavatories.** Self-closing or self-closing metering faucets may be installed on lavatories intended to serve the transient public, such as those in, but not limited to, service stations, train stations, airports, restaurants, convention halls, and rest stops. Installed metered faucets must deliver a maximum of zero point two six (0.26) gallons (one point zero (1.0) liter) of water per use. (3-20-20)T

**07. Section 408.5 Finished Curb or Threshold.** Delete the last sentences of the first paragraph and replace with the following: The finished floor of the receptor must slope uniformly from the sides toward the drain not less than one-eighth (1/8) inch per foot (20.8 mm/m), nor more than one-half (1/2) inch per foot (41.8 mm/m). (3-20-20)T

**08. Section 408.7.5 Tests for Shower Receptors.** Delete. (3-20-20)T

**09. Section 409.4 Limitation of Hot Water in Bathtubs and Whirlpool Bathtubs.** Delete.

(3-20-20)T

**10. Table 501.1(1) First Hour Rating.** Delete Table 501.1(1) and replace with the following:

<b>TABLE 501.1(1) FIRST HOUR RATING1</b>											
Number of Bathrooms	1 to 1.5			2 to 2.5				3 to 3.5			
Number of Bedrooms	1	2	3	2	3	4	5	3	4	5	6
First Hour Rating,2 Gallons	38	49	49	49	62	62	74	62	74	74	74

For SI units: one (1) gallon = 3.785 L

Notes:

1 The first hour rating is found on the “Energy Guide” label.

2 Solar water heaters must be sized to meet the appropriate first hour rating as shown in the table. (3-20-20)T

**11. Section 503.1 Inspection of Chimneys or Vents.** Add the following to the end of section 503.1: Water heating appliances using Category 3 or 4 exhaust venting must be tested in its entirety with five (5) pounds of air for fifteen (15) minutes. Plastic vents must be constructed using manufacturer’s instructions. (3-20-20)T

**12. Section 507.2 Seismic Provisions.** Delete. (3-20-20)T

**13. Section 507.13 Installation in Garages.** Replace 507.13 with the following: Any plumbing appliance or appurtenance in residential garages and in adjacent spaces that open to the garage and are not part of the living space of a dwelling unit must be installed so that burners, burner-ignition devices or other sources of ignition are located not less than eighteen (18) inches (450 mm) above the floor unless listed as flammable vapor ignition resistant. (3-20-20)T

**14. Table 603.2 Backflow Prevention Devices, Assemblies and Methods.** (3-20-20)T

**a.** Delete from the table the entire row related to freeze resistant sanitary yard hydrant devices. (3-20-20)T

**b.** Delete the backflow preventer for Carbonated Beverage Dispensers text from the first column of the table and replace with the following: Backflow preventer for Carbonated Beverage Dispensers (Reduced Pressure Principle Backflow Prevention Assembly). (3-20-20)T

**15. Section 603.5.7 Outlets with Hose Attachments.** Delete and replace with the following: Potable water outlets with hose attachments, other than water heater drains, boiler drains, freeze resistant yard hydrants and clothes washer connections, must be protected by a nonremovable hose bibb-type backflow preventer, a nonremovable hose bibb-type vacuum breaker, or by an atmospheric vacuum breaker installed not less than six (6) inches (one hundred fifty-two (152) mm) above the highest point of usage located on the discharge side of the last valve. In climates where freezing temperatures occur, a listed self-draining frost-proof hose bibb with an integral backflow preventer or vacuum breaker must be used. (3-20-20)T

**16. Section 603.5.12 Beverage Dispensers.** Delete and replace with the following: Potable water supply to, carbonated beverage dispensers must be protected by an air gap or a Reduced Pressure Principle Backflow Prevention Assembly in accordance with ASSE 1013. For carbonated beverage dispensers, piping material installed downstream of the backflow preventer must not be affected by carbon dioxide gas. Potable water supply to beverage dispensers and coffee machines must be protected by an air gap or a vented backflow preventer in accordance with ASSE 1022. (3-20-20)T

**17. Section 603.5.17 Potable Water Outlets and Valves.** Delete. (3-20-20)T

**18. Section 603.5.21 Chemical Dispensers.** Add the following new section 603.5.21: The water supply to chemical dispensers must be protected against backflow. The chemical dispenser must comply with ASSE 1055 or the water supply must be protected by one of the following methods: (3-20-20)T

- a. Air gap; (3-20-20)T
  - b. Atmospheric vacuum breaker (AVB); (3-20-20)T
  - c. Pressure vacuum breaker backflow prevention assembly (PVB); (3-20-20)T
  - d. Spill-resistant pressure vacuum breaker (SVB); or (3-20-20)T
  - e. Reduced-pressure principle backflow prevention assembly (RP). (3-20-20)T
- 19. Section 604.10.1 Tracer Wire.** Add the following exception: Where the electrical wiring for the pump is installed in the same trench as the water line, from the point of origin to the structure, a tracer wire is not required. (3-20-20)T
- 20. Section 605.6.2 Mechanical Joints.** Add to the end of the section the following: Listed PE (polyethylene), one hundred sixty (160) psi minimum, water service and yard piping may be installed within a building (above ground and below ground) with one (1) joint, provided that only listed and approved metallic transition fittings must be used. Polyethylene (PE) plastic pipe or tubing and fitting joining methods must be installed in accordance with the manufacturer's installation instructions. (3-20-20)T
- 21. Section 609.1 Installation.** Delete the following sentence: Building supply yard piping must be not less than twelve (12) inches (305 mm) below the average local frost depth; and replace it with the following: The cover must be not less than forty-two (42) inches (1068mm) below grade. (3-20-20)T
- 22. Section 609.4 Testing.** Deleting the phrase "Except for plastic piping," at the beginning of the third sentence and add the following sentence at the end of the section: Plastic piping is to be tested in accordance with manufacturer's installation standards. (3-20-20)T
- 23. Section 609.10 Water Hammer.** Does not apply to residential construction. (3-20-20)T
- 24. Section 609.11 Pipe Insulation.** Delete. (3-20-20)T
- 25. Table 610.3 and Appendix Table A 103.1.** Change fixture unit loading value for both public and private for bathtub or combination bath/shower, and clothes washers to two (2) fixture units. (3-20-20)T
- 26. Section 610.2 Pressure Loss.** Add the following: All new one (1) and two (2) family residences built slab on grade or that will have a finished basement at the time of final inspection must have a pre-plumbed water softener loop. The kitchen sink must have one (1) hot soft line and one (1) cold soft line and one (1) cold hard line. Exterior cold hose bibbs intended for irrigation purposes must be piped with hard water. (3-20-20)T
- 27. Table 611.4 Sizing of Residential Softeners.** Amend Footnote 3 to read: Over four (4) bathroom groups, softeners must be sized according to the manufacturer's standards. (3-20-20)T
- 28. Section 612.0 Residential Sprinkler System.** Add the following to the end of the first sentence in section 612.1: and the requirements of the Authority Having Jurisdiction (AHJ). (3-20-20)T
- 29. Table 702.1 Drainage Fixture Unit Valves (DFU).** Change fixture unit loading value for clothes washers, domestic for private to two (2) fixture units. (3-20-20)T
- 30. Section 703.1 Minimum Size.** Add the following at the end of section 703.1: No portion of the drainage or vent system installed underground, underground under concrete or below a basement or cellar must be less than two (2) inches in diameter. (3-20-20)T
- 31. Section 704.2 Single Vertical Drainage Pipe.** Two inch (2") and smaller double sanitary tees may be used for back to back or side by side fixture trap arms without increasing the barrel size. (3-20-20)T

32. **Section 704.3 Commercial Sinks.** Delete. (3-20-20)T
33. **Table 703.2 Maximum Unit Loading and Maximum Length of Drainage and Vent Piping.** Change fixture unit loading value for one and a half (1 1/2) inch horizontal drainage to two (2) fixture units. (3-20-20)T
34. **Section 705.5.2 Solvent Cement Joints.** Add to the end of the section the following: PVC DWV may be joined by the use of one-step solvent cement listed or labeled per U.P.C. Section 301.1.1. (3-20-20)T
35. **Section 707.4 Locations.** Add the following: A clean out must be installed for double sanitary tees two (2) inches (50 mm) or less in diameter that receive the discharge from fixture connections. Exception in Section 707.4 does not apply. A full-sized accessible cleanout must be installed in the vertical immediately above the floor or at the base of each waste or soil stack. A full-size cleanout extending to or above finished grade line must be installed at the junction of the building drain and the building sewer. Cleanouts must be installed at fifty (50) foot intervals in horizontal drain lines two (2) inches or smaller. (3-20-20)T
36. **Section 710.3(4) Sewage Ejectors and Pumps.** Add: Exception (4): One (1) pump is permitted for “public use” occupancies provided that such tank receives the discharge of not more than one (1) water closet and ten (10) fixture units (See Section 710.9 Alarms). (3-20-20)T
37. **Section 710.5 Size Building Drains and Sewers.** Add the following exception: In single family dwellings, one (1) fixture unit may be allowed for each gallon per minute of flow from a pump or a sump ejector. (3-20-20)T
38. **Section 712.1 Media.** In the first sentence, delete the phrase “except that plastic pipe must not be tested with air.” (3-20-20)T
39. **Section 717.0 Size of Building Sewers.** Add the following to the end of section 717.1: Exception: The building drain and building sewer is not less than four (4) inches extending from its connection with the city or private sewer system and must run full size to inside the foundation or building lines. (3-20-20)T
40. **Section 723.0 General.** Delete the following sentence: “Plastic DWV piping systems must not be tested by the air test method.” (3-20-20)T
41. **Section 801.3.3 Food Handling Fixtures.** Add: Food preparation sinks, pot sinks, scullery sinks, dishwashing sinks, silverware sinks, commercial dishwashing machines, silverware-washing machines, steam kettles, potato peelers, ice cream dipper wells, and other similar equipment and fixtures must be indirectly connected to the drainage system by means of an air gap. The piping from the equipment to the receptor must not be smaller than the drain on the unit, but it must not be smaller than one (1) inch (twenty-five and four tenths (25.4) mm). (3-20-20)T
42. **Section 805.41 General.** Add to the end of the first paragraph the following: Provisions must be made for the discharge of the water softener to terminate in an approved location. The drain line for a water softener must be three-fourths (3/4) inch minimum. A washer box with a dual outlet is an approved location as long as it is on the same floor or one (1) floor below the softener unit and the water softener drain line is a minimum three-fourths (3/4) inch. (3-20-20)T
43. **Section 807.3 Domestic Dishwashing Machines.** A domestic dishwashing machine may be installed without the use of an airgap if the drain hose is looped to the bottom side of the counter top and secured properly. (3-20-20)T
44. **Section 906.1 Roof Termination.** Delete the existing provision and replace with the following: (3-20-20)T
- a. Roof venting. When conventional roof venting is utilized, each vent pipe or stack must extend through its flashing and terminate vertically not less than six (6) inches (one hundred fifty-two (152) mm) above the roof nor less than one (1) foot (three hundred five (305) mm) from any vertical surface. (3-20-20)T

**b.** Sidewall venting. When sidewall venting is utilized, the vent must extend flush with the eaves/gable end, turn down using a ninety (90) degree ell, and terminate as close to the roof peak as possible. The vent end must be properly screened. Sidewall venting is acceptable on new or remodel construction on cabins, log homes, and residential or commercial buildings. (3-20-20)T

**c.** Sidewall venting must meet the intent of Section 906.2 of the ISPC. (3-20-20)T

**45. Section 908.1 Vertical Wet Venting.** Add to the end of the section the following: A horizontal wet vent may be created provided it is created in a vertical position and all other requirements of Section 908 of the ISPC are met. (3-20-20)T

**46. Section 909.0 Special Venting for Island Fixtures.** Add: Parameters for the limited use of Air Admittance Valves (A.A.V.). (3-20-20)T

**a.** An A.A.V. may be used only in residential buildings. (3-20-20)T

**b.** In remodels, an A.A.V. may be used with island fixtures or remotely located sinks such as in bar, kitchen, or laundry tray locations. An A.A.V. may not be used in bathroom groups. (3-20-20)T

**c.** In new construction, an A.A.V. may be used on island fixture sinks. (3-20-20)T

**d.** Each A.A.V. may be used to vent only one (1) floor. (3-20-20)T

**e.** Each A.A.V. must be readily accessible. (3-20-20)T

**f.** The cross-sectional area of venting must remain the same and must meet the largest required building drain. (3-20-20)T

**g.** An A.A.V. may only be installed in accordance with the manufacturer's installation standards as per ASSE 1051. (3-20-20)T

**h.** An A.A.V. may not be used in an attic, crawl space, outside installation, or in connection with chemical or acid waste systems. (3-20-20)T

**47. Section 1002.3 Change of Direction.** Trap arms may not exceed one hundred eighty (180) degrees of horizontal turn without the use of a cleanout. (3-20-20)T

**48. Section 1007.0 Trap Seal Protection.** Delete section 1007.1 and replace with the following: Floor drains or similar traps directly connected to the drainage system and subject to infrequent use must be protected with a trap seal primer or other approved trap seal protection device, except where not deemed necessary for safety or sanitation by the Authority Having Jurisdiction. Trap seal primers must be accessible for maintenance. (3-20-20)T

**49. Section 1016.1 Discharge.** Add the following to the end of section 1016.1: Floor drains installed in residential garages must be permitted to use the interceptor as the fixture trap. (3-20-20)T

**50. Section 1502.1 General.** Add to this section the following paragraph: Plumbing for a gray water system from any fixture up to, but not to include the exterior irrigation system tank must be inspected by the Authority Having Jurisdiction. The Idaho Department of Environmental Quality (IDEQ) has jurisdiction to inspect and approve the installation of the exterior irrigation system tank and all piping therefrom to the point of disposal in accordance with IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules." Gray water system location and design criteria requirements related to irrigation and leaching is determined in accordance with the requirements as established by the IDEQ. (3-20-20)T

**302. -- 400. (RESERVED)**



**SUBCHAPTER D – CIVIL PENALTIES**  
**(Rule 401)**

**401. CIVIL PENALTIES.**

Except for the acts described in Subsections 401.01 and 401.07 of this rule, the acts described in this section shall subject the violator to a civil penalty of not more than two hundred dollars (\$200) for the first offense and not more than one thousand dollars (\$1,000) for each offense that occurs thereafter. (3-20-20)T

**01. Plumbing Contractor.** Except as provided by Section 54-2602, Idaho Code, any person who acts, or purports to act as a plumbing contractor, as defined by Section 54-2611(a), Idaho Code, without a valid Idaho certificate of competency authorizing him to do so shall be subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and not more than one thousand dollars (\$1,000) for each offense that occurs thereafter. (3-20-20)T

**02. Certification or Registration.** Except as provided by Section 54-2602, Idaho Code, performing plumbing as defined in Section 54-2603, Idaho Code, without an appropriate certificate of competency or registration. (3-20-20)T

**03. Failure to Disclose.** Failure to disclose upon request any required information on an application for a plumbing registration or certificate of competency, including complete licensure history or previous licensure as a journeyman or master plumber in another jurisdiction. (3-20-20)T

**04. Performance Outside Scope of Specialty Certificate.** Performance of any plumbing installation, alteration, or maintenance by a plumbing specialty contractor or specialty journeyman outside the scope of the specialty certificate of competency. (3-20-20)T

**05. Fees, Permits, and Inspections.** Failure to obtain a required permit, pay applicable fees, properly post a plumbing permit, or request an inspection of all pipes, fittings, valves, vents, fixtures, appliances, appurtenances, and water treatment installations or repairs. (3-20-20)T

**06. Corrections.** Failure to make corrections in the time allotted in the notice on any plumbing installation as set forth in Section 54-2625, Idaho Code. (3-20-20)T

**07. Gross Violation.** In the case of continued, repeated or gross violation of Title 54, Chapter 26, Idaho Code, or this chapter, disciplinary action shall be initiated against certificate holders under this chapter or the matter shall be referred for prosecution. (3-20-20)T

**402. -- 999. (RESERVED)**

## 07.03.01 – RULES OF BUILDING SAFETY (BUILDING CODE RULES)

### 000. LEGAL AUTHORITY.

The Idaho Building Code Board of the Division of Building Safety is authorized under Section 39-4107, Idaho Code, to promulgate rules concerning the enforcement and administration of the Idaho Building Code Act. (3-20-20)T

### 001. TITLE AND SCOPE.

01. **Title.** These rules are titled IDAPA 07.03.01, “Rules of Building Safety (Building Code Rules).” (3-20-20)T

02. **Scope.** These rules prescribe the criteria for enforcement and administration of the Idaho Building Code Act by the Idaho Building Code Board and the Division of Building Safety. (3-20-20)T

### 002. -- 003. (RESERVED)

### 004. ADOPTION AND INCORPORATION BY REFERENCE.

Under the provisions of Section 39-4109, Idaho Code, the codes enumerated in this Section are hereby adopted and incorporated by reference into IDAPA 07.03.01, “Rules of Building Safety,” Division of Building Safety. Pursuant to Section 39-4109, Idaho Code, the effective date of any edition of the codes adopted in this Section, or any amendments identified thereto, shall be January 1 of the succeeding year following legislative approval of the rulemaking establishing the edition or amendment. Copies of these documents may be reviewed at the office of the Division of Building Safety. The referenced codes may be obtained from International Code Council, 5360 Workman Mill Road, Whittier, California 90601-2298 or the International Code Council at <http://www.iccsafe.org>. (3-20-20)T

01. **International Building Code.** 2018 Edition with the following amendments: (3-20-20)T

a. Delete Section 305.2.3 and replace with the following: 305.2.3 Twelve (12) or fewer children in a dwelling unit. A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. (3-20-20)T

b. Delete Section 308.2.4 and replace with the following: 308.2.4 Five (5) or fewer persons receiving custodial care. A facility with five (5) or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. (3-20-20)T

c. Delete Section 308.3.2 and replace with the following: 308.3.2 Five (5) or fewer persons receiving medical care. A facility with five (5) or fewer persons receiving medical care shall be classified as a Group R-3 occupancy. (3-20-20)T

d. Delete Section 308.5.4 and replace with the following: 308.5.4 Persons receiving care in a dwelling unit. A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving day care or having five (5) or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. (3-20-20)T

e. Delete Section 310.4 and replace with the following: 310.4 Residential Group R-3. Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4, E or I, including: 1. Buildings that do not contain more than two (2) dwelling units. 2. Care facilities that provide accommodations for five (5) or fewer persons receiving personal care, custodial care or medical care. 3. Congregate living facilities (nontransient) with sixteen (16) or fewer occupants, including boarding houses (nontransient), convents, dormitories, fraternities and sororities, and monasteries. 4. Congregate living facilities (transient) with ten (10) or fewer occupants, including boarding houses (transient). 5. Dwelling units providing day care for twelve (12) or fewer children. 6. Lodging houses (transient) with five (5) or fewer guest rooms and ten (10) or fewer occupants. (3-20-20)T

f. Delete Section 310.4.1 and replace with the following: 310.4.1 Care facilities within a dwelling. Care facilities for twelve (12) or fewer children receiving day care or for five (5) or fewer persons receiving personal care or custodial care that are within a one- or two-family dwelling are permitted to comply with the International Residential Code. (3-20-20)T

g. Delete footnote <sup>e</sup> under Table 2902.1 Minimum Number of Required Plumbing Fixtures and replace with the following: <sup>e</sup> For business occupancies, excluding restaurants, and mercantile occupancies with an

occupant load of thirty (30) or fewer, service sinks shall not be required. (3-20-20)T

**h.** Delete footnote <sup>f</sup> from Table 2902.1 Minimum Number of Required Plumbing Fixtures, add footnote <sup>f</sup> in the header row of the column in Table 2902.1 labeled “Drinking Fountains,” and delete footnote <sup>f</sup> under Table 2902.1 and replace with the following: <sup>f</sup> Drinking fountains are not required for an occupant load of thirty (30) or fewer. (3-20-20)T

**i.** Delete Section 3113.1 and replace with the following: 3113.1 General. The provisions of this Section shall apply to relocatable buildings. Relocatable buildings manufactured after the effective date of this code shall comply with the applicable provisions of this code; title 39, chapter 43, Idaho Code; and IDAPA 07.03.03. Exception: This Section shall not apply to manufactured housing used as dwellings. (3-20-20)T

**02. International Residential Code.** 2018 Edition with the following amendments: (3-20-20)T

**a.** Delete the exception under Section R101.2 Scope, and replace with the following: Exception: The following shall also be permitted to be constructed in accordance with this code: 1. Owner-occupied lodging houses with five (5) or fewer guestrooms and ten (10) or fewer total occupants. 2. A care facility with five (5) or fewer persons receiving custodial care within a dwelling unit or single-family dwelling. 3. A care facility for five (5) or fewer persons receiving personal care that are within a dwelling unit or single-family dwelling. 4. A care facility with twelve (12) or fewer children receiving day care within a dwelling unit or single-family dwelling. (3-20-20)T

**b.** Delete Section R104.10.1 Flood hazard areas. (3-20-20)T

**c.** Delete item number 7 under the “Building” subheading of Section R105.2 Work exempt from permit, and replace with the following: 7. Prefabricated swimming pools that are not greater than four (4) feet (one thousand, two hundred nineteen (1219) mm) deep. (3-20-20)T

**d.** Add the following as item number 11 under the “Building” subheading of Section R105.2 Work exempt from permit: 11. Flag poles. (3-20-20)T

**e.** Delete Section R109.1.3 and replace with the following: R109.1.3 Floodplain inspections. For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, the building official is authorized to require submission of documentation of the elevation of the lowest floor, including basement, required in Section R322. (3-20-20)T

**f.** Delete Section R301.2.1.2 Protection of Openings. (3-20-20)T

**g.** Delete Table R302.1(1) and replace with the following:

**TABLE R302.1(1) - EXTERIOR WALLS**

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour-tested in accordance with ASTM E 119, UL263, or Section 703.3 of the International Building Code with exposure from both sides	< 3 feet
	Not fire-resistance rated	0 hours	≥ 3 feet

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Projections	Fire-resistance rated	1 hour on the underside, or heavy timber, or fire retardant-treated wood <sup>a,b</sup>	≥ 2 feet to < 3 feet
	Not fire-resistance rated	0 hours	≥ 3 feet
Openings in Walls	Not allowed	N/A	< 3 feet
	25% maximum of wall area	0 hours	≥ 3 feet to < 5 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	≥ 3 feet

For SI: 1 foot = 304.8 mm.

N/A = Not Applicable

<sup>a</sup> The fire-resistance rating shall be permitted to be reduced to zero (0) hours on the underside of the eave overhang if fireblocking is provided from the wall top plate to the underside of the roof sheathing.

<sup>b</sup> The fire-resistance rating shall be permitted to be reduced to zero (0) hours on the underside of the rake overhang where gable vent openings are not installed. (3-20-20)T

**h.** Delete Section R302.13 Fire protection of floors. (3-20-20)T

**i.** Delete Section R303.4 and replace with the following: R303.4 Mechanical Ventilation. Dwelling units shall be provided with whole-house mechanical ventilation in accordance with Section M1505.4. (3-20-20)T

**j.** Delete the exception under Section R313.1 Townhouse automatic fire sprinkler systems, and replace with the following: Exception: Automatic residential fire sprinkler systems shall not be required in townhouses where either two (2) one (1)-hour fire-resistance-rated walls or a common two (2)-hour fire-resistance rated wall, as specified in item number 2 of Section R302.2.2 is installed between dwelling units or when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed. (3-20-20)T

**k.** Delete Section R313.2 One- and two-family dwellings automatic fire sprinkler systems. (3-20-20)T

**l.** Delete the exceptions under Section R314.2.2 Alterations, repairs and additions, and replace with the following: Exceptions: 1. Work involving the exterior surfaces of dwellings, such as, but not limited to, replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck or electrical permits, are exempt from the requirements of this section. 2. Installation, alteration or repairs of plumbing or mechanical systems are exempt from the requirements of this section. (3-20-20)T

**m.** Delete the exceptions under Section R315.2.2 Alterations, repairs and additions, and replace with the following: Exceptions: 1. Work involving the exterior surfaces of dwellings, such as, but not limited to, replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck or electrical permits, are exempt from the requirements of this section. 2. Installation, alteration or repairs of noncombustion plumbing or mechanical systems are exempt from the requirements of this section. (3-20-20)T

**n.** Delete Section R322.1.10 As-built elevation documentation. (3-20-20)T

**o.** Delete Section R322.2.1 and replace with the following: R322.2.1 Elevation requirements. 1. Buildings and structures in flood hazard areas, including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation. 2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floors (including basement) elevated to a height above the highest adjacent grade

of not less than the depth number specified in feet (mm) on the FIRM, or not less than two (2) feet (610 mm) if a depth number is not specified. 3. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation. Exception: Enclosed areas below the design flood elevation, including basements with floors that are not below grade on all sides, shall meet the requirements of Section R322.2.2. (3-20-20)T

**p.** Delete subparagraph 2.1 of Section R322.2.2 Enclosed area below design flood elevation, and replace with the following: 2.1. The total net area of all openings shall be at least one (1) square inch (645 mm<sup>2</sup>) for each square foot (0.093 m<sup>2</sup>) of enclosed area, or the opening shall be designed and the construction documents shall include a statement that the design and installation of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing the automatic entry and exit of floodwaters. (3-20-20)T

**q.** Delete Tables R403 Minimum Depth (D) and Width (W) of Crushed Stone Footings (inches), R403.1(1) Minimum Width and Thickness for Concrete Footings for Light-Frame Construction (inches), R403.1(2) Minimum Width and Thickness for Concrete Footings for Light-Frame Construction and Brick Veneer (inches), and R403.1(3) Minimum Width and Thickness for Concrete Footings with Cast-In-Place or Fully Grouted Masonry Wall Construction (inches). (3-20-20)T

**r.** Add the following as Table R403.1:

**TABLE R403.1**  
**MINIMUM WIDTH OF CONCRETE, PRECAST, OR MASONRY FOOTINGS (inches)<sup>a</sup>**

	LOAD-BEARING VALUE OF SOIL (psf)			
	1,500	2,000	3,000	≥ 4,000
<b>Conventional light-frame construction</b>				
1-Story	12	12	12	12
2-Story	15	12	12	12
3-Story	23	17	12	12
<b>4-inch brick veneer over light frame or 8-inch hollow concrete masonry</b>				
1-Story	12	12	12	12
2-Story	21	16	12	12
3-Story	32	24	16	12
<b>8-inch solid or fully grouted masonry</b>				
1-Story	16	12	12	12
2-Story	29	21	14	12
3-Story	42	32	21	16

For SI: 1 inch = 25.4 mm, 1 pound per square foot = 0.0479 kPa.

<sup>a</sup>Where minimum footing width is twelve (12) inches, use of a single wythe of solid or fully grouted twelve (12)-inch nominal concrete masonry units is permitted. (3-20-20)T

**s.** Delete Section R403.1.1 and replace with the following: R403.1.1 Minimum size. Minimum sizes for concrete and masonry footings shall be as set forth in Table R403.1 and Figure R403.1(1). The footing width (W) shall be based on the load bearing value of the soil in accordance with Table R401.4.1. Spread footings shall be at least six (6) inches in thickness (T). Footing projections (P) shall be at least two (2) inches and shall not exceed the thickness of the footing. The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1. Footings for wood foundations shall be in accordance

with the details set forth in Section R403.2 and Figures R403.1(2) and R403.1(3). (3-20-20)T

**t.** Delete Section R602.10 and replace with the following: R602.10 Wall bracing. Buildings shall be braced in accordance with this Section or, when applicable Section R602.12, or the most current edition of APA System Report SR-102 as an alternate method. Where a building, or portion thereof, does not comply with one (1) or more of the bracing requirements in this Section, those portions shall be designed and constructed in accordance with Section R301.1. (3-20-20)T

**03. International Existing Building Code.** 2018 Edition. (3-20-20)T

**04. International Energy Conservation Code.** 2018 Edition with the following amendments: (3-20-20)T

**a.** Add the following as Section C101.5.2: C101.5.2 Industrial, electronic, and manufacturing equipment. Buildings or portions thereof that are heated or cooled exclusively to maintain the required operating temperature of industrial, electronic, or manufacturing equipment shall be exempt from the provisions of this code. Such buildings or portions thereof shall be separated from connected conditioned space by building thermal envelope assemblies complying with this code. (3-20-20)T

**b.** Add the following as an exception under Section C402.5 Air leakage—thermal envelope (Mandatory): Exception: For buildings having over fifty thousand (50,000) square feet of conditioned floor area, air leakage testing shall be permitted to be conducted on less than the whole building, provided the following portions of the building are tested and their measured air leakage is area-weighted by the surface areas of the building envelope: 1. The entire floor area of all stories that have any spaces directly under a roof. 2. The entire floor area of all stories that have a building entrance or loading dock. 3. Representative above-grade wall sections of the building totaling at least twenty-five percent (25%) of the above-grade wall area enclosing the remaining conditioned space. Floor area tested under subparagraphs 1. or 2. of this exception shall not be included in the twenty-five percent (25%) of above-grade wall sections tested under this subparagraph. (3-20-20)T

**c.** Add the following as exception number 7 under Section C403.5 Economizers (Prescriptive): 7. Unusual outdoor air contaminate conditions – Systems where special outside air filtration and treatment for the reduction and treatment of unusual outdoor contaminants, makes an air economizer infeasible. (3-20-20)T

**d.** Delete Table C404.5.1 and replace with the following:

<b>TABLE C404.5.1</b>			
<b>PIPING VOLUME AND MAXIMUM PIPING LENGTHS</b>			
<b>NOMINAL PIPE SIZE (inches)</b>	<b>VOLUME (liquid ounces per foot length)</b>	<b>MAXIMUM PIPING LENGTH (feet)</b>	
		<b>Public lavatory faucets</b>	<b>Other fixtures and appliances</b>
1/4	0.33	31	50
5/16	0.5	N/A - non-standard size	50
3/8	0.75	17	50
1/2	1.5	10	43

TABLE C404.5.1 PIPING VOLUME AND MAXIMUM PIPING LENGTHS			
NOMINAL PIPE SIZE (inches)	VOLUME (liquid ounces per foot length)	MAXIMUM PIPING LENGTH (feet)	
		Public lavatory faucets	Other fixtures and appliances
5/8	2	7	32
3/4	3	5	21
7/8	4	N/A - non-standard size	16
1	5	3	13
1 1/4	8	2	8
1 1/2	11	1	6
2 or larger	18	1	4

For SI: 1 inch = 25.4 mm; 1 foot = 304.8 mm; 1 liquid ounce = 0.030 L; 1 gallon = 128 ounces. (3-20-20)T

e. Delete the rows in Table R402.1.2 for climate zones “5 and Marine 4” and “6” and replace with the following:

TABLE R402.1.2 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT <sup>a</sup>										
Climate Zone	Fenestration U-Factor <sup>b</sup>	Skylight U-factor <sup>b</sup>	Glazed Fenestration SHGC <sup>b, c</sup>	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value <sup>i</sup>	Floor R-Value	Basement <sup>c</sup> Wall R-Value	Slab <sup>d</sup> R-Value & Depth	Crawlspace <sup>c</sup> Wall R-Value
5	0.32	0.55	NR	38	20 or 13+5 <sup>h</sup>	13/17	30 <sup>g</sup>	15/19	10, 2 ft	15/19
6	0.30	0.55	NR	49	22 or 13+5 <sup>h</sup>	15/20	30 <sup>g</sup>	15/19	10, 4 ft	15/19

(3-20-20)T

f. Add the following as footnote <sup>k</sup> to the title of Table R402.1.2 - Insulation and Fenestration Requirements by Component: <sup>k</sup> For residential log home building thermal envelope construction requirements see Section R402.6. (3-20-20)T

**g.** Delete the rows in Table R402.1.4 for climate zones “5 and Marine 4” and “6” and replace with the following:

<b>TABLE R402.1.4</b>								
<b>EQUIVALENT U-FACTORS <sup>a</sup></b>								
<b>Climate Zone</b>	<b>Fenestration U-factor</b>	<b>Skylight U-factor</b>	<b>Ceiling U-factor</b>	<b>Frame Wall U-factor</b>	<b>Mass Wall U-factor<sup>b</sup></b>	<b>Floor U-factor</b>	<b>Basement Wall U-factor</b>	<b>Crawlspace Wall U-factor</b>
5	0.32	0.55	0.030	0.060	0.082	0.033	0.050	0.055
6	0.30	0.55	0.026	0.057	0.060	0.033	0.050	0.055

(3-20-20)T

**h.** Delete Section R402.4.1 and replace with the following: R402.4.1 Building thermal envelope. 1. Until June 30, 2021, the building thermal envelope shall comply with Sections R402.4.1.1 (Installation) and either Section R402.4.1.2 (Testing) or Section R402.4.1.3 (Visual inspection). 2. Effective July 1, 2021, the building thermal envelope of a minimum of twenty percent (20%) of all new single-family homes constructed by each builder shall comply with Section R402.4.1.1 (Installation) and Section R402.4.1.2 (Testing). The authority having jurisdiction may: 2.1. Determine how to enforce this requirement, starting with the fifth house and continuing with each subsequent fifth house. 2.2. Waive this requirement if significant testing indicates the five (5) air changes per hour (ACH) requirement is consistently being met or exceeded (resulting in a lower ACH). 2.3. Grant exceptions to this requirement in rural areas where testing equipment is not available or cost effective. 3. Effective July 1, 2021, the building thermal envelope of eighty percent (80%) of all new single-family homes constructed by each builder shall comply with Section R402.4.1.1 (Installation) and either Section R402.4.1.2 (Testing) or Section R402.4.1.3 (Visual inspection). 4. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. (3-20-20)T

**i.** Delete Section R402.4.1.1 and replace with the following: R402.4.1.1 Installation. The components of the building thermal envelope as listed in Table R402.4.1.1 shall be installed in accordance with the manufacturer’s instructions and the criteria listed in Table R402.4.1.1, as applicable to the method of construction. (3-20-20)T

**j.** Delete Section R402.4.1.2 and replace with the following: R402.4.1.2 Testing. Testing building envelope tightness and insulation installation shall be considered acceptable when tested air leakage is less than five (5) air changes per hour (ACH) when tested with a blower door at a pressure of 33.5 psf (50 Pa). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances. Testing shall be conducted in accordance with RESNET/ICC 380, ASTM E 779 or ASTM E 1827 and reported at a pressure of 0.2-inch w.g. (50 Pascals). During testing: 1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed. 2. Dampers shall be closed, but not sealed, including exhaust, intake, makeup air, backdraft and flue dampers. 3. Interior doors shall be open. 4. Exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed. 5. Heating and cooling system(s) shall be turned off. 6. HVAC ducts shall not be sealed. 7. Supply and return registers shall not be sealed. (3-20-20)T

**k.** Add the following as Section R402.4.1.3: R402.4.1.3 Visual inspection. Building envelope tightness and insulation installation shall be considered acceptable when the items listed in Table R402.4.1.1, applicable to the method of construction, are field verified. Where required by code official an approved party independent from the installer of the insulation shall inspect the air barrier and insulation. (3-20-20)T

**l.** Add the following as Section R402.6: R402.6 Residential log home thermal envelope. Residential log home construction shall comply with Section R401 (General), Section R402.4 (Air leakage), Section R402.5 (Maximum fenestration U-factor and SHGC), Section R403.1 (Controls), the mandatory sections of Sections R403.3 through R403.9, Section R404 (Electrical Power and Lighting Systems), and either 1., 2., or 3. as follows: 1. Sections R402.2 through R402.3, Section R403.3.1 (Insulation), Section R404.1 (Lightning equipment), and Table R402.6



(Log Home Prescriptive Thermal Envelope Requirements by Component). 2. Section R405 (Simulated Performance Alternative). 3. REScheck (U.S. Department of Energy Building Codes Program). (3-20-20)T

**m.** Add the following as Table R402.6:

<b>TABLE R402.6</b>									
<b>LOG HOME PRESCRIPTIVE THERMAL ENVELOPE REQUIREMENTS BY COMPONENT</b>									
For SI: 1 foot = 304.8 mm.									
Climate Zone	Fenestration U-factor <sup>a</sup>	Skylight U-factor	Glazed Fenestration SHGC	Ceiling R-value	Min. Average Log Size In Inches	Floor R-value	Basement Wall R-value <sup>d</sup>	Slab R-value & Depth <sup>b</sup>	Crawl Space Wall R-value <sup>d</sup>
5, 6 - High efficiency equipment path <sup>c</sup>	0.32	0.60	NR	49	5	30	15/19	10, 4 ft.	10/13
5	0.32	0.60	NR	49	8	30	10/13	10, 2 ft.	10/13
6	0.30	0.60	NR	49	8	30	15/19	10, 4 ft.	10/13

<sup>a</sup>The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

<sup>b</sup>R-5 shall be added to the required slab edge R-values for heated slabs.

<sup>c</sup>90% AFUE natural gas or propane, 84% AFUE oil, or 15 SEER heat pump heating equipment (zonal electric resistance heating equipment such as electric base board electric resistance heating equipment as the sole source for heating is considered compliant with the high efficiency equipment path).

<sup>d</sup>“15/19” means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. “15/19” shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. “10/13” means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.

(3-20-20)T

**n.** Delete Section R403.5.3 and replace with the following: R403.5.3 Hot water pipe insulation (Prescriptive). Insulation for hot water piping with a thermal resistance, R-value, of not less than R-3 shall be applied to the following: 1. Piping serving more than one (1) dwelling unit. 2. Piping located outside the conditioned space. 3. Piping located under a floor slab. 4. Buried piping. 5. Supply and return piping in recirculation systems other than demand recirculation systems. (3-20-20)T

**o.** Delete Section R404.1 and replace with the following: R404.1 Lighting equipment (Mandatory). A minimum of seventy-five percent (75%) of the lamps in permanently installed lighting fixtures shall be high-efficacy lamps or a minimum of seventy-five percent (75%) of the permanently installed lighting fixtures shall contain only high efficacy lamps. (3-20-20)T

**p.** Delete Section R406.3 and replace with the following: R406.3 Energy Rating Index. The Energy Rating Index (ERI) shall be determined in accordance with RESNET/ICC 301. Energy used to recharge or refuel a vehicle used for transportation on roads that are not on the building site shall not be included in the ERI reference design or the rated design. (3-20-20)T

- q. Delete Table R406.4 and replace with the following:

**Table R406.4 - Maximum Energy Rating Index**

Climate Zone	Energy Rating Index <sup>a</sup>
5	68
6	68

<sup>a</sup> Where on-site renewable energy is included for compliance using the ERI analysis of Section R406.4, the building shall meet the mandatory requirements of Section R406.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table R402.1.2 or Table R402.1.4 of the 2015 International Energy Conservation Code. (3-20-20)T

**05. References to Other Codes.** Where any provisions of the codes that are adopted in this Section make reference to other construction and safety-related model codes or standards which have not been adopted by the involved authority having jurisdiction, to the extent possible, such reference should be construed as pertaining to the equivalent code or standard that has been duly adopted by such jurisdiction. (3-20-20)T

**005. -- 025. (RESERVED)**

**026. DEFINITIONS.**

The terms defined in this section have the following meaning for all parts of this chapter, unless the context clearly indicates another meaning: (3-20-20)T

**01. Act.** The Idaho Building Code Act, Title 39, Chapter 41, Idaho Code. (3-20-20)T

**02. Administrator.** The administrator of the Division of Building Safety for the state of Idaho. (3-20-20)T

**03. Alterations or Conversions of Modular Buildings and Commercial Coaches.** Any change from the approved plans or installation instructions which would affect the structural, mechanical, electrical or plumbing systems of modular buildings or commercial coaches bearing a Division insignia of approval and includes the replacement, addition, modification or removal of any structural member, plumbing, heat-producing or electrical equipment, or installation which may affect such systems prior to first occupancy. Any such alteration or conversion shall first be approved by testing and inspection in the same manner as original systems or component parts. The following do not constitute alteration or conversion: (3-20-20)T

**a.** Repairs with approved replacement parts; (3-20-20)T

**b.** Conversion of listed fuel-burning appliances in accordance with the terms of their listing; (3-20-20)T

**c.** Replacement of equipment and appliances in kind; (3-20-20)T

**d.** Adjustment and maintenance of equipment. (3-20-20)T

**04. Alterations to Manufactured Homes.** The replacement, addition, and modification, or removal of any equipment or installation after sale by a manufacturer to a dealer but prior to sale by a dealer to a purchaser which may affect the construction, fire safety, occupancy, plumbing, heat-producing or electrical system. It includes any modification made in a manufactured home which may affect the compliance of the home with the standards, but it does not include the repair or replacement of a component or appliance “plug-in” to an electrical receptacle where the replaced item is of the same configuration and rating as the one being replaced. It also does not include the addition of an appliance requiring “plug-in” to an electrical receptacle, which appliance was not provided with the manufactured home by the manufacturer, if the rating of the appliance does not exceed the rating of the receptacle to which it is connected. (3-20-20)T

- Code. **05. Board.** The Idaho Building Code Board created under the provisions of Title 39, Chapter 41, Idaho Code. (3-20-20)T
- 06. Commercial Coach.** In order to further clarify the definition of “commercial coach” as cited in Section 39-4105(5), Idaho Code, the phrase “made so as to be readily movable as a unit on its own running gear” means that the running gear shall be a permanent part of the unit and not intended to be removed or replaced, and such modular structure is used for commercial purposes. (3-20-20)T
- 07. Division.** The Division of Building Safety of the state of Idaho. (3-20-20)T
- 08. Equipment.** All equipment, materials, appliances, devices, fixtures, fittings or accessories installed in the manufacture and assembly of modular buildings. (3-20-20)T
- 09. Field Technical Service.** Interpretation and clarification of the technical data relating to the application of these rules, but not including inspection. (3-20-20)T
- 10. First Purchaser.** The first purchaser of a commercial coach for other than resale. (3-20-20)T
- 11. Insignia.** A label, tab or tag issued by the Division to indicate compliance with the codes, standards, rules and regulations established for manufactured building systems, subsystems, or building elements, modular buildings, and commercial coaches. (3-20-20)T
- 12. Labeled.** Equipment or other building components bearing a label or other approved marking authorized or issued for use by a recognized testing/listing or evaluation agency. (3-20-20)T
- 13. Listed.** Equipment or other building components included within a current list published by a recognized testing/listing agency that maintains periodic inspection on current production of listed equipment or other building components and whose listing states either that the equipment or component complies with recognized standards or has been tested and determined to be suitable for the use intended. (3-20-20)T
- 14. Listing Agency.** A person, firm, association, partnership or corporation which is in the business of listing or labeling and which maintains a periodic inspection program on current production of listed materials, and which makes available, not less frequently than annually, a published report of such listing in which specific information is included that the product has been tested to nationally approved standards and found safe for use in a specified manner. (3-20-20)T
- 15. Minor Alteration.** The following definition is used for the purpose of administering annual permits. (3-20-20)T
- a.** Minor alterations shall include, but are not limited to, the following: partition walls constructed within a defined room; relocation of or existing openings or installation of new doors and windows in non-load bearing walls and not in construction meant to compartmentalize fire; window replacement in unaltered existing openings; roof repairs involving installation of less than one hundred (100) square feet of new roof covering; and new suspended ceilings that are not part of a required fire resistive assembly. (3-20-20)T
- b.** Minor alterations shall not include: work that alters the fire resistive characteristics of the building or fire suppression systems; work that creates new openings in construction meant to compartmentalize fire such as fire walls, fire barriers, fire partitions, smoke barriers, smoke partitions, horizontal assemblies, shaft enclosures, stair enclosures; work that increases the floor area or height of the building; work that changes the structural load path of the building for gravity or horizontal loads; work that reduces the thermal resistant capacity of the building envelop; changes in the occupancy classification of the building or space; increases in the floor loads. (3-20-20)T
- 16. Model.** As referred to in Section 39-4113(3), Idaho Code, for modular buildings and commercial coaches shall mean a specific outside dimension and floor plan with specific structural, plumbing, electrical, and mechanical systems as designated by the manufacturer to be the standard for imitation reproduction. (3-20-20)T

- 17. Testing/Listing Agency.** A person, firm, association, partnership or corporation that is: (3-20-20)T
- a.** In the business of testing equipment or other building components; and (3-20-20)T
  - b.** Recognized by the Division as being qualified and equipped to conduct experimental testing in accordance with recognized standards; and (3-20-20)T
  - c.** Not under the jurisdiction or control of any single manufacturer or supplier for an affected industry; and (3-20-20)T
  - d.** Making available, not less frequently than annually, a published report in which specific information is included stating that the equipment and systems have been tested and found safe for use in a specified manner. (3-20-20)T

**18. Transit Damage.** Application to manufactured home means that damage encountered en route from the place of manufacture to the dealer or first owner involving structural integrity or any repair that does not result in return to the same construction or assembly as specified in the manufacturer's design approval without additional reinforcement or change. (3-20-20)T

**19. State Buildings.** All buildings to be constructed, altered, or repaired by or for any state of Idaho agency or entity, without regard to purpose, occupancy, or the source of funding for such construction, alteration, or repair. (3-20-20)T

**20. Running Gear.** Springs, spring hangers, axles, bearings, wheels, brakes, rims and tires and their related hardware. (3-20-20)T

**21. Substantially Prefabricated or Assembled.** The module or major portion of modular buildings or commercial coaches assembled in such manner that all portions may not be inspected without disassembly or destruction of the part. (3-20-20)T

**22. Systems Plan.** A design plan concept that allows the interchanging of various approved construction systems to include structural, electrical, plumbing, and mechanical aspects of the system. (3-20-20)T

**23. Technical Service.** Conducting research, evaluation, consultation, model and systems plan reviews, interpretation and clarification by the Division of technical data relating to the application of these rules, and also includes special field inspections that are not covered in other portions of these rules. (3-20-20)T

**027. PERMITS.**

**01. Building Permits.** Building permits shall be obtained from the Division prior to the construction of structures governed by the act or rules promulgated by the Board. (3-20-20)T

**02. Annual Permit.** In lieu of an individual permit for each minor alteration to an already approved building, the Division may issue an annual permit upon application therefor to any state agency or state governmental organization regularly employing one (1) or more qualified trade persons in the building, structure or on the premises or campus owned or operated by the applicant for the permit. The agency to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The Division shall be allowed access to such records at all times or such records shall be filed with the Division as designated. The permit holder shall request inspections and make the work accessible for inspection as required by the adopted codes and this rule. (3-20-20)T

**028. PLAN REVIEW.**

**01. Jurisdiction.** The Division shall have exclusive jurisdiction and authority to conduct plan reviews of the construction, additions, repairs, and occupancy of all state buildings of any agency of government at the state level for any purposes or occupancy regardless of the source of funding for such construction, addition, repair, or occupancy. (3-20-20)T

**02. Plans Specifications.** Construction documents shall be dimensioned and drawn upon suitable material. Plans may be submitted electronically or in digital format as approved by the Division. Drawing format shall be equivalent to the paper format. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that the installations will conform to the provisions of the building code and applicable laws, rules, and policies of the Division. (3-20-20)T

**03. Plans Not Required.** Plans are not required for group U occupancies of Type V conventional light-frame wood construction. (3-20-20)T

**04. Addenda and Change Orders.** (3-20-20)T

**a.** Documents enforcing changes or modifications. Addenda, contract change orders, changes-in-work requests, and other similar written documents enforcing changes or modifications to plans or specifications, already approved by the Division, which addenda, change orders, or change-in-work requests deal with structural or fire resistance changes, or such other changes affecting code conformance, shall be submitted to the Division for approval. The use of the terms “addenda,” “change orders,” and “changes-in-work requests” are not be limited exclusively to such phraseology, but may include such other language used in the professions which essentially have the same meaning. (3-20-20)T

**b.** Application provisions. The provisions of this Section apply to that work which will be accomplished. (3-20-20)T

**029. FEES.** The following fees apply to the functions cited: (3-20-20)T

**01. Document Fees.** (3-20-20)T

**a.** Reasonable and suitable fees necessary for copies of any record, plan approval, permit, map, sketch, drawing or other instrument. (3-20-20)T

**b.** Charges for copies of separate published documents will be actual cost to the Division plus postage. (3-20-20)T

**02. Technical Service Fee.** One hundred dollars (\$100) per hour. (3-20-20)T

**03. Modular Building and Commercial Coaches Fees.** Other than as herein specified in this Section, the fee schedule for modular buildings and commercial coaches are as provided herein in Table 1-A, and such fees are based on the Freight On Board (FOB) cost to the dealer at the point of manufacture. (3-20-20)T

**04. Insignia Tag Fee.** In instances where building permit fees are not charged for modular buildings, a one hundred dollar (\$100) fee will be charged for an insignia. (3-20-20)T

**05. Building Permit Fees.** The building permit fee for each permit are established in the following table. The determination of value or valuation will be made by the administrator and includes the total value of all construction work for which a permit is issued.

<b>TABLE 1-A - BUILDING PERMIT FEES</b>	
<b>Total Valuation</b>	<b>Fee</b>
\$1 to \$500	= \$23.50
\$501 to \$2,000	= \$23.50 for the first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	= \$69.25 for the first \$2,000 plus \$14 for each additional \$1,000, or fraction thereof, to and including \$25,000

<b>TABLE 1-A - BUILDING PERMIT FEES</b>	
<b>Total Valuation</b>	<b>Fee</b>
\$25,001 to \$50,000	= \$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	= \$643.75 for the first \$50,000 plus \$7 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	= \$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	= \$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 to \$5,000,000	= \$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000, or fraction thereof, to and including \$5,000,000
\$5,000,001 to \$10,000,000	= \$20,208.75 for the first \$5,000,000 plus \$2.75 for each additional \$1,000, or fraction thereof, to and including \$10,000,000
\$10,000,001 and up	= \$33,958.75 for the first \$10,000,000 plus \$2 for each additional \$1,000, or fraction thereof

(3-20-20)T

**06. Fees for Annual Permits.** A fee for inspections performed on annual permits shall be charged at the rate of one hundred dollars (\$100) per hour. The Division shall bill the applicant for annual permits and failure of the applicant to pay the fee within sixty (60) days may result in cancellation of the annual permit. (3-20-20)T

**07. Plan Review Fees.** Plan review fees shall be charged at an hourly rate of one hundred dollars (\$100) per hour up to a maximum of sixty-five percent (65%) of the calculated building permit fee with a minimum required fee of forty percent (40%) of the calculated building permit fee. All requests for plan review services shall at such time be accompanied by a payment in the amount of at least forty percent (40%) of the calculated building permit fee. Upon completion of the plan review, any additional fees, above the minimum required, are due to the Division by the requesting party. (3-20-20)T

**08. Refund of Plan Review Fees.** Plan review fees are non-refundable. (3-20-20)T

**09. Refund of Permit Fees.** The Administrator may authorize a refund of any permit fee paid which was erroneously paid or collected. The Administrator may authorize a refund of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with these rules. The Administrator may not authorize a refund of any permit fee paid except upon written application filed by the original applicant not later than one hundred eighty (180) days after the date of permit issuance. (3-20-20)T

**030. RIGHT OF ENTRY.**

Whenever necessary to make an inspection to enforce any of the provisions of Title 39, Chapters 40 and 41, Idaho Code, or whenever the administrator or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises unsafe, the administrator or his authorized representative shall enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Division by Title 39, Chapters 40 and 41, Idaho Code; provided that if such building or premises is occupied, he shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the administrator shall have recourse to every remedy provided by law to secure entry. (3-20-20)T

**031. WORK PROCEEDING WITHOUT PERMIT OR APPROVAL.**

Where any work for which a permit or approval, to include plan or system approval, is required by these rules, or by

the codes enumerated in Title 39, Chapter 41, Idaho Code, is started or proceeded prior to obtaining said approval or permit, and after notice to such person doing or causing such work to be done, and such person continues or causes to continue such work, the fees specified in these rules shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of Title 39, Chapters 40 or 41, or both, Idaho Code, or these rules in the execution of the work nor from any other penalties prescribed by law. (3-20-20)T

**032. STOP WORK ORDERS.**

Whenever any work is being done contrary to any provisions of the codes enumerated in Title 39, Chapters 40 or 41, or both, Idaho Code, or contrary to these rules, the administrator or his authorized representative may order the work stopped by notice in writing to any persons engaged in such work, and any such persons shall forthwith stop such work until authorized by the administrator or his representative to proceed with the work. Stop work orders shall be accompanied by a notice of violation that states the specific violation and code reference. (3-20-20)T

**033. PROHIBITED SALE OR OCCUPANCY NOTICE.**

Whenever any mobile/manufactured home, commercial coach or other modular building is in violation of any of the provisions of Title 39, Chapter 40 or 41, or both, Idaho Code, or these rules, the administrator may prohibit the sale or occupancy of such building. Prohibited sale or occupancy notices shall be removed only on authority of the administrator or his authorized representative. (3-20-20)T

**034. REMOVAL OF ORDERS AND NOTICES; SALE, RENT, LEASE OR OCCUPANCY OF A UNIT BEARING SUCH ORDER OR NOTICE.**

Removal of stop work orders, prohibited sale or occupancy notices, or the sale, rent, lease or occupancy of a building or structure, bearing such order or notice by any person not authorized by the administrator or his authorized representative, constitutes a violation under the provisions of Section 39-4126, Idaho Code, and falls under the provisions of Section 18-317, Idaho Code. (3-20-20)T

**035. MODULAR BUILDINGS.**

**01. Alternates and Equivalents. (3-20-20)T**

**a.** Alternatives Acceptable. The provisions of these rules are not intended to prevent the use of alternate designs, materials, appliances, systems, devices, arrangements, or methods of construction not specifically prescribed by Title 39, Chapter 41, Idaho Code, or of these rules; provided, any such alternate has first been recognized by the Division. (3-20-20)T

**b.** Satisfactory Alternatives. The Division shall recognize any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, device, arrangement, method, system or method of construction is at least the equivalent in performance in quality, strength, effectiveness, fire resistance, durability and adequate for the protection of the health, safety and general welfare of the people of the state of Idaho. (3-20-20)T

**c.** Unsatisfactory Alternatives. Recognition by the Division shall not be given if there is substantial evidence that any design, material, appliance, device, arrangement, system or method of construction does not conform to the provisions or requirements of prescribed standards or these rules; provided, however, the Division may, in order to substantiate claims for alternates, upon written request cause tests or proof of compliance to be made at the expense of the manufacturer, his agent, or the seller. (3-20-20)T

**d.** Test Methods. Test methods shall be as specified in the standards of the codes listed in Title 39, Chapter 41, Idaho Code, or by other nationally recognized standards recognized by the Division. If there are no appropriate test methods specified in the standards listed above, the Division shall determine the test procedure. (3-20-20)T

**02. Permits.** Prior to construction of modular buildings, appropriate building permits shall first be obtained from the Division. (3-20-20)T

**03. Plans. (3-20-20)T**

**a.** Specifications for Submittal. Plans shall be submitted in accordance with Subsection 028.03 of

these rules. (3-20-20)T

**b.** Nonconformance. Should the plan submittal not conform to the requirements of these rules, the applicant shall be notified in writing within fifteen (15) work days of the date they are received by the Division. Should the applicant fail to submit a completely corrected plan submittal in accordance with the information supplied by the Division within ninety (90) days of such notice, the plan submittal will be deemed abandoned and all fees submitted shall be forfeited to the Division. Subsequent submission thereafter shall be processed as a new plan submittal. (3-20-20)T

**c.** Distribution of Approved Copies. An approved copy of the plan submittal shall be returned to the manufacturer. An approved copy shall be retained at each place of manufacture, and a copy shall be retained by the Division. (3-20-20)T

**d.** Proprietary Information. All material submitted by the manufacturer in the form of design plans, engineering data, test results, and other design information relating to their application will be considered proprietary information and will not be released for public scrutiny except when so ordered by a court of competent jurisdiction. (3-20-20)T

**e.** Changes to Approved Modular Building Plans. Where the manufacturer proposes to change his submitted designs or the Division rule is amended to necessitate such a change, the manufacturer shall submit changed plans for examination and approval. (3-20-20)T

**04. Inspections.** (3-20-20)T

**a.** Inspections at Manufacturing Plants. The Division shall conduct inspections at the manufacturing plant to determine compliance with the provisions of these rules and with Title 39, Chapter 41, Idaho Code. (3-20-20)T

**b.** Field Inspection for Alterations and Conversions. Any alteration or conversion of Division approved modular buildings after leaving the manufacturing facility shall be field inspected in accordance with this section by the local unit of government having jurisdiction. (3-20-20)T

**c.** In-Plant Inspection in Sister States. Where there is evidence that the in-plant inspectional controls in out-of-state plants in states having reciprocal agreements with the state of Idaho are not being maintained for units to be sold or placed in Idaho, the Division reserves the right to make out-of-state inspections, and fees for such inspection as set forth in these rules shall be paid by the manufacturer. (3-20-20)T

**05. Insignia.** (3-20-20)T

**a.** Insignia Location. Single units shall have the insignia permanently attached below the electrical service entrance. Multiple section units shall have the insignia permanently attached on all perimeter sections to the outside wall next to the major access opening. For interior units and second story units the insignia shall be permanently attached on the interior wall next to the major access opening. (3-20-20)T

**b.** Application for Insignia. The manufacturer shall make application for an insignia for each unit to be manufactured as required by Subsection 035.03 of this rule. The permit/insignia application shall be submitted to the Division in accordance with this section and include the appropriate fees. Applications shall include the serial number of each unit for which an insignia is requested. (3-20-20)T

**c.** Alteration or Conversion. Factory alterations or conversions of an approved modular building prior to first occupancy shall NOT take place until a permit under the provisions of this section has been obtained. The jurisdiction for non-factory produced additions, repairs or alterations to modular buildings and commercial coaches built in conformance with and as prescribed in the Idaho Building Code Act, Section 39-4109, Idaho Code, once such unit has left the manufacturing facility or a dealer's lot, and bears an appropriate insignia of compliance, rests with the local unit of government having the jurisdiction for the administration and enforcement of locally adopted codes prescribed within the Idaho Building Code Act. (3-20-20)T



**d.** Denial of Insignia. Should inspection reveal that a manufacturer is not manufacturing units according to the codes specified in Title 39, Chapter 41, Idaho Code, and these rules, and such manufacturer after having been served with a notice setting forth in what respect the provisions of the codes or rules have been violated continues to manufacture units in violation of the codes or rules, applications for new insignia shall be denied and insignia issued for units in noncompliance such manufacturer may resubmit an application for insignia. (3-20-20)T

**e.** Removal of Insignia. In the event any unit bearing an insignia is found to be in violation of the codes enumerated in Title 39, Chapter 41, Idaho Code, or these rules, the Division may remove the insignia and shall furnish the owner or his agent with a written statement of violations. The owner or his agent shall request an inspection after making corrections to bring the unit into compliance before the Division will issue a replacement insignia. (3-20-20)T

**f.** Serial Number. Each commercial coach rented, leased or sold, or offered for rent, lease or sale in Idaho shall bear a legible identifying serial number in accordance with the provisions of this section and include the state of manufacture. Each section of a multiple modular building shall have the same identifying serial number followed by a numerical sequence identifier and letter suffix. (3-20-20)T

**g.** Stamp of Serial Number and State of Manufacture. The unit serial number and the state of manufacture shall be stamped into the foremost cross member of all commercial coaches. Letters and numbers shall be three-eighths (3/8) inch minimum height. Numbers shall not be stamped into a hitch assembly or draw bar. The insignia shall be made of etched brass, stainless steel, anodized or alclad aluminum, or other approved material, not less than two hundredths (0.02) inches thick, and three (3) inches by one and three-fourths (1 3/4) inches minimum size, with lettering not less than one-eighth (1/8) inch high. (3-20-20)T

**h.** Multiple Commercial Coaches. Each section of multiple commercial coaches shall have the same identifying serial number followed by a numerical sequence identifier and letter suffix. (3-20-20)T

**i.** Data on Insignia. The date of manufacture, showing month, week and year will be shown on the insignia. Such data will be provided by the manufacturer on the application for insignia. (3-20-20)T

**036. MANUFACTURED HOMES.**

**01. Construction and Safety Standards.** Effective June 15, 1976, the latest published edition of the Federal Manufactured Home Construction and Safety Standards and Manufactured Home Procedural and Enforcement Regulations shall be in effect for all manufactured homes manufactured within the state of Idaho, and for all new manufactured homes for sale within the state of Idaho. All new manufactured homes offered for sale within Idaho after the effective date of this section shall bear the Housing and Urban Development (H.U.D.) label as authorized in the Federal Manufactured Home procedural and enforcement regulations. Mobile homes manufactured between March 8, 1971 and June 15, 1976 offered for rent, lease, or sale within Idaho shall bear an Idaho insignia of approval. (3-20-20)T

**02. Inspections.** (3-20-20)T

**a.** Special Inspection. Whenever there is a transit damage or any alteration made to a certified manufactured home, or both, a special inspection shall be required of any person offering for rent, lease, or sale said manufactured home. The purpose of the inspection is to insure that the repairs or alteration, or both, do not result in the failure of the manufactured home to comply with the standards. (3-20-20)T

**b.** Installation Inspection. Installation inspections shall be conducted by local jurisdictions in accordance with Title 44, Chapter 22, Idaho Code and the state adopted Idaho Manufactured Home Installation Standard as incorporated by reference in IDAPA 07.03.12, "Rules Governing Manufactured Home Installations," Section 004. (3-20-20)T

**03. Fees.** (3-20-20)T

**a.** Payment of Fees. Fees shall be paid to and collected by the Division. (3-20-20)T

**b.** In-Plant Inspections. The charge for routine in-plant inspections shall be equal to the latest fees approved by the Department of Housing and Urban Development-Office of Manufactured Home Standards: Forty-five dollars (\$45) per floor. (3-20-20)T

**c.** Other Inspections. For all inspections other than routine whether they be in-plant or in the field (for models produced after June 15, 1976): Seventy dollars (\$70) per hour minimum for inspection and travel time, prorated to the nearest quarter hour, per diem and lodging where applicable, plus the current state rate for mileage, as approved by the State Board of Examiners and listed in the Idaho State Travel Policies and Procedures, Appendix “A,” based on the round-trip distance from point of inspection and the inspector’s office location. (3-20-20)T

**037. (RESERVED)**

**038. INTEGRATED DESIGN AND FUNDAMENTAL COMMISSIONING OF PUBLIC SCHOOL FACILITIES.**

**01. Definitions.** The following definitions are intended to supplement, and should be read in conjunction with the definitions contained in Section 33-356, Idaho Code. (3-20-20)T

**a.** Fundamental Commissioning. A quality-focused process for enhancing the delivery of a project. It makes use of a qualified third party employed directly by the building owner. (3-20-20)T

**b.** Integrated Design. Integrated design refers to a collaborative design effort in which each of the individual architectural or engineering professionals focuses on the whole building approach, with an emphasis on optimizing the building’s performance, environmental sustainability, and cost-savings, to include climate, use, loads and systems resulting in a more comfortable and productive environment, and a building that is more energy-efficient than would be realized using current best practices. (3-20-20)T

**02. Technical and Educational Information.** Technical and educational information related to integrated design and fundamental commissioning in the form of the American Institute of Architects Integrated Project Delivery Guide; Portland Energy Conservation, Inc. (PECI) Commissioning Guides; ASHRAE Guideline 0-2005-The Commissioning Process; and the Northwest Energy Efficiency Alliance Integrated Design Special Focus on Energy Performance Guide is available at the Division office locations including 1090 E. Watertower St., Meridian, Idaho 83642, and 1250 Ironwood Dr., Ste. 220, Coeur d’Alene, Idaho 83814. A building commissioned under the prescriptive approaches defined by any of the above-named national organizations is deemed to have completed the Fundamental Commissioning process. (3-20-20)T

**03. Commissioning Agents.** The Division has compiled and made available for public examination a list of all known third party building commissioning agents in Idaho and its contiguous states. The Division has ensured that all such commissioning agents appearing on this list have been certified by the Building Commissioning Association (BCA) or other similar certifying entity. (3-20-20)T

**04. Annual Optimization Review.** (3-20-20)T

**a.** A public school building that qualifies for the school building replacement value calculation pursuant to Section 33-356(5)(a), Idaho Code, shall undergo an annual optimization review each year following the first year of operations that the involved school district seeks to qualify such building for the building replacement value calculation. (3-20-20)T

**b.** The systems within a building required to undergo annual optimization review, as well as any relevant measuring criteria for such systems, shall be formulated by the third party commissioning agent that performs the initial fundamental commissioning. The school district shall be provided with a written report from the commissioning agent identifying the systems which will be subject to the annual optimization review along with any other requirements. (3-20-20)T

**c.** The report required above in Paragraph 038.04.b. of these rules shall include, but is not limited to, at least the following: (3-20-20)T

i. Verification that the heating, ventilation, and air conditioning (HVAC) controls, dampers, valves, sensors and other equipment used to control the system are functioning as they were at the commissioning of the building. (3-20-20)T

ii. Verification that the lighting controls are functioning as they were at the commissioning of the building. (3-20-20)T

iii. The requirement that any changes made to any of the controls contained on the agent’s list after the initial commissioning be re-set back to the commissioned settings unless it can be demonstrated that the new settings result in greater energy efficiency. (3-20-20)T

d. The annual optimization review shall be performed by persons qualified to make the required determinations and adjustments. (3-20-20)T

e. The school district shall submit to the Division written verification indicating that the systems identified by the commissioning agent, including those identified in this Section are functioning as they were at the initial commissioning. Such written verification shall also identify the persons performing the optimization and their qualifications. (3-20-20)T

**05. Commissioning Anniversary Date.** The date upon which the commissioning agent provides the school district with the required written report described in Paragraph 038.04.b. of these rules shall be the commissioning anniversary date for purposes of this Section. If a school district seeks to qualify a building for the building replacement value calculation, the annual optimization review shall be performed within thirty (30) days of the annual commissioning anniversary date following the first year the building is in operation. The written verification required by Paragraph 038.03.e. of these rules is due to the Division not later than sixty (60) days after the annual commissioning anniversary date. (3-20-20)T

**06. Fundamental Building Commissioning Requirements.** (3-20-20)T

a. School districts seeking to qualify a building for the building replacement value calculation shall engage a building commissioning agent. (3-20-20)T

b. The commissioning agent must document the owner’s requirements for each commissioned system in the facility. All HVAC and controls systems, duct work and piping, renewable and alternative technologies, lighting controls and day lighting, waste heat recovery, and any other advanced technologies incorporated in the building must be commissioned. Building envelope systems must also be verified. The owner’s requirements for these systems may include efficiency targets and other performance criteria such as temperature and lighting levels that will define the performance criteria for the functional performance testing that occurs prior to acceptance. (3-20-20)T

c. The commissioning agent shall include commissioning requirements in the project construction documents. This includes the scope of commissioning for the project, the systems to be commissioned, and the various requirements related to schedule, submittal reviews, testing, training, O & M manuals, and warranty reviews. (3-20-20)T

d. The commissioning agent shall develop and utilize a commissioning plan. This plan must include an overview of the commissioning process for the project, a list of commissioned systems, primary commissioning participants and their roles, a communication and management plan, an outline of the scope of commissioning tasks, a list of work products, a schedule, and a description of any commissioning testing activities. (3-20-20)T

e. The commissioning agent must submit a report to the owner once the commissioning plan has been executed. (3-20-20)T

**039. -- 999. (RESERVED)**

## 07.03.03 – RULES FOR MODULAR BUILDINGS

### 000. LEGAL AUTHORITY.

The Factory Built Structures Advisory Board of the Division of Building Safety is authorized under Section 39-4302, Idaho Code, to promulgate rules concerning the enforcement and administration of Title 39, Chapter 43, Idaho Code, for Modular Buildings. (3-20-20)T

### 001. TITLE AND SCOPE.

01. **Title.** These rules are titled IDAPA 07.03.03, “Rules for Modular Buildings.” (3-20-20)T

02. **Scope.** These rules prescribe the criteria for enforcement and administration of the Idaho Modular Buildings Act by the Factory Built Structures Advisory Board and the Division of Building Safety. (3-20-20)T

### 002. -- 009. (RESERVED)

### 010. DEFINITIONS.

The terms defined in this section have the following meaning, unless the context clearly indicates another meaning. (3-20-20)T

01. **Administrator.** The Administrator of the Division of Building Safety for the state of Idaho. (3-20-20)T

02. **Alterations or Conversions of Modular Buildings.** Any change from the approved plans or installation instructions that would affect the structural, mechanical, electrical or plumbing systems of Modular Buildings bearing a Division Insignia of approval, including the replacement, addition, modification, or removal of any structural member; plumbing, heat-producing or electrical equipment, or installation that may effect such systems prior to first occupancy. Any such alteration or conversion must first be approved by testing and inspection in the same manner as original systems or component parts. The following do not constitute alteration or conversion: (3-20-20)T

a. Repairs with approved replacement parts; (3-20-20)T

b. Conversion of listed fuel-burning appliances in accordance with the terms of their listing; (3-20-20)T

c. Replacement of equipment and appliances in kind; (3-20-20)T

d. Adjustment and maintenance of equipment. (3-20-20)T

03. **Commercial Coach.** A Modular Building with permanent running gear and a hitch assembly that is designed and constructed for nonresidential occupancy classifications only. Permanent running gear includes springs, spring hangers, axles, bearings, wheels, brakes, rims and tires and their related hardware. (3-20-20)T

04. **Insignia.** A label or tag issued by the Division to indicate compliance with the codes, standards, rules, and regulations established for manufactured building systems, subsystems, or building elements, Modular Buildings, and Commercial Coaches. (3-20-20)T

05. **Technical Service.** Conducting research, evaluation, consultation, interpretation, and clarification by the Division of technical data relating to the application of these rules, and also include special field inspections that are not covered in other portions of these rules. (3-20-20)T

### 011. -- 026. (RESERVED)

### 027. PERMITS.

Building permits must be obtained from the Division prior to the construction of structures governed by Title 39, Chapter 43, Idaho Code, or Board rules. (3-20-20)T

### 028. PLAN REVIEW.

01. **Jurisdiction.** The Division has exclusive jurisdiction and authority to conduct plan reviews of the in-plant construction of Modular Buildings. (3-20-20)T

**02. Plans Not Required.** Plans are not required for group U occupancies of Type V conventional light-frame wood construction. (3-20-20)T

**03. Non-conformance.** Should the plan submittal not conform to the requirements of these rules, the applicant will be notified in writing within fifteen (15) work days of the date they are received by the Division. Should the applicant fail to submit a completely corrected plan submittal in accordance with the information supplied by the Division within ninety (90) days of such notice, the plan submittal will be deemed abandoned. Subsequent submission thereafter will be processed as a new plan submittal. (3-20-20)T

**04. Distribution of Approved Copies.** An approved copy of the plan submittal will be returned to and retained by the manufacturer and a copy will be retained by the Division. When necessary, an additional copy may be distributed for use by third party or contract inspectors. (3-20-20)T

**05. Proprietary Information.** All material submitted by the manufacturer in the form of design plans, engineering data, test results, and other design information relating to their application will be considered proprietary information and will not be released for public scrutiny except when so ordered by a court of competent jurisdiction. (3-20-20)T

**06. Revisions to Approved Modular Building Plans.** Where the manufacturer proposes to revise his submitted designs, or Division adopted rules or codes are amended to necessitate such a change, the manufacturer must submit revised plans for examination and approval. (3-20-20)T

**07. Application Provisions.** The provisions of this section applies only to plans for work that will be accomplished at the place of manufacture. (3-20-20)T

**029. FEES.** Fees are paid to the Division, and the following fee schedule is applicable for the functions cited: (3-20-20)T

**01. Modular Building Permit Fees.** Other than as herein specified in this section, the permit fee schedule for Modular Buildings is as provided herein in Table 1-A plus ninety dollars (\$90) and two and one-half percent (2.5%) of the plumbing, electrical, and HVAC installation costs. The determination of value or valuation is based on the total value of all construction work for which a permit is issued.

TABLE 1-A – MODULAR BUILDING PERMIT FEES		
TOTAL VALUATION		FEE
\$1 to \$500	=	\$23.50
\$501 to \$2,000	=	\$23.50 for the first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	=	\$69.25 for the first \$2,000 plus \$14 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	=	\$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	=	\$643.75 for the first \$50,000 plus \$7 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	=	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	=	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000

<b>TABLE 1-A – MODULAR BUILDING PERMIT FEES</b>	
\$1,000,001 and up	\$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000, or fraction thereof

(3-20-20)T

**02. Other Inspections and Fees.** (3-20-20)T

**a.** Inspections outside of normal business hours: sixty-five dollars (\$65) per hour (minimum charge - one (1) hour). (3-20-20)T

**b.** Re-inspection fees: sixty-five dollars (\$65) per hour. (3-20-20)T

**c.** Inspections for which no fee is specifically indicated: sixty-five dollars (\$65) per hour (minimum charge - one half (1/2) hour). (3-20-20)T

**d.** Additional plan review required by changes, additions, or revisions to plans: sixty-five dollars (\$65) per hour (minimum charge - one-half (1/2) hour). (3-20-20)T

**e.** For use of outside consultants for plan checking and inspections or both: actual costs. (3-20-20)T

**03. Insignia Tag Fee.** In instances where building permit fees are not charged for Modular Buildings, a one hundred dollar (\$100) fee will be charged for an Insignia. (3-20-20)T

**04. Investigation Fee.** Whenever any work for which a permit is required by these rules has been commenced without first obtaining said permit, a special investigation must be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, must be collected whether or not a permit is then or subsequently issued. The investigation fee is equal to the amount of the permit fee required by these rules. The minimum investigation fee is the same as the minimum fee set forth in Table 1-A. The payment of such investigation fee does not exempt any person from compliance with all other provisions of these rules nor from any penalty prescribed by law. (3-20-20)T

**05. Plan Review.** Where the Modular Building plans have not been previously approved, the Modular Building fee includes an additional amount equal to sixty-five percent (65%) of the permit fee calculated in accordance with Table 1-A. (3-20-20)T

**06. Refund of Permit Fees.** The Administrator may authorize refunding of any permit fee paid that was erroneously paid or collected. The Administrator may authorize refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with these rules. The Administrator will not authorize refunding of any permit fee paid except on written application filed by the original applicant not later than one hundred eighty (180) days after the date of fee payment. (3-20-20)T

**07. Refund of Plan Review Fees.** There is no refund of plan review fees. (3-20-20)T

**030. RIGHT OF ENTRY.**

Whenever necessary to make an inspection to enforce any of the provisions of Title 39, Chapter 43, Idaho Code, or whenever the Administrator or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition that makes such building or premises unsafe, the Administrator or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Division by Title 39, Chapter 43, Idaho Code; provided that if such building or premises is occupied, he must first present proper credentials and demand entry; and if such building or premises be unoccupied, he must first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Administrator has recourse to every remedy provided by law to secure entry. (3-20-20)T

**031. REMOVAL OF ORDERS AND NOTICES PROHIBITED.**

Removal of stop work or prohibited occupancy orders or notices from a building or structure, bearing such order or notice by any person or persons not authorized by the Administrator or his authorized representative, constitute a violation under the provisions of Section 39-4126, Idaho Code, and falls under the provisions of Section 18-317, Idaho Code. (3-20-20)T

**032. MODULAR BUILDINGS.**

**01. Enforcement and Administration.** The Administrator administers and enforces all the provisions of these rules. Any officer, agent, or employee of the Division is authorized to enter any premises during any normal or operational hours where Modular Buildings are manufactured for the purpose of examining any records pertaining to quality control and inspection and may inspect any such units, equipment, or installations to insure compliance with the provisions of these rules and codes enumerated in Title 39, Chapters 41 and 43, Idaho Code. When it becomes necessary, he may require that a portion or portions of such Modular Building units be removed in order that an inspection may be made to determine compliance. Every manufacturer of Modular Buildings must obtain prior approval and an Insignia for each Modular Building unit to be installed in the state of Idaho. (3-20-20)T

**02. Inspections.** (3-20-20)T

**a. Inspections at Manufacturing Plants.** The Division conducts inspections at the manufacturing plant to determine compliance with the provisions of these rules and with codes adopted by Title 39, Chapter 41, Idaho Code, and Title 54, Chapters 10, 26, and 50, Idaho Code. (3-20-20)T

**b. In-Plant Inspections.** Due to the repetitive nature of the manufacturing process, the required inspections outlined in the International Building Code or Idaho Residential Code may not be required if, in the opinion of the Division, compliance can be obtained by periodic inspections. The Division conducts periodic unannounced inspections at any manufacturing site to review any or all aspects of a manufacturer's production and inspectional control procedures. Each unit, however, must be inspected at least once during the course of production for compliance with the adopted standards. No unit manufactured to be installed in the state of Idaho will be shipped from the point of manufacture without inspection and attached Insignia. (3-20-20)T

**c. Field Inspections.** All existing Modular Buildings to be installed in the state of Idaho not bearing the Division's Insignia may not be used or occupied until required Idaho Insignia has been issued by the Division and properly affixed in accordance with these rules. Applicants for Insignia must obtain permits, plan approvals, and inspections as required by these rules. (3-20-20)T

**d. Qualifications of Inspectors.** All inspectors performing inspections of modular buildings must be properly certified for the type of inspection being conducted. The Factory Built Structures Board recognizes certifications granted through the National Certification Program Construction Code Inspector program (NCPCCI), the National Inspection Testing Certification program (NITC), the International Association of Electrical Inspectors (IAEI), and the International Code Council (ICC). Certifications must be current and of the proper classification for the structure or subsystem being inspected. (3-20-20)T

**03. Installation Inspection.** In order to complete the installation of the Modular Building, approval and inspection of said installation by the enforcement agency having jurisdiction over the site location is required. (3-20-20)T

**04. Field Technical Service.** Any person may request field Technical Service and requests for such service must be submitted to the Division in writing. (3-20-20)T

**05. Local Enforcement Agencies.** (3-20-20)T

**a. Rights of Local Enforcement Agency.** A local enforcement agency has the right to require a complete set of plans and specifications approved by the Division for each Modular Building to be installed within its jurisdiction, to require that all permits be obtained before delivery of any unit to a Building Site. After leaving the manufacturing facility, future alterations or conversions of Division approved Modular Buildings must be field inspected by the local unit of government having jurisdiction. (3-20-20)T

**b.** Limitations of Rights of Local Enforcement Agency. A local enforcement agency does not have the right to: open for inspection any Modular Building or component bearing an Insignia to determine compliance with any codes or ordinances; require by ordinance or otherwise that Modular Buildings meet any requirements not equally applicable to on-site construction; or to charge permit or plan review fees for any portion of the structure prefabricated or assembled at a place other than the Building Site. (3-20-20)T

**06. Insignia.** (3-20-20)T

**a.** Required Insignia. Each Modular Building section must bear a Division Insignia on the front, left-hand side of the building prior to leaving the manufacturing facility. Assigned Insignia are not transferable and are void when not affixed as assigned. All such voided Insignia must be returned to, or may be confiscated by, the Division. Insignia remain the property of the Division and may be confiscated in the event of violation of conditions of approval. Assigned Insignia affixed in the field must be under the direction of the Division's authorized agent. (3-20-20)T

**b.** Serial Number. Each Modular Building must bear a legible identifying serial number and include the state of manufacture. Each section of a multiple Modular Building must have the same identifying serial number followed by a numerical sequence identifier or a letter suffix, or both. Characters for serial numbers must be three-eighths (3/8) inch minimum height. Numbers may not be stamped into a hitch assembly or draw bar. The date of manufacture, showing month and year will be shown on the Insignia. Such data will be provided by the manufacturer on the application for Insignia. (3-20-20)T

**07. Reciprocal Agreements.** The provisions for Insignia of compliance as specified in a written and signed reciprocal agreement between the Division and any other state takes precedence over the provisions of these rules. Where there is evidence that the in-plant inspection controls in out-of-state plants within states having reciprocal agreements with the state of Idaho are not being maintained for units to be placed in Idaho, the Division reserves the right to make out-of-state inspections, and fees for such inspection as set forth in these rules must be paid by the manufacturer. (3-20-20)T

**033. CIVIL PENALTIES.**

The following acts subject the violator to penalties of not more than two hundred dollars (\$200) for the first offense and not more than one thousand dollars (\$1,000) for each offense thereafter based on the following schedule. (3-20-20)T

**01. Installation.** Any person who transports a modular building to or installs a modular building on a building site in this state without first receiving approval and securing to the structure insignia evidencing such approval from the Division. (3-20-20)T

**02. Modification.** Any person who in any way modifies or alters a modular building prior to its initial occupancy which has previously been approved by the Division without first having received approval to do so from the Division. (3-20-20)T

**03. Removal of Orders.** Any person who removes a stop work or prohibited occupancy order or notice from a building or structure bearing such order or notice. (3-20-20)T

**04. Lawful Orders.** Any person who fails, neglects, or refuses to obey any lawful order issued by the Administrator or his representative, or who refuses to perform any duty lawfully enjoined upon him by the Administrator or his representative. (3-20-20)T

**034. -- 999. (RESERVED)**



## 07.03.11 – RULES GOVERNING MANUFACTURED/MOBILE HOME INDUSTRY LICENSING

### 000. LEGAL AUTHORITY.

The administrator of the Idaho Division of Building Safety and the Factory Built Structures Advisory Board are authorized to promulgate rules necessary to implement the provisions of Title 44, Chapters 21 and 22, Idaho Code. (3-20-20)T

### 001. TITLE AND SCOPE.

**01. Title.** These rules are titled IDAPA 07.03.11, “Rules Governing Manufactured/Mobile Home Industry Licensing.” (3-20-20)T

**02. Scope.** These rules apply to persons engaged in the business of manufacturing, selling, or installing manufactured or mobile homes for purposes of human habitation in Idaho. (3-20-20)T

### 002. -- 009. (RESERVED)

### 010. DEFINITIONS.

For the purposes of these rules, the following terms will be used, as defined below: (3-20-20)T

**01. Administrator.** The administrator of the Division of Building Safety of the state of Idaho. (3-20-20)T

**02. Board.** The Factory Built Structures Advisory Board. (3-20-20)T

**03. Bond.** The performance bond required by Section 44-2103, Idaho Code. (3-20-20)T

**04. Branch Office.** An enclosed structure accessible and open to the public, at which the business of the manufactured/mobile home retailer is conducted simultaneously with and physically separated from his principal place of business. There must be displayed on the exterior a sign permanently affixed to the land or building with letters clearly visible to the major avenue of traffic. The sign must provide the business name of the retailer. (3-20-20)T

**05. Business.** Occupation, profession, or trade. (3-20-20)T

**06. Deceptive Practice.** Intentionally publishing or circulating any advertising concerning mobile or manufactured homes which: (3-20-20)T

**a.** Is misleading or inaccurate in any material respect; (3-20-20)T

**b.** Misrepresents any of the products or services sold or provided by a manufacturer, manufactured/mobile home retailer, or installation company. (3-20-20)T

**07. Division.** The Division of Building Safety. (3-20-20)T

**08. Installer.** A person who owns a business which installs manufactured/mobile homes at the sites where they are to be occupied by the consumer. The term does not include the purchaser of a manufactured/mobile home or a manufactured/mobile home retailer who does not install manufactured/mobile homes. A retailer who does install manufactured/mobile homes is an installer. The term also does not include concrete contractors or their employees. (3-20-20)T

**09. Installation.** The term includes “setup” and is the complete operation of fixing in place a manufactured/mobile home for occupancy. (3-20-20)T

**10. Manufactured Home.** A structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term must include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of Housing and Urban Development and

complies with the standards established under 42 U.S.C. Section 5401, et seq. (3-20-20)T

**11. Manufactured Home Retailer.** Except as otherwise provided in these rules: (3-20-20)T

**a.** Any person engaged in the business of selling or exchanging new and used units; or (3-20-20)T

**b.** Any person or who buys, sells, lists, or exchanges three (3) or more new and used units in any one (1) calendar year. (3-20-20)T

**12. Manufacturer.** Any person engaged in the business of manufacturing manufactured homes that are offered for sale, lease, or exchange in the state of Idaho. (3-20-20)T

**13. Mobile Home.** A factory-assembled structure or structures generally constructed prior to June 15, 1976, the date of enactment of the Federal Manufactured Housing and Safety Standards Act (HUD Code), and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. (3-20-20)T

**14. Person.** A natural person, corporation, partnership, trust, society, club, association, or other organization. (3-20-20)T

**15. Principal Place of Business.** The primary physical location at which the business of a manufactured home retailer is lawfully conducted. Each of the following requirements must be met to qualify as the principal place of business: (3-20-20)T

**a.** The business of the manufactured or mobile home retailer is lawfully conducted here; (3-20-20)T

**b.** The office or offices of the retailer is or are located here; (3-20-20)T

**c.** The public may contact the retailer here; (3-20-20)T

**d.** The offices are accessible and open to the public; and (3-20-20)T

**e.** The greatest portion of the retailer's business is conducted here. The books and other records of a retailer must be kept and maintained at the retailer's principal place of business and be open to inspection during normal business hours by any authorized agent of the Division. Moreover, there must be displayed on the exterior a sign permanently affixed to the land or building with letters providing the business name of the retailer clearly visible to the major avenue of traffic. (3-20-20)T

**16. Used Manufactured Home or Mobile Home.** A manufactured home or mobile home, respectively, which has been: (3-20-20)T

**a.** Sold, rented, or leased and occupied prior to or after the sale, rental, or lease; or (3-20-20)T

**b.** Registered with or been the subject of a certificate of title issued by the Idaho Department of Transportation or the appropriate authority of any state, the District of Columbia, or foreign state or country. (3-20-20)T

**011. (RESERVED)**

**012. LICENSE REQUIRED.**

It is unlawful to engage in business as a manufacturer, manufactured/mobile home retailer, or installer without being duly licensed by the Division pursuant to Title 44, Chapter 21, Idaho Code, and these rules. No issued licenses are transferable. (3-20-20)T

**01. Minimum Age Requirement.** No license will be issued to a person under eighteen (18) years of age at the time of license application. (3-20-20)T

**02. Designated License Holder.** Any applicant for a license under these rules who is not a natural person must designate a natural person to be license holder and represent the corporation, partnership, trust, society, club, association, or other organization for all licensing purposes under these rules including, but not limited to, testing and education. (3-20-20)T

**a.** The authorization to act as designated license holder must be in writing, signed by the applicant and the person designated, and filed with the Division along with the application. (3-20-20)T

**b.** Any person designated under Subsection 012.02 of these rules represents one (1) applicant only, and must immediately notify the Division in writing if his working relationship with the applicant has been terminated. The license will be issued in the name of the designated license holder with the name of the organization he represents also noted on the license. The license holder is considered by the Division to be the licensee, even if the license holder is the designated representative of an organization. (3-20-20)T

**c.** The applicant and the person designated under Subsection 012.02 of these rules agree by acceptance of the designation that the designated person acts as agent of the applicant for all purposes under Title 44, Chapters 21 and 22, Idaho Code, and all rules promulgated thereunder. (3-20-20)T

**03. Proof of License.** Proof of the existence of any license issued pursuant to these rules is carried upon the person of the responsible managing employee or supervisor of any installation at all times during the performance of the installation work. Such proof must be furnished upon demand of any person. Moreover, any license issued to a manufactured/mobile home retailer must be posted in a conspicuous place on the business premises of the employer for whom the holder of the license is licensed. The license of a manufacturing facility or branch office must also be posted in a conspicuous place at the location licensed. (3-20-20)T

**04. Real Estate Brokers.** Licensed real estate brokers or real estate salesmen representing licensed real estate brokers are not required to obtain a license under these rules in order to sell or lease a used unit that is currently carried on the tax rolls as personal property and that otherwise falls within the exemption contained in Section 44-2102(2), Idaho Code. (3-20-20)T

**05. License for Manufacturers.** In order to engage in business in the state of Idaho or to be entitled to any other license or permit required by these rules each manufacturer must be licensed by the Division. (3-20-20)T

**06. License for Branch Office of Manufactured/Mobile Home Retailer.** (3-20-20)T

**a.** The Division requires as a condition of licensing and bonding any information it deems necessary for each location where a manufactured/mobile home retailer maintains a branch office. The mere listing of manufactured/mobile homes for sale does not constitute a branch office, but the use of a mobile home park or a state sales office by a licensee for the sale or offering for sale of manufactured/mobile homes does constitute the maintenance of a branch office. A branch office manager may not manage more than one (1) branch office. (3-20-20)T

**b.** To open a branch office, a retailer must: obtain a license from the Division to operate the branch office; and provide for direct supervision of the branch office, either by himself or by employing a branch office manager. (3-20-20)T

**c.** If the branch office is closed, the retailer must immediately deliver the license to the Division. (3-20-20)T

**07. License to Engage in Business as Manufactured/Mobile Home Retailer, Manufacturer, or Installer; Application; Bond; Issuance, Expiration, and Renewal.** (3-20-20)T

**a.** Applicants for a manufacturer's, retailers, or installer's license must furnish: (3-20-20)T

**i.** Any proof the Division may deem necessary that the applicant is a manufacturer, retailer, or installer; (3-20-20)T

- ii. Any proof the Division may require that the applicant has a principal place of business; (3-20-20)T
- iii. Any proof the Division may require of the applicant's good character and reputation and of his fitness to engage in the activities for which the license is sought; (3-20-20)T
- iv. In the case of a retailer in new manufactured homes, an instrument in the form prescribed by the Division executed by or on behalf of the manufacturer certifying that the applicant is an authorized franchise dealer for the make concerned; (3-20-20)T
- v. The fee and proof of bond fixed by rule; and (3-20-20)T
- vi. Proof of passing the examination required by these rules, as applicable. (3-20-20)T
- b.** Within thirty (30) days after receipt of a completed application, the Division will issue or deny the license. (3-20-20)T
- c.** Each license is valid for a period of one (1) year from the date of issuance and may be renewed for like consecutive period upon application to and approval by the Division. (3-20-20)T
- d.** If any installer's working relationship with his employer is terminated, the employer must immediately deliver the license of the terminated installer to the Division. (3-20-20)T

**013. THE DIVISION'S MAILING ADDRESS.**

Any correspondence or notices required by these rules or Title 44, Chapters 21 or 22, Idaho Code, may be addressed to the Division of Building Safety, 1090 E. Watertower Street, Suite 150 Meridian, Idaho 83642. (3-20-20)T

**014. PROOF OF EDUCATION REQUIRED.**

**01. Satisfactory Proof for Initial Application Submission.** An application for a license as a manufactured/mobile home installer must include proof satisfactory to the Division that the applicant has completed the following number of hours of initial education in order to be approved: (3-20-20)T

- a.** Installers and retailers who are installers: eight (8) hours. (3-20-20)T
- b.** The course of initial education must be approved by the Division and must include information relating to the provisions of these rules, Title 44, Chapters 21 and 22, Idaho Code, and the Manufactured Housing Construction Safety Standards Act of 1974. (3-20-20)T

**02. Satisfactory Proof for License Renewal.** The Division will not renew any installer license, or retailer license of any retailer who is also an installer, issued pursuant to Title 44, Chapters 21 or 22, Idaho Code, or these rules until the licensee has submitted proof satisfactory to the Division that he has, during the three (3) years immediately preceding the renewal of the license, completed at least eight (8) hours of continuing education. (3-20-20)T

**03. Continuing Education Course.** The course of continuing education must be approved by the Division and include information relating to the following: (3-20-20)T

- a.** Manufactured housing or mobile home parks; (3-20-20)T
- b.** The construction, including components and accessories, rebuilding, servicing, installation, or sale of manufactured/mobile homes; (3-20-20)T
- c.** Legislative issues concerning manufactured/mobile home housing and manufactured/mobile home parks, including pending and recently enacted state or federal legislation; and (3-20-20)T
- d.** These rules, Title 44, Chapters 21 or 22, Idaho Code, and the Manufactured Housing Safety Standards Act of 1974. (3-20-20)T

**015. EXAMINATION OF APPLICANT FOR LICENSE.**

**01. Required Examinations.** The Division requires a written examination of each applicant for an initial license as a manufactured/mobile home retailer or installer. To avoid the requirement of an examination and be considered a renewal, any licensee must renew his license within six (6) months of its expiration date. (3-20-20)T

**02. Approval of Examination and Grade.** Examinations for all classifications under these rules must be approved by the Division and the Board. No license will be issued unless the applicant receives a final grade of seventy percent (70%) or higher. (3-20-20)T

**016. DISCIPLINARY ACTION AGAINST LICENSEES.**

The Division may deny, suspend, refuse to renew, or revoke any license issued under Title 44, Chapter 21, Idaho Code, or these rules or reissue the license subject to reasonable conditions upon any of the following grounds: (3-20-20)T

**01. Violation of Rules and Statutes.** For any willful or repeated violation of these rules, IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," or Title 44, Chapters 21 or 22, Idaho Code. (3-20-20)T

**02. Failure to Have Principal Place of Business.** With regards only to a manufactured/mobile home retailer, failure of the applicant or licensee to have a principal place of business. (3-20-20)T

**03. False Information.** Material misstatement in the application or otherwise furnishing false information to the Division. (3-20-20)T

**04. Disclosing Contents of Examination.** Obtaining or disclosing the contents of an examination given by the Division. (3-20-20)T

**05. Deceptive Practice.** The intentional publication, circulation, or display of any advertising which constitutes a deceptive practice as that term is defined in Subsection 010.06 of these rules. (3-20-20)T

**06. Failure to Provide Business Name.** Failure to include in any advertising the name of the licensed retailer or installer, or the name under which he is doing business. (3-20-20)T

**07. Encouraging Falsification.** Intentionally inducing an applicant or licensee to falsify an application. (3-20-20)T

**08. Poor Workmanship.** Performing workmanship which is grossly incompetent or repeatedly below the standards adopted by Title 44, Chapters 21 and 22, these rules, IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," the Federal Manufactured Housing and Safety Standards Act of 1974, or the latest Idaho adopted editions of the International Building Code, the National Electrical Code, the Idaho State Plumbing Code, and the International Mechanical Code, then in effect. (3-20-20)T

**09. Installation Supervisor Required.** Failure to have an employee personally supervise any installation of a manufactured/mobile home. (3-20-20)T

**10. Failure of Organizations to License its Employees.** Failure of an organization to have its employees maintain any license as required by these rules. (3-20-20)T

**11. Failure to Honor Warranties.** Failure to honor any warranty or other guarantee given by a licensee for construction, workmanship, or material as a condition of securing a contract, or of selling, leasing, reconstructing, improving, repairing, or installing any manufactured/mobile home, or accessory structure. (3-20-20)T

**12. Revocation or Denial of License.** Revocation or denial of a license issued pursuant to these rules or an equivalent license by any other state or U.S. territory. (3-20-20)T

**13. Failure to Maintain Any Required License.** Failure of the licensee to maintain any other license required by any city or county of this state. (3-20-20)T

**14. Failure to Respond to Notice.** Failure to respond to a notice served by the Division as provided by law within the time specified in the notice. (3-20-20)T

**15. Failure to Permit Access to Documentary Materials.** Failure or refusing to permit access by the Division to relevant documentary materials after being requested to do so by the Division. (3-20-20)T

**16. Conviction of Misdemeanor.** Conviction of a misdemeanor for violation of any of the provisions of Title 44, Chapters 21 or 22, Idaho Code. (3-20-20)T

**17. Conviction of Felony.** Conviction or withheld judgment for a felony in this state, any U.S. territory, or country. (3-20-20)T

**18. Dealing with Stolen Manufactured or Mobile Homes.** To knowingly purchase, sell, or otherwise acquire or dispose of a stolen manufactured or mobile home. (3-20-20)T

**19. Violation of Permit or Inspection Requirements.** To knowingly violate any permit or inspection requirements of any city or county of this state. (3-20-20)T

**017. PROCEDURES FOR LICENSING SUSPENSION, REVOCATION OR NONRENEWAL.**  
Any proceeding to suspend, revoke, or not renew any license will be conducted as a contested case in accordance with the provisions of Title 67, Chapter 52, Idaho Code, and the "Idaho Rules of Administrative Procedure of the Attorney General," IDAPA 04.11.01.000, et seq. (3-20-20)T

**018. APPLICATION FOR NEW LICENSE.**  
Any person whose license has been revoked may not apply for a new license until the expiration of one (1) year from the date of such revocation. (3-20-20)T

**019. FEES.**

**01. Fees for Issuance and Renewal of License.** The following fees for the issuance and renewal of a license will be charged, and no application for licensing pursuant to these rules will be accepted by the Division unless it is accompanied by the appropriate fee: (3-20-20)T

**a.** Manufactured/mobile home retailer license: four hundred forty dollars (\$440). Retailers who are also installers will not have to pay an installer's license fee in order to hold both licenses. (3-20-20)T

**b.** Manufacturer license: four hundred forty dollars (\$440); (3-20-20)T

**c.** Manufactured/mobile home installer license: two hundred twenty dollars (\$220); (3-20-20)T

**02. Performance Bonding Requirements.** No application for licensing pursuant to these rules will be accepted unless it is accompanied by evidence of the following performance bond: (3-20-20)T

**a.** Manufacturer: twenty thousand dollar (\$20,000) bond; (3-20-20)T

**b.** Manufactured/mobile home retailer: twenty thousand dollar (\$20,000) bond; (3-20-20)T

**c.** Manufactured/mobile home installer: five thousand dollar (\$5,000) bond. Retailers who are also installers will not be required to post an installer's bond in order to hold both licenses. (3-20-20)T

**03. Money or Securities Deposit in Lieu of Performance Bond.** A money or securities deposit will be accepted by the Division in lieu of the performance bonding requirement as set forth at Title 44, Chapter 21, Idaho Code, and Subsection 019.02 of these rules, under the following circumstances: (3-20-20)T

- a. Any such money or securities deposit is in a principal sum equal to the face amount of the performance bond required for the applicable licensing category; (3-20-20)T
- b. Any such money deposit is deposited in a time certificate of deposit that provides on its face that the principal amount of such certificate of deposit is payable to the Division upon presentment and surrender of the instrument; (3-20-20)T
- c. Any such time certificate of deposit has a maturity date of one (1) year from the effective date of licensure and has an automatic renewal provision for subsequent years; (3-20-20)T
- d. Any such time certificate of deposit must be provided to the Division at the time of application for licensure and be retained by the Division during the effective period of licensure unless otherwise expended by the Division to insure completion of the licensee's performance; (3-20-20)T
- e. Any such time certificate of deposit will be returned to an unsuccessful applicant for licensure; (3-20-20)T
- f. The principal amount of any such time certificate of deposit, to the extent not otherwise expended to insure completion of the licensee's performance, will be returned to the depositor by the Division on or before ninety (90) days subsequent to the occurrence of any of the following events: voluntary surrender or return of a license; expiration of a license; lapse of a license; or revocation or suspension of a license; and (3-20-20)T
- g. Any interest income earned by reason of the principal amount of the time certificate of deposit is the property of the licensee. (3-20-20)T

**020. LICENSING COMPLAINTS.**

Persons who wish to submit complaints to the Division for its consideration regarding the fitness to hold a license of anyone currently licensed or applying for a license under these rules must do so in writing and be signed, dated, provide the name of the licensee or applicant, specific details giving rise to the complaint, and contain the complainant's valid address and telephone number. (3-20-20)T

**021. CIVIL PENALTIES.**

The following acts subject the violator to penalties based on the following schedule: (3-20-20)T

**01. Industry Licensing.** Except as provided for by Section 44-2106, Idaho Code, any person who engages in the business of a manufacturer, retailer, resale broker, salesman, or installer, as defined in Section 44-2101A, Idaho Code, without being duly licensed by the Division is subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-20-20)T

**02. Deceptive Practice.** In accordance with Section 44-2106(2), Idaho Code, any retailer or installer, who intentionally publishes or circulates any advertising that is misleading or inaccurate in any material respect or that misrepresents any of the products or service sold or provided by a manufacturer, retailer or installer is subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-20-20)T

**03. Dealing with Stolen Manufactured or Mobile Homes.** In accordance with Section 44-2106(2), Idaho Code, any person who knowingly purchases, sells, or otherwise acquires or disposes of a stolen manufactured or mobile home is subject to a civil penalty of not more than one thousand dollars (\$1,000). (3-20-20)T

**04. Failure to Maintain a Principal Place of Business.** In accordance with Section 44-2106(2), Idaho Code, any person who is a retailer duly licensed by the Division and who fails to maintain a principal place of business within Idaho, is subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-20-20)T

**05. Violation of Rules and Statutes.** Any person who knowingly violates any of the provisions of these rules, IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," or the provisions of

Title 44, Chapters 21 or 22, Idaho Code, is subject to a civil penalty of five hundred dollars (\$500) for the first offense and one thousand dollars (\$1,000) for each offense thereafter. (3-20-20)T

**06. Gross Violation.** In case of continued, repeated, or gross violations of these rules or IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," a license revocation may be initiated for licensed individuals under Title 44, Chapter 21, Idaho Code. Non-licensed individuals are subject to prosecution by the appropriate jurisdiction under Idaho law. (3-20-20)T

**022. MANUFACTURED HOME BUYER'S INFORMATION AND DISCLOSURE FORM.**

The Manufactured Home Buyer's Information and Disclosure Form must be presented by manufactured home retailers to each purchaser of a new manufactured home, and must be executed by the retailer and purchaser at the time the initial purchase order is signed for the sale of a new manufactured home. The form is available at the Division office. (3-20-20)T

**023. -- 999. (RESERVED)**



## 07.03.12 – RULES GOVERNING MANUFACTURED OR MOBILE HOME INSTALLATIONS

### 000. LEGAL AUTHORITY.

In accordance with Section 44-2201, Idaho Code, the administrator of the Idaho Division of Building Safety is authorized to promulgate rules necessary to implement the provisions of Title 44, Chapters 21 and 22, Idaho Code. (3-20-20)T

### 001. TITLE AND SCOPE.

**01. Title.** These rules are IDAPA 07.03.12, “Rules Governing Manufactured or Mobile Home Installations.” (3-20-20)T

**02. Scope.** These rules apply to the installation of manufactured or mobile homes used for purposes of human habitation in Idaho. (3-20-20)T

### 002. -- 003. (RESERVED)

### 004. ADOPTION AND INCORPORATION BY REFERENCE.

The Idaho Manufactured Home Installation Standard (January 1, 2018 edition), as adopted by the administrator, is hereby adopted and incorporated by reference into these rules. A current copy is available for review or copying at the office of the Division of Building Safety offices. (3-20-20)T

### 005. APPLICATION -- COMPLIANCE.

**01. Application -- State Preemption.** The standards referred to in this chapter are a comprehensive statement of all applicable standards which apply to the installation, alteration or repair of manufactured or mobile homes in Idaho. Cities and counties may not adopt or enforce more or less stringent standards, except as permitted by Section 67-6509(a), Idaho Code, as it pertains to the siting of manufactured homes in residential areas. (3-20-20)T

**02. Compliance -- Disciplinary Action Against Licensees.** Failure to comply with these standards constitutes grounds for discipline as provided in Title 44, Chapters 21 and 22, Idaho Code, and IDAPA 07.03.11, “Rules Governing Manufactured/Mobile Home Licensing,” and these rules. (3-20-20)T

### 006. -- 011. (RESERVED)

### 012. USE OF MANUFACTURERS’ INSTALLATION INSTRUCTIONS.

All new HUD manufactured homes must be installed in accordance with the manufacturer’s Design Approval Primary Inspection Agency (DAPIA) approved installation instructions. All used mobile and manufactured homes must be installed in accordance with the Idaho Manufactured Home Installation Standard. In any instance in which there is a conflict between the DAPIA installation instructions and the Idaho Manufactured Home Installation Standards, the DAPIA installation instructions supersede and serve as the controlling authority. All manufactured or mobile homes must be installed in accordance with all other applicable state laws pertaining to utility connection requirements. (3-20-20)T

### 013. INSTALLATION PERMITS AND INSPECTIONS REQUIRED.

The owner or the installer of a manufactured or mobile home must obtain an installation permit in accordance with the requirements of Section 44-2202, Idaho Code. Installation permits must be obtained from the Division for installations in areas where there is no approved local program, or from a city or county that has by ordinance adopted building codes pursuant to Section 39-4116, Idaho Code, and whose installation program has been approved by the Division. Installation permits will only be issued to the owner of the manufactured home or to a licensed installer. The installer must have a current and valid license in effect at the time of the application for the installation permit. All installations must be inspected and approved by the authority having jurisdiction before the manufactured home is occupied. (3-20-20)T

### 014. INSTALLATION PERMIT FEES.

A city or county whose installation inspection program has been approved by the Division establishes their own fee schedule for installation permits within their jurisdiction. Permits obtained from the Division must be accompanied by a fee in accordance with the following schedule: (3-20-20)T

**01. Single Section Unit.** The permit fee is one hundred fifty dollars (\$150). (3-20-20)T

**02. Double Section Unit.** The permit fee is two hundred dollars (\$200). (3-20-20)T

**03. More Than Two Sections.** The permit fee for a home consisting of more than two (2) sections is two hundred fifty dollars (\$250). (3-20-20)T

**04. Electrical and Plumbing Permits.** Electrical and plumbing permits are administered separately from installation permits, and fees for such are separate from the fees identified in Section 014. Such fees are paid to the Division or other jurisdiction in accordance with the rules promulgated by the governing boards or local ordinance. (3-20-20)T

**015. INSTALLATION TAGS REQUIRED.**

The owner or installer of a new manufactured home must purchase an installation tag for fifty dollars (\$50) from the Division prior to commencing the installation of a manufactured home in Idaho. Such tag is required regardless of which jurisdiction has authority to perform the installation inspection. (3-20-20)T

**016. APPROVAL OF LOCAL MANUFACTURED HOME INSTALLATION INSPECTION PROGRAMS.**

**01. Division Approval.** A city or county that has by ordinance adopted a building code pursuant to Section 39-4116, Idaho Code, is eligible to participate in the inspection of manufactured and mobile homes. Such local installation inspection program must be approved by the Division to provide inspection services if the following minimum criteria is met: (3-20-20)T

**a.** Inspections are conducted by the city or county employing inspectors holding a valid certification as residential building inspector from the International Code Council; (3-20-20)T

**b.** Inspectors have attended annual training sessions provided or approved by the Division and received a certificate evidencing successful completion thereof; and (3-20-20)T

**c.** Approval of a city or county's inspection program has not been withdrawn by the Administrator of the Division. (3-20-20)T

**02. Voluntary Withdrawal.** A city or county may voluntarily withdraw from participation in the program to inspect manufactured homes upon providing to the Administrator of the Division ninety (90) days written notice of its intention to do so. (3-20-20)T

**017. WITHDRAWAL OF APPROVAL OF PROGRAMS.**

**01. Division Withdrawal.** Approval of city or county manufactured home installation program may be withdrawn by the Division if it determines that the city or county's program has failed, upon notification of the program deficiencies, to adequately remedy such deficiencies within a period of time specified by the Administrator. (3-20-20)T

**02. Re-Approval.** Re-approval of a program may be made by the Division when it determines that the reasons for the withdrawal have been remedied. (3-20-20)T

**018. MINIMUM TRAINING REQUIREMENTS FOR INSPECTORS.**

**01. Annual Training or Instruction.** All installation inspectors employed by the Division or a city or county must complete eight (8) hours of training or instruction approved by the Division every three (3) years dedicated to the installation and inspection of manufactured and mobile homes. (3-20-20)T

**02. Revocation of Approval.** Training or instruction approval is subject to revocation by the Division if in its discretion it determines that for any reason the training or instruction fails to meet the intent of furthering the education of manufactured home installation inspectors including, but not limited to, inadequacies in course content or methods of delivery. (3-20-20)T

**019. QUALITY ASSURANCE.**

**01. Inspected Installations.** Any inspected installation is subject to quality assurance reviews by Division of Building Safety at its discretion. Findings made by the Division pursuant to such reviews will be forwarded to the inspection authority having jurisdiction. (3-20-20)T

**02. Inspectors and Programs.** All inspectors and approved programs, including the Division, are subject to review. (3-20-20)T

**03. Reviews by Division Personnel.** Quality assurance reviews must be performed by Division supervisory personnel who are experienced in and knowledgeable about the installation requirements for manufactured homes. (3-20-20)T

**04. Division Personnel Training and Certification.** Supervisory personnel as identified in Section 019 of these rules, must meet minimum training and certification requirements for inspectors of manufactured home installations. (3-20-20)T

**020. MINIMUM SCOPE OF INSTALLATION INSPECTION.**

**01. Scope.** At a minimum, the inspection of the installation of a manufactured home by an installer includes the following: (3-20-20)T

**a.** Completion of an inspection record document as required by Section 44-2202(5), Idaho Code. The inspection record document must verify that the installer has visually inspected the installation and certify that the exterior and interior close-up processes, including the marriage line and other covered-up components, have been completed; (3-20-20)T

**b.** Delivery of a copy of the completed inspection record document to the homeowner and the authority having jurisdiction; (3-20-20)T

**c.** Verification that all installed ductwork, plumbing, electrical and fuel supply systems are operating properly; and (3-20-20)T

**d.** If applicable, verification that skirting has been installed correctly. (3-20-20)T

**02. Inspection Minimum Requirements.** At a minimum, the inspection of the installation of a manufactured home must include the following by an inspector: (3-20-20)T

**a.** Verification that site location is suitable for home design and construction, and inspection of site-specific conditions, including preparation and grading for drainage; (3-20-20)T

**b.** Inspection of the foundation construction; (3-20-20)T

**c.** Verification that installed anchorage meets minimum requirements; and (3-20-20)T

**d.** Verification of receipt of a completed inspection record document from the installer. (3-20-20)T

**021. SUPERVISION BY RESPONSIBLE MANAGING EMPLOYEE.**

A licensed installer or employee thereof must personally supervise any installation of a manufactured or mobile home at its place of occupancy. (3-20-20)T

**022. -- 999. (RESERVED)**

## 07.04.02 – SAFETY RULES FOR ELEVATORS, ESCALATORS, AND MOVING WALKS

### 000. LEGAL AUTHORITY.

This chapter is adopted by the administrator of the Division of Building Safety in accordance with Section 39-8605, Idaho Code. (3-20-20)T

### 001. TITLE AND SCOPE.

**01. Title.** These rules are titled IDAPA 07.04.02, “Safety Rules for Elevators, Escalators, and Moving Walks.” (3-20-20)T

**02. Scope.** These rules govern the design, construction, installation, operation, inspection, testing, maintenance, alteration, or repair of elevators, escalators, moving walks, platform lifts, material lifts, and dumbwaiters. (3-20-20)T

### 002. ADOPTION AND INCORPORATION BY REFERENCE.

**01. Documents.** The following codes, amendments, and updates are hereby adopted and incorporated by reference into these rules for all conveyances subject to this chapter. (3-20-20)T

**a.** ANSI/ASME A17.1 2016, Safety Code for Elevators and Escalators with the following exceptions: (3-20-20)T

**i.** Compliance with section 2.8.3.3.2 requires that the means for disconnecting the main power, as required by this section, to be within sight of controller for all conveyances with an elevator machine room or control room. (3-20-20)T

**ii.** Compliance with section 8.11.2.1.5(c) Car and Counterweight Buffer testing must be conducted at slow speed in accordance with Item 5.9.2.1(a) in ANSI/ASME A17.2 2014. (3-20-20)T

**iii.** Compliance with Section 2.2.2.5, which requires a sump pump or drain in the elevator pit, is optional. If a sump pump or drain is installed, it must meet the requirements of this section. A sump with a cover must be provided in each elevator pit. (3-20-20)T

**b.** ANSI/ASME A17.3 2015 Safety Code for Existing Elevators and Escalators. (3-20-20)T

**c.** ANSI/ASME A17.4 1999 Guide for Emergency Personnel. (3-20-20)T

**d.** ANSI/ASME A17.5 2014 Elevator and Escalator Electrical Equipment. (3-20-20)T

**e.** ANSI/ASME A17.6 2010 Standard for Elevator Suspension, and Governor Systems. (3-20-20)T

**f.** ANSI/ASME A17.7 2012 Performance-based Safety Code for Elevators and Escalators. (3-20-20)T

**g.** ANSI/ASME A17.8 2016 Standard for Wind Tower Turbine Elevators. (3-20-20)T

**h.** ICC/ANSI A117.1 2009 Accessible and Usable Buildings and Facilities. (3-20-20)T

**i.** ANSI/ASME A18.1 2014 Safety Standards for Platform Lifts and Chairlifts. (3-20-20)T

**j.** ASME QE-1 2013 Standard for the Qualification of Elevator Inspectors. (3-20-20)T

**02. Copies.** Copies of the codes, amendments, and updates listed in Subsection 004.01 of these rules are available for review at the Division of Building Safety offices. (3-20-20)T

### 003. -- 009. (RESERVED)

### 010. DEFINITIONS.

**01. Administrator.** The administrator of the Division of Building Safety. (3-20-20)T

- 02. Division.** The Idaho Division of Building Safety. (3-20-20)T
- 011. INSPECTION REQUIREMENTS.**  
For an inspection may to take place: (3-20-20)T
- 01. Access.** All machine rooms and spaces must be free of dirt and debris and have any obstacles to access removed. (3-20-20)T
- 02. Technician on Site.** An elevator technician and fire alarm technician must be present on site to restore elevator and fire alarm systems. (3-20-20)T
- 03. Installation.** The elevator installation must be complete and safe for inspection. Equipment, components, or systems installed on the conveyance must function in accordance with design and code requirements. If equipment, components, or systems are installed that are not required by the currently adopted code, they must function properly or be removed. (3-20-20)T
- 04. Inspection Fees.** Inspection fees for elevators are assessed and collected according to the schedule listed in Section 39-8616, Idaho Code, except that reinspection fees for all types of conveyances is one hundred dollars (\$100) for the first hour of inspection, or portion thereof, and one hundred dollars (\$100) for each hour of inspection thereafter. (3-20-20)T
- 012. APPROVAL OF NEW OR ALTERNATIVE TECHNOLOGY.**
- 01. Administrator Approval Required.** If, due to construction or technological impediments, an elevator or conveyance cannot comply with applicable code requirements, approval of new or alternative construction or technology may be requested from the administrator. Approval must be obtained before commencement of construction. (3-20-20)T
- 02. Submission Deadline.** Details of the proposed construction or technology, including design, material specifications and calculations, and such other information as may be requested, must be submitted to the administrator at least thirty (30) days in advance of the anticipated construction start date. (3-20-20)T
- a.** The manufacturer of the new product or system must provide the administrator with an Accredited Elevator/Escalator Certification Organization (AECO) approval and certification in accordance with ANSI/ASME A17.7 Performance-based Safety Code for Elevators and Escalators or engineering and test data demonstrating that the proposed technology is safe for the intended purpose. (3-20-20)T
- b.** The owner of the new product or system must provide the administrator with a document in which the owner acknowledges that the proposed technology is not governed by the applicable safety code and assures the administrator that, at such time as the code is revised to include the product or system, the owner will modify the product or system to bring it into compliance. The owner must assure the administrator that if the product or system cannot be modified or altered to bring it into compliance with the applicable code it will be removed and replaced with code-compliant equipment. (3-20-20)T
- c.** The manufacturer of the new product or system must provide training to Division personnel on the proposed technology and any related products or systems at no cost to the Division. (3-20-20)T
- 03. Engineer Approval.** The information provided in compliance with the foregoing requirements must be approved by an Accredited Elevator/Escalator Certification Organization (AECO) or a registered professional engineer experienced in elevator or conveyance design prior to submission to the administrator. (3-20-20)T
- 013. -- 999. (RESERVED)**

## 07.05.01 – RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

### 000. LEGAL AUTHORITY.

This chapter is adopted pursuant to Section 54-1907, Idaho Code, as amended. (3-20-20)T

### 001. TITLE.

These rules are titled IDAPA 07.05.01, “Rules of the Public Works Contractors License Board.” (3-20-20)T

### 002. -- 009. (RESERVED)

### 010. DEFINITIONS.

As used in these rules. (3-20-20)T

**01. Administrator.** The administrator of the Division of Building Safety. (3-20-20)T

**02. Applicant.** Any person who has filed an application with the administrator. (3-20-20)T

**03. Board.** The Public Works Contractors License Board. (3-20-20)T

**04. Compiled.** A type of financial statement in which the information presented is based solely upon representations by an organization’s management. (3-20-20)T

**05. Estimated Cost.** For the purposes of the application of Section 54-1903(i), Idaho Code, the term “estimated cost” refers to the total aggregate amount of the value of all the separate or individual jobs, parts, components, or undertakings involved in the construction of a single project when combined and considered as a whole, regardless of the types of trades, sub-contracts, work, or other individual aspects involved, and without regard to the number of trades or crafts that are involved. (3-20-20)T

**06. Financial Statement.** A balance sheet and income statement prepared in accordance with generally accepted accounting principles. (3-20-20)T

**07. Incidental Work.** Work, the nature of which does not require any additional trade licenses and which may be carried out in conjunction with an activity for which the licensee is licensed, but is not intended to produce an amount of income over ten percent (10%) of the total bid amount. (3-20-20)T

**08. Independent Audit Report.** A report prepared by an independent certified public accountant presenting such auditor’s opinion on the fairness of the organization’s financial statements and prepared in accordance with generally accepted auditing standards. (3-20-20)T

**09. Licensee.** Includes any individual proprietor, partnership, limited liability partnership, limited liability company, corporation, joint venture, or other business organization holding a current, unrevoked public works contractor license. (3-20-20)T

**10. Qualified Individual.** The person qualifying by examination as to the experience and knowledge required by Section 54-1910(a), Idaho Code. (3-20-20)T

**11. Reviewed.** Refers to a financial statement that is accompanied by the opinion of a certified public accountant stating that, based upon representations by the organization’s management, the reviewer has a reasonable basis for expressing limited assurance that there are no material modifications that should be made to the financial statements in order for the statements to be in accordance with generally accepted accounting principles. (3-20-20)T

### 011. -- 101. (RESERVED)

### 102. COMMUNICATION.

All communications are deemed officially received only when delivered to the office of the administrator. (3-20-20)T

### 103. PETITIONS.

An applicant or licensee seeking an order or decision of the administrator or the Board on any matter, or disciplinary proceeding, must file a written petition. (3-20-20)T

### 104. FORM AND CONTENT OF PETITION.

**01. Form.** The petition, including the heading, the name of the petitioner or person making the request, and the purpose of the petition must contain the following: (3-20-20)T

- a.** The petitioner’s name, address, and license number. (3-20-20)T
- b.** The petitioner’s request in brief, precise and specific terms, including references to any pertinent statutes or rules, and a detailed explanation of the purpose for the request. (3-20-20)T
- c.** Statements of fact to support the request. Briefs and supporting documents may accompany petitions. (3-20-20)T

**02. Service.** The petition must be dated and signed by the petitioner, and filed as set forth in Section 102 of these rules. (3-20-20)T

**105. LICENSE RENEWAL -- FILING DEADLINES; PETITIONS FOR EXTENSION OF TIME TO FILE; LAPSED LICENSES.**

**01. Filing Deadline.** Applications for renewal of a license must be filed by the last working day of the month in which the license expires. (3-20-20)T

**02. Extension of Time.** A petition for an extension of time in which to renew must be filed by the last working day of the month in which the license expires. The petition must be accompanied by a fee in the amount of the prorated portion of the annual license fee for the class of license applied for, with a minimum fee of at least fifty dollars (\$50). The fee for this service is required in addition to the licensing and renewal fees provided for in Section 201 of these rules and paid to the Division at the time of application for licensure. Petitions not accompanied by the required fees or filed after the license has expired will not be honored. (3-20-20)T

**a.** The petition must specify the number of days for which the extension is being requested; however under no circumstances may an extension exceed sixty (60) days. (3-20-20)T

**03. Approval of Petition.** Approval of a petition for an extension of time authorizes operation as a contractor until the administrator completes action on the renewal application, provided the application for renewal is filed with the Administrator within the extended time specified. (3-20-20)T

**04. Failure to File.** If the licensee fails to file a timely application for renewal or petition for extension, the license lapses and expires on the last day of the license period. Licenses not renewed in a timely manner are considered delinquent for a period of one (1) year from the last day of the license period and may be renewed at any time during that year. Licenses delinquent for more than a period of one (1) year must be reinstated and the applicant for reinstatement must apply as if for a new license. (3-20-20)T

**05. Expedited Licensure.** Upon an applicant’s request and payment of a fee of one hundred dollars (\$100), the Division will expedite its review and determination of a license application. The fee for this service is required in addition to the licensing and renewal fees provided for in Section 201 of these rules and must be paid to the Division at the time of application for licensure. (3-20-20)T

**106. SPECIAL PROVISIONS COVERED IN A PETITION TO CHANGE OR ADD TYPES OF CONSTRUCTION.**

A petition to change or add types of construction must be supported by evidence, satisfactory to the administrator, of work history, job performance, experience, equipment, financial responsibility, and a minimum of three (3) letters of reference. The evidence of work history, job performance, experience, and financial responsibility must comply with the requirements of Subsections 110.01 and 110.02 of these rules. All of the evidence must specifically pertain to work that is similar in scope and value to that for which the change or addition is being requested. (3-20-20)T

**107. -- 108. (RESERVED)**

**109. NOTICE.**  
In any contested case or other matter of Board business, written notification, mailed to the licensee or the applicant at

the most current address on record with the Board, constitutes sufficient notification for all purposes within Title 54, Chapter 19, Idaho Code, and these rules. (3-20-20)T

**110. APPLICATION FOR LICENSURE -- DOCUMENTATION; APPRAISALS; REFERENCES; BONDING; AND FINANCIAL STATEMENTS.**

**01. Application Documentation.** To obtain a license, the applicant must submit to the administrator, on such forms and in a format as the administrator prescribes, including electronically, accompanied by the required fee for the class of license applied for, a complete written application for such license. All of the information submitted by the applicant must specifically pertain to work that is similar in scope and value to that for which licensure is being requested or that is being requested in a petition to change or add types of construction. The information contained in such application forms must include: (3-20-20)T

**a.** A complete statement of the general nature of applicant's contracting business, including a concise description of the applicant's experience and qualifications as a contractor and a list of clients for whom work has been performed; (3-20-20)T

**b.** A description of the value and character of contract work completed and for whom performed during the three (3) year period prior to filing the application; (3-20-20)T

**c.** A general description of applicant's machinery and equipment; and (3-20-20)T

**d.** An annual financial statement, as herein defined, that covers a period of time ending no more than twelve (12) months prior to the date of submission of the application, indicating compliance with such financial requirements as the Board may prescribe by rule. The applicant's financial statement may be supplemented with: (3-20-20)T

**i.** Bonding. As authorized by Section 54-1910(e), Idaho Code, a letter from applicant's bonding company, not an insurance agent, stating the amount of the applicant's bonding capability per project and in the aggregate, including supporting documentation; (3-20-20)T

**ii.** Guaranty. Documentation, satisfactory to the administrator, of the existence of a written guaranty agreement between the applicant and a third-party in which the third-party guarantor agrees to assume financial responsibility for payment of any obligations of the applicant for any particular project as may be determined by a court of competent jurisdiction. The guaranty agreement, along with financial statements meeting the requirements of Paragraph 110.01.e. of this rule, must be submitted with the license application. (3-20-20)T

**e.** For Class A, AA, AAA, and Unlimited license applications, financial statements must be accompanied by an independent auditor's report or be reviewed. For Class B and CC license applications, financial statements must be accompanied by an independent audit report or be reviewed or compiled by a certified public accountant. For Class C and Class D license applications, financial statements must be accompanied by an independent audit report or be reviewed, compiled, or on the form provided by the administrator, and include such additional information as may be required by the administrator to determine the applicant's fitness for a license. (3-20-20)T

**f.** The name, social security number, and business address of an individual applicant or, if the applicant is a partnership, its tax identification number, business address, and the names and addresses of all general partners; and if the applicant is a corporation, association, limited liability company, limited liability partnership, or other organization, its tax identification number, business address, and the names and addresses of the president, vice president, secretary, treasurer, and chief construction managing officers, or responsible managing employee. (3-20-20)T

**g.** Applicants requesting a licensing class higher than that for which the applicant is currently licensed must provide documentation, satisfactory to the administrator, of having performed projects, similar in scope and character to those for which license is requested. The monetary value of those jobs must fall within a range not less than thirty percent (30%) below that for which the applicant is currently licensed. (3-20-20)T



**02. Application for Change in Licensing Class.** Requests for a licensing class higher than that for which the applicant is currently licensed must be accompanied by the information in Subsection 110.01 of these rules, and the applicable fee. Licenses granted under Subsection 110.02 of these rules are valid for a period of twelve (12) months from the date of issuance. (3-20-20)T

**03. Extension of Time to File Financial Statement.** The administrator may grant an extension of time to file the annual financial statement if the licensee provides an interim compiled balance sheet and income statement for the applicant’s fiscal year-to-date, duly certified as true by the applicant, and if a partnership, limited liability company, or limited liability partnership by a member thereof, and if a corporation, by its executive or financial officer. Such renewal application must be filed prior to the first day of such renewal licensing period. In the event an extension is granted, the renewal license is valid for a period of twelve (12) months from the date of the issuance of the renewal license. (3-20-20)T

**04. Appraisals.** The administrator may require submission of an independent appraisal of any real or chattel property reported by an applicant or licensee. Such appraisals must be conducted by a disinterested person or firm established and qualified to perform such services. (3-20-20)T

**05. References.** The administrator may require an applicant for an original or renewal license to furnish such personal, business, character, financial, or other written references as deemed necessary and advisable in determining the applicant’s qualifications. (3-20-20)T

**111. FINANCIAL REQUIREMENTS.**

The financial requirements for obtaining and maintaining a heavy, highway, building, and specialty construction license under this act must be as described in this section for each respective class. An applicant requesting a license for each class identified in this section must have a minimum net worth and possess an amount of working capital as provided in Table 111.01:

<b>TABLE 111.01 – FINANCIAL REQUIREMENTS</b>		
<b>LICENSE CLASS</b>	<b>NET WORTH</b>	<b>WORKING CAPITAL</b>
Unlimited	\$1,000,000	\$600,000
AAA	\$600,000	\$200,000
AA	\$450,000	\$150,000
A	\$300,000	\$100,000
B	\$150,000	\$50,000
CC	\$75,000	\$25,000
C	\$25,000	\$7,500
D	\$10,000	\$3,000

(3-20-20)T

**112. EXAMINATION.**

The Board approves all subject areas and topics to be included in the public works contractor license examination. (3-20-20)T

**01. Frequency of Conducting of Examinations.** (3-20-20)T

**a.** Examinations for all classes of licenses under the Public Contractors laws and rules will be given a minimum of four (4) times each year in the Division’s three (3) office locations. (3-20-20)T

**b.** The applicant will be notified in writing of the date, time, and location at which the examinations will be given, following approval of the application. (3-20-20)T

**02. Professional Testing Services.** In lieu of the administration by the administrator of the examination for licenses, the administrator may contract with a professional testing service to administer the examination, and require all license applicants, with the exception of Class D applicants, to pay to the testing service the fee that they have set for the examination, to take such examination at the time set by such service, and provide the Division acceptable verification of the test score. In such instances, the Division may charge and retain the application fee provided for by Section 54-1911, Idaho Code, to cover the cost of reviewing the applicant's application. (3-20-20)T

**a.** Class D applicants will utilize the existing in-house, open-book examination. (3-20-20)T

**b.** Class D licensees pursuing an upgrade must reapply and pass the examination administered by the professional testing service. (3-20-20)T

**03. Required Score.** The applicant must receive a final grade of seventy percent (70%) or higher prior to issuance of the appropriate license. (3-20-20)T

**04. Failed Examinations.** (3-20-20)T

**a.** An applicant receiving less than a passing score on a first or second examination may be reexamined without reapplication. (3-20-20)T

**b.** Before being reexamined after failing an examination the third time, an applicant must resubmit the application and fee. (3-20-20)T

**c.** Before being reexamined after any further failures, an applicant for reexamination must wait until the expiration of sixty (60) days from the date of the failed examination and resubmit the application and fee for each subsequent examination. (3-20-20)T

**113. INDIVIDUAL QUALIFIED BY EXAMINATION.**

**01. Written Notice.** Written notice, required by Section 54-1910(a), Idaho Code, that the Qualified Individual of a public works contractor has ceased to be connected with the contractor must be provided to the Administrator on forms prescribed by the Administrator indicating the date the Qualified Individual ceased to be connected with the contractor. (3-20-20)T

**02. Reasonable Length of Time.** If a public works contractor notifies the Administrator that the contractor's Qualified Individual has ceased to be connected with the contractor, the contractor's license will remain in force for ninety (90) days from the date of the notice. (3-20-20)T

**114. -- 198. (RESERVED)**

**199. LIMITATIONS.**

**01. One License.** A licensee will be permitted to hold only one (1) class of license at any given time. (3-20-20)T

**02. Previous License Null and Void.** When a licensee of one class has been issued a license of another class, the previous license is null and void. (3-20-20)T

**03. Total Bid Cost.** The total of any single bid on a given public works project, or the aggregate total of any split bids, or the aggregate total of any base bid and any alternate bid items, or the aggregate total of any separate bid by a licensee of any class, except Class Unlimited, may not exceed the estimated cost or bid limit of the class of license held by the licensee. The aggregate total of bids must include all bids of the subcontractors. Subcontractor bids are not considered a separate bid for the purposes of computing the bid on a given public works project. (3-20-20)T

**04. Two or More Licensees.** Two (2) or more licensees of the same class or of different classes are not permitted to combine the estimated cost or bid limit of their licenses to submit a bid in excess of the license held by either licensee. (3-20-20)T

**05. Type 4 License Holder.** The holder of a license for Type 4, Specialty Construction, are entitled to bid a public works project as a prime contractor or as a subcontractor, if more than fifty percent (50%) of the work to be performed by him on such project is covered by a category or categories listed on the license held by the licensee. (3-20-20)T

**200. TYPE 4-SPECIALTY CONSTRUCTION CATEGORIES.**

A license for Type 4-Specialty Construction must list one (1) or more specialty construction categories to which the license is restricted. Categories and their definitions are: (3-20-20)T

**01. 01107 Engineering.** A specialty contractor whose primary business includes providing engineering and design services such as civil, electrical, mechanical, and structural. (3-20-20)T

**02. 01541 Scaffolding and Shoring.** A specialty contractor whose primary business is the installation of any temporary elevated platform and its supporting structure used for supporting workmen or materials or both, and props or posts of timber or other material in compression used for the temporary support of excavations, formwork or unsafe structures; the process of erecting shoring. (3-20-20)T

**03. 01542 Craning and Erection.** A specialty contractor whose primary business includes the art, ability and skill to safely control the workings of a crane in such a manner that building materials, supplies, equipment and structural work can be raised and set in a final position. (3-20-20)T

**04. 01550 Construction Zone Traffic Control.** A specialty contractor whose primary business is the installation or removal of temporary lane closures, flagging or traffic diversions, utilizing pilot cars, portable devices such as cones, delineators, barricades, sign stands, flashing beacons, flashing arrow trailers, and changeable message signs on roadways, public streets and highways or public conveyances. (3-20-20)T

**05. 01570 Temporary Erosion and Sediment Controls.** A specialty contractor whose primary business includes the ability and expertise to install silt fencing or other similar devices to prevent erosion and contain silt. (3-20-20)T

**06. 02110 Excavation, Removal and Handling of Hazardous Material.** A specialty contractor whose primary business includes the excavation and removal of toxic and hazardous site materials. Contractors must be properly licensed and certified if required. (3-20-20)T

**07. 02115 Removal of Underground Storage Tanks.** A specialty contractor whose primary business includes, but is not limited to, the excavation, removal, cleanup, and disposal of underground storage tanks that have contained petrochemical type fuels. This work should include the sampling and testing of surrounding materials and filing of closure documents. (3-20-20)T

**08. 02195 Environmental Remediation, Restoration and Soil Stabilization.** A specialty contractor whose primary business is the remediation and restoration of contaminated environmental sites. (3-20-20)T

**09. 02210 Drilling.** A specialty contractor whose primary business includes practical elementary knowledge of geology and hydrology; the art, ability, knowledge, science and expertise to bore, drill, excavate, case, pack or cement by use of standard practices, including the use of diamond bits, cable tools, percussion, air percussion, rotary, air rotary, reverse circulation rotary methods or jetting. (3-20-20)T

**10. 02220 Demolition.** A specialty contractor whose primary business includes the ability and expertise to demolish all types of buildings or structures and to remove all of such buildings or structures from the premises, and maintain the premises surrounding demolition site safely for passing public. (3-20-20)T

**11. 02230 Site Clearing.** A specialty contractor whose primary business includes the ability and expertise to remove and dispose of all trees, brush, shrubs, logs, windfalls, stumps, roots, debris and other obstacles in

preparation for excavation of a construction site or other uses. (3-20-20)T

**12. 02231 Logging.** A specialty contractor whose primary business and expertise includes the clearing, cutting, removal and transportation of logs and trees and the construction of temporary roads and structures for such operations along with any reclamation work associated with such operations. (3-20-20)T

**13. 02232 Tree Removal and Trimming.** A specialty contractor whose primary business includes pruning, removal, or guying of trees, limbs, stumps, and bushes including grinding and removal of such items. (3-20-20)T

**14. 02240 Dewatering and Subsurface Drainage.** A specialty contractor whose primary business is to control the level and flow of subsurface water. (3-20-20)T

**15. 02260 Earth Retention Systems, Mechanical Stabilized Earth Walls and Retaining Walls.** A specialty contractor whose primary business includes the building of earth retention systems, mechanical stabilized earth walls and retaining walls. (3-20-20)T

**16. 02265 Slurry Walls.** A specialty contractor whose primary business is the construction of below ground structural diaphragm walls or containment walls through the combined use of trench excavation, mud slurry and tremie concrete. (3-20-20)T

**17. 02270 Rockfall Mitigation and High Scaling.** A specialty contractor whose primary business is rockfall mitigation and high scaling. (3-20-20)T

**18. 02310 Excavation and Grading.** A specialty contractor whose primary business includes such work as digging, moving and placing material forming the surface of the earth in such manner that a cut, fill, excavation and any similar excavating operation can be done with the use of hand and power tools and machines that are used to dig, move and place that material forming the earth's surface. (3-20-20)T

**19. 02312 Dust Control, Dust Abatement and Dust Oiling.** A specialty contractor whose primary business is dust control, dust abatement and dust oiling. (3-20-20)T

**20. 02317 Rock Trenching.** A specialty contractor whose primary business is rock trenching. (3-20-20)T

**21. 02318 Hauling.** A specialty contractor whose primary business includes the ability and expertise to obtain or move specified materials by transportation in a vehicle. (3-20-20)T

**22. 02319 Blasting.** A specialty contractor whose primary business includes the use of conventional and high explosives for pre-splitting, surface, underground and underwater blasting, drill, trench, or excavate for use of explosives; priming and loading drilled, trenched or excavated areas by pipe tamping, pneumatic loading, injector loading, mud capping, slurry loading, combination of pneumatic and injector loading or hand loading; use of volt, ohms and milliampere meter (VOM) in testing blasting machine output voltage, power line voltage, measuring electric blasting cap or blasting circuit resistance, testing for current leakage, testing for AC-DC stray current and voltage, leading wires for open or short circuits, rack bar blasting machine for running short or galvanometer output voltage; use of blasting caps, electric blasting caps, delay electric blasting caps, primacord and all other detonating devices. (3-20-20)T

**23. 02325 Dredging.** A specialty contractor whose primary business includes the excavation or removal of earth, rock, silt, or sediment from bodies of water including but not limited to streams, lakes, rivers or bays by means of specialized equipment. (3-20-20)T

**24. 02404 Horizontal and Directional Earth Boring, Trenching and Tunneling.** A specialty contractor whose primary business and expertise includes boring, trenching or tunneling. (3-20-20)T

**25. 02450 Drilled Piers, Pile Driving, Caisson Drilling, Geopier and Helical Piers.** A specialty contractor whose primary business includes drilling piers, pile driving, caisson drilling, Geopier and helical piers. (3-20-20)T

**26. 02500 Utilities.** A specialty contractor whose primary business includes the construction and installation of pipe lines for the transmission of sewage, gas and water, including minor facilities incidental thereto; installation of electrical poles, towers, arms, transformers, fixtures, conduits, conductors, switch gear, grounding devices, panels, appliances and apparatus installed outside of buildings; including excavating, trenching, grading, back fill, asphalt patching as well as all necessary work and installation of appurtenances in connection therewith. (3-20-20)T

**27. 02520 Well Drilling.** A specialty contractor whose primary business includes the practical elementary knowledge of geology, hydrology, the occurrence of water in the ground, water levels in wells, the prevention of surface and sub-surface contamination and pollution of the ground water supply; and the art, ability, experience, knowledge, science, and expertise to bore, drill, excavate, case, screen, cement, clean and repair water wells; or to do any or any combination of any or all such boring, drilling, excavating, casing, cementing, cleaning and repairing with hand or power tools or rigs, including the installation and repair of pumps. (3-20-20)T

**28. 02580 Installation of Communication Towers.** A specialty contractor whose primary business and expertise is the installation of communication towers. (3-20-20)T

**29. 02660 Membrane Liners for Ponds and Reservoirs.** A specialty contractor whose primary business includes the installation of liners for the purpose of containment of liquids. (3-20-20)T

**30. 02720 Crushing.** A specialty contractor whose primary business includes the ability and expertise to reduce rocks and aggregates to a smaller and uniform size and gradation to meet an agreed specification. (3-20-20)T

**31. 02740 Asphalt Paving.** A specialty contractor whose primary business includes the installation of aggregate base course, cement treated base, bitumen treated base, asphalt concrete and the application of asphalt surfacing and surface repairs of streets, intersections, driveways, parking lots, tennis courts, running tracks, play areas; including the application or installation of primer coat, asphalt binder course, tack coating, seal coating and chips, slurry seal and chips, flush or flog coats, asphalt curbs, concrete bumper curbs, redwood headers, asphalt surface binder emulsion, asbestos and sand and acrylic color systems. (Synthetic and athletic surfacing are category 02790 Athletic and Recreational Surfaces.) Also includes crack sealing, asphalt maintenance repair and soil pulverization. (3-20-20)T

**32. 02761 Traffic Marking and Striping.** A specialty contractor whose primary business includes the art, ability and expertise to apply markings to streets, roadways, or parking surfaces pre-designed for the use of parking or passage of vehicles by the application of directional lines, buttons, markers, and signs made of but not limited to plastic, paint, epoxies and rubber, in such manner as to provide for the channeling and controlling of the traffic flow. Also includes temporary striping. (3-20-20)T

**33. 02785 Asphalt Maintenance and Repair, Seal Coating, Crack Sealing and Chip Sealing.** A specialty contractor whose primary business is asphalt maintenance and repair, seal coating, crack sealing and chip sealing. (3-20-20)T

**34. 02790 Athletic and Recreational Surfaces.** A specialty contractor whose primary business is the installation of specialty surfaces including but not limited to non-wood athletic floors, tennis courts, running tracks and artificial turf. This would include any subsurface preparation such as leveling, excavation, fill and compaction or grading. The application of surfacing, mixing, spreading or placing of emulsions, binders, sand and acrylic color systems is also included along with the installation of modular, plastic athletic floors such as "Sport Court" type floors. This category does not include any type of structure required for the installation of these surfaces. (3-20-20)T

**35. 02810 Sprinkler and Irrigation Systems.** A specialty contractor whose primary business includes the installation of types and kinds of water distribution systems for complete artificial water or irrigation of gardens, lawns, shrubs, vines, bushes, trees and other vegetation, including the trenching, excavating and backfilling in connection therewith. (Low voltage only.) (3-20-20)T

**36. 02820 Fencing.** A specialty contractor whose primary business includes the installation and repair

- of any type of fencing. (3-20-20)T
- 37. 02840 Guardrails and Safety Barriers.** A specialty contractor whose primary business includes the installation of guardrails and safety barriers (including cattle guards). (3-20-20)T
- 38. 02850 Bridges and Structures.** A specialty contractor whose primary business includes the installation, alteration and repair of bridges and related structures, including culverts. (3-20-20)T
- 39. 02855 Bridge Crossings and Box Culverts.** A specialty contractor whose primary business is the installation or construction, or both, of any bridge or crossing structure shorter than twenty (20) feet measured on the centerline of the roadway or trail. (3-20-20)T
- 40. 02880 Installation of School Playground Equipment.** A specialty contractor whose primary business is the installation of school playground equipment. (3-20-20)T
- 41. 02890 Traffic Signs and Signals.** A specialty contractor whose primary business includes the art, ability, knowledge, experience, science and expertise to fabricate, install and erect signs, including electrical signs and including the wiring of such signs. A licensed electrician must perform all the electrical work. (3-20-20)T
- 42. 02900 Landscaping, Seeding and Mulching.** A specialty contractor whose primary business includes the preparation of plots of land for architectural, horticulture and provisions of decorative treatment and arrangement of gardens, lawns, shrubs, vines, bushes, trees and other decorative vegetation; construction of conservatories, hot and green houses, drainage and sprinkler systems, and ornamental pools, tanks, fountains, walls, fences and walks, arrange, fabricate and place garden furniture, statuary and monuments in connection therewith. (3-20-20)T
- 43. 02910 Slope Stabilization, Hydroseeding, Hydromulching, Native Plant Revegetation for Erosion Control.** A specialty contractor whose primary business is slope stabilization, including necessary tillage and plant bed preparation using hydroseeding, hydromulching and native plant revegetation for erosion control. (3-20-20)T
- 44. 02935 Landscape Maintenance.** A specialty contractor whose primary business and expertise includes the maintenance of existing lawns, gardens, and sprinkler systems. This would include mowing, weeding, fertilization, pest control and minor repair or relocation of sprinkler systems. (3-20-20)T
- 45. 02937 Pest Control, Sterilization and Herbicide Applications.** A specialty contractor whose primary business includes the mixing, transportation and application of fertilizers, pesticides, herbicides, and sterilization chemicals for the control of insects, pests and weeds. (3-20-20)T
- 46. 02955 Pipeline Cleaning, Sealing, Lining and Bursting.** A specialty contractor whose primary business and expertise includes cleaning, sealing, lining and bursting pipelines. (3-20-20)T
- 47. 02965 Cold Milling, Rumble Strip Milling, Asphalt Reclaiming and Pavement Surface Grinding.** A specialty contractor whose primary business includes cold milling, rumble strip milling, asphalt reclaiming and pavement surface grinding. (3-20-20)T
- 48. 02990 Structural Moving.** A specialty contractor whose primary business includes but is not limited to raising, lowering, cribbing, underpinning and moving of buildings or structures. This does not include the alterations, additions, repairs or rehabilitation of the retained portion of the structure. (3-20-20)T
- 49. 03200 Concrete Reinforcing Rebar Installation.** A specialty contractor whose primary business includes the ability and expertise to fabricate, place and tie steel mesh or steel reinforcing bars or rods of any profile, perimeter or cross-section that are or may be used to reinforce concrete. (3-20-20)T
- 50. 03300 Concrete.** A specialty contractor whose primary business includes the ability and expertise to process, proportion, batch and mix aggregates consisting of sand, gravel, crushed rock or other inert materials having clean uncoated grains of strong and durable minerals, cement and water or to do any part or any combination

of any thereof, in such a manner that acceptable mass, pavement, flat and other cement and concrete work can be poured, placed, finished and installed, including the placing, forming and setting of screeds for pavement or flat work. Also includes concrete sidewalks, driveways, curbs and gutters. (3-20-20)T

**51. 03370 Specially Placed Concrete, Concrete Pumping and Shotcreting.** A specialty contractor whose primary business includes the ability and equipment necessary to deliver and install concrete, and similar materials to their final destination in buildings and structures. (3-20-20)T

**52. 03380 Post-Tensioned Concrete Structures or Structural Members.** A specialty contractor whose primary business is the post-tensioning of structural elements using sleeved tendons of high-strength prestressing steel. (3-20-20)T

**53. 03500 Gyperete.** A specialty contractor whose primary business includes the ability and expertise to mix and apply gypsum concrete. (3-20-20)T

**54. 03600 Concrete Grouting.** A specialty contractor whose primary business includes the ability and the equipment necessary to place concrete grouts. Concrete grouts are thin, fluid, shrink resistant, mortar-like materials used for filling joints and cavities and setting and anchoring items in masonry and concrete. (3-20-20)T

**55. 03650 Pressure Grouting and Slab Jacking.** A specialty contractor whose primary business includes pressure foundation grouting and jacking and the injection of concrete or mortar into foundations for stabilization. (3-20-20)T

**56. 03900 Concrete Demolition, Concrete Sawing and Cutting, Core Drilling, Joint Sealing and Hydrocutting.** A specialty contractor whose primary business includes concrete cutting, drilling, sawing, cracking, breaking, chipping or removal of concrete. This category also includes the caulking or sealing of joints or cracks caused by such operations. (3-20-20)T

**57. 04000 Masonry.** A specialty contractor whose primary business includes the installation with or without the use of mortar or adhesives of brick, concrete block, adobe units, gypsum partition tile, pumice block or other lightweight and facsimile units and products common to the masonry industry. (3-20-20)T

**58. 04900 Chemical Cleaning and Masonry Restoration.** A specialty contractor whose primary business includes the cleaning or restoration of masonry through the use of chemicals, pressure washing, sand blasting or other methods. (3-20-20)T

**59. 05090 Welding.** A specialty contractor whose primary business causes metal to become permanently attached, joined and fabricated by the use of gases or electrical energy, developing sufficient heat to create molten metal, fusing the elements together. (3-20-20)T

**60. 05100 Steel Fabrication, Erection and Installation.** A specialty contractor whose primary business includes the ability and expertise to fabricate, place and tie steel reinforcing bars, erect structural steel shapes and plates, of any profile, perimeter or cross-section, that are or may be used to reinforce concrete or as structural members for buildings and structures, including riveting, welding and rigging only in connection therewith, in such a manner that steel reinforcing and structural work can be fabricated and erected. (3-20-20)T

**61. 05700 Ornamental Metals.** A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to assemble, case, cut, shape, stamp, forage, fabricate and install sheet, rolled and cast, brass, bronze, copper, cast iron, wrought iron, monel metal, stainless steel, and any other metal or any combination thereof, as have been or are now used in the building and construction industry for the architectural treatment and ornamental decoration of buildings and structures, in such a manner that, under an agreed specification, acceptable ornamental metal work can be executed, fabricated and installed; but does not include the work of a sheet metal contractor. (3-20-20)T

**62. 05830 Bridge Expansion Joints and Repair.** A specialty contractor whose primary business and expertise is the repair of bridge expansion joints. (3-20-20)T

- 63. 06100 Carpentry, Framing and Remodeling.** A specialty contractor whose primary business includes the placing and erection of floor systems, walls, sheeting, siding, trusses, roof decking of either wood or light gauge metal framing. This contractor also installs finish items such as running trim, sashes, doors, casing, cabinets, cases and other pre-manufactured finished items. (3-20-20)T
- 64. 06130 Log and Heavy Timber Construction.** A specialty contractor whose primary business includes the ability and expertise to build and erect log or heavy timber structures. (3-20-20)T
- 65. 06139 Docks - Log and Wood Structures.** A specialty contractor whose primary business includes the ability and expertise to construct log and wood structured docks. (3-20-20)T
- 66. 06200 Finish Carpentry and Millwork.** A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to cut, surface, join, stick, glue and frame wood and wood products, in such a manner that, under an agreed specification, acceptable cabinet, case, sash, door, trim, nonbearing partition, and such other mill products as are by custom and usage accepted in the building and construction industry as millwork and fixtures, can be executed; including the placing, erecting, fabricating and finishing in buildings, structures and elsewhere of such millwork and fixtures or to do any part or any combination of any thereof. (3-20-20)T
- 67. 07100 Waterproofing and Dampproofing.** A specialty contractor whose primary business includes the ability and expertise to apply waterproofing membranes, coatings of rubber, latex, asphaltum, pitch, tar or other materials or any combination of these materials, to surfaces to prevent, hold, keep and stop water, air or steam from penetrating and passing such materials, thereby keeping moisture from gaining access to material or space beyond such waterproofing. (3-20-20)T
- 68. 07200 Thermal Insulation.** A specialty contractor whose primary business includes the installation of any insulating media in buildings and structures for the purpose of temperature control. (3-20-20)T
- 69. 07240 Stucco and Exterior Insulation Finish Systems (EIFS).** A specialty contractor whose primary business includes the ability and expertise to install Stucco and EIFS. (3-20-20)T
- 70. 07400 Roofing and Siding.** A specialty contractor whose primary business includes the ability and expertise to examine surfaces and to bring such surfaces to a condition where asphaltum, pitch, tar, felt, flax, shakes, shingles, roof tile, slate and any other material or materials or any combination thereof, that use and custom has established as usable for, or which material or materials are now used as, such waterproof, weatherproof or watertight seal for such membranes, roof and surfaces; but does not include a contractor whose sole contracting business is the installation of devices or stripping for the internal control of external weather conditions. (3-20-20)T
- 71. 07450 Siding and Decking.** A specialty contractor whose primary business includes the application or installation of exterior siding, decking or gutters including wood, wood products, vinyl, aluminum and metal to new or existing buildings and includes wooden decks and related handrails. (This category does not include the construction or installation of covers or enclosures of any kind.) (3-20-20)T
- 72. 07700 Sheet Metal Flashings, Roof Specialties and Accessories.** A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to select, cut, shape, fabricate and install sheet metal such as cornices, flashings, gutters, leaders, rainwater down spouts, pans, etc., or to do any part or any combination thereof, in such a manner that sheet metal work can be executed, fabricated and installed. (3-20-20)T
- 73. 07800 Sprayed on Fireproofing.** A specialty contractor whose primary business includes the mixing, transportation, and installation of fire proofing materials for buildings and structures. (3-20-20)T
- 74. 07920 Caulking and Joint Sealants.** A specialty contractor whose primary business includes the ability and expertise for installation of elastomeric and rigid joint sealants, caulking compounds, and related accessories. (3-20-20)T
- 75. 08100 Doors, Gates, Specialty Doors and Activating Devices.** A specialty contractor whose



primary business is the installation, modification or repair of residential, commercial or industrial doors and door hardware. This includes but is not necessarily limited to wood, metal clad or hollow metal, glass, automatic, revolving, folding and sliding doors, power activated gates, or movable sun shades/shutters. Card activated equipment and other access control devices and any low voltage electronic or manually operated door hardware devices are also a part of this category. (3-20-20)T

**76. 08500 Windows, Glass and Glazing.** A specialty contractor whose primary business includes the art, ability, experience, knowledge and expertise to select, cut, assemble and install all makes and kinds of glass and glass work, and execute the glazing of frames, panels, sash and doors, in such a manner that under an agreed specification, acceptable glass work and glazing can be executed, fabricated and installed, and may include the fabrication or installation in any building or structure of frames, glazed-in panels, sash or doors, upon or within which such frames, glazed-in panels, sash or doors, such glass work or glazing has been or can be executed or installed. (3-20-20)T

**77. 09110 Steel Stud Framing.** A specialty contractor whose primary business includes the ability and expertise to build or assemble steel stud framing systems. (3-20-20)T

**78. 09200 Lath and Plaster.** A specialty contractor whose primary business includes the ability and expertise to prepare mixtures of sand, gypsum, plaster, quick-lime or hydrated lime and water or sand and cement and water or a combination of such other materials as create a permanent surface coating; including coloring for same and to apply such mixtures by use of a plaster's trowel, brush or spray gun to any surface which offers a mechanical key for the support of such mixture or to which such mixture will adhere by suction; and to apply wood or metal lath or any other materials which provide a key or suction base for the support of plaster coatings; including the light gauge metal shapes for the support of metal or other fire proof lath. Includes metal stud framing. (3-20-20)T

**79. 09250 Drywall.** A specialty contractor whose primary business includes the ability and expertise to install unfinished and prefinished gypsum board on wood and metal framing and on solid substates; gypsum and cementitious backing board for other finishes; accessories and trim; and joint taping and finishing. (3-20-20)T

**80. 09300 Tile and Terrazzo.** A specialty contractor whose primary business includes the ability and expertise to examine surfaces and bring such surfaces to a condition where acceptable work can be executed and fabricated thereon by the setting of chips or marble, stone, tile or other material in a pattern with the use of cement, and to grind or polish the same. (3-20-20)T

**81. 09500 Acoustical Treatment.** A specialty contractor whose primary business includes the installation, application, alteration and repair of all types of acoustical systems, to include acoustical ceilings, wall panels, sound control blocks and curtains, hangers, clips, inserts, nails, staples, related hardware and adhesive, lightweight framing systems and related accessories (electrical excluded), installation and repair of gypsum wall board, painting, accessories, taping and texturing. (3-20-20)T

**82. 09600 Flooring.** A specialty contractor whose primary business includes the ability and expertise to examine surfaces, specify and execute the preliminary and preparatory work necessary for the installation of flooring, wherever installed, including wood floors and flooring (including the selection, cutting, laying, finishing, repairing, scraping, sanding, filling, staining, shellacking and waxing) and all flooring of any nature either developed as or established through custom and usage as flooring. (3-20-20)T

**83. 09680 Floor Covering and Carpeting.** A specialty contractor whose primary business includes the installation, replacement and repair of floor covering materials, including laminates and including preparation of surface to be covered, using tools and accessories and industry accepted procedures of the craft. (3-20-20)T

**84. 09900 Painting and Decorating.** A specialty contractor whose primary business includes the ability and expertise to examine surfaces and execute the preliminary and preparatory work necessary to bring such surfaces to a condition where acceptable work can be executed thereon with the use of paints, varnishes, shellacs, stains, waxes, paper, oilcloth, fabrics, plastics and any other vehicles, mediums and materials that may be mixed, used and applied to the surface of buildings, and the appurtenances thereto, of every description in their natural condition or constructed of any material or materials whatsoever that can be painted or hung as are by custom and usage accepted in the building and construction industry as painting and decorating. (3-20-20)T

**85. 09950 Sand Blasting.** A specialty contractor whose primary business includes the ability and expertise to sand blast surfaces through the use of equipment designed to clean, grind, cut or decorate surfaces with a blast of sand or other abrasive applied to such surfaces with steam or compressed air. (3-20-20)T

**86. 09960 Specialty Coatings.** A specialty contractor whose primary business includes the surface preparation and installation of specialty coatings. (3-20-20)T

**87. 10150 Institutional Equipment.** A specialty contractor whose primary business includes the installation, maintenance and repair of booths, shelves, laboratory equipment, food service equipment, toilet partitions, and such other equipment and materials as are by custom and usage accepted in the construction industry as institutional equipment. (3-20-20)T

**88. 10270 Raised Access Flooring.** A specialty contractor whose primary business includes the installation of wood or metal-framed elevated computer-flooring systems. This does not include the structural floor on which the computer floor is supported or mezzanines. (3-20-20)T

**89. 10445 Non-Electrical Signs.** A specialty contractor whose primary business includes the installation of all types of non-electrical signs, including but not limited to traffic delineators, mile post markers, post or pole supported signs, signs attached to structures, painted wall signs, and modifications to existing signs. (3-20-20)T

**90. 11001 Specialty Machinery and Equipment Installation and Servicing.** A specialty contractor whose primary business is the installation, removal, modification or repair of pumps, water and waste water equipment, conveyors, cranes, dock levelers, various hoisting and material handling equipment, trash compactors and weighing scales installation and servicing. This does not include the construction of buildings or roof structures for this equipment. (3-20-20)T

**91. 11140 Petroleum and Vehicle Service Equipment, Installation and Repair.** A specialty contractor whose primary business includes the installation and repair of underground fuel storage tanks used for dispensing gasoline, diesel, oil or kerosene fuels. This includes installation of all incidental tank-related piping, leak line detectors, vapor recovery lines, vapor probes, low voltage electrical work, associated calibration, testing and adjustment of leak detection and vapor recovery equipment, and in-station diagnostics. This contractor may also install auto hoisting equipment, grease racks, compressors, air hoses and other equipment related to service stations. (3-20-20)T

**92. 11200 Water/Wastewater and Chemical Treatment.** A specialty contractor whose primary business is the supply, installation and operational startup of equipment and chemicals for chemical treatment of water, wastewater or other liquid systems. (3-20-20)T

**93. 11485 Climbing Wall Structures and Products.** A specialty contractor whose primary business includes the ability and expertise to design, fabricate and install climbing wall structures and equipment. This does not include concrete foundations or buildings in which the climbing walls may be supported or housed. (3-20-20)T

**94. 12011 Prefabricated Equipment and Furnishings.** A specialty contractor whose primary business includes the installation of prefabricated products or equipment including but not limited to the following: theater stage equipment, school classroom equipment, bleachers or seats, store fixtures, display cases, toilet or shower room partitions or accessories, closet systems, dust collecting systems, appliances, bus stop shelters, telephone booths, sound or clean rooms, refrigerated boxes, office furniture, all types of pre-finished, pre-wired components, detention equipment and other such equipment and materials as are by custom and usage accepted in the construction industry as prefabricated equipment. (3-20-20)T

**95. 12490 Window, Wall Coverings, Drapes and Blinds.** A specialty contractor whose primary business includes the installation of decorative, architectural or functional window glass treatments or covering products or treatments for temperature control or as a screening device. (3-20-20)T

**96. 13110 Cathodic Protection.** A specialty contractor whose primary business is the prevention of

corrosion by using special cathodes and anodes to circumvent corrosive damage by electric current. (3-20-20)T

**97. 13121 Pre-Manufactured Components and Modular Structures.** A specialty contractor whose primary business includes the moving, setup, alteration or repair of pre-manufactured components, houses or similar modular structures. (3-20-20)T

**98. 13125 Pre-Engineered Building Kits.** A specialty contractor whose primary business includes the assembly of pre-engineered building kits or structures obtained from a single source. This category is limited to assembly only of pre-engineered metal buildings, pole buildings, sunrooms, geodesic structures, aluminum domes, air supported structures, manufactured built greenhouses or similar structures. This does not include any other categories such as concrete foundations, carpentry, plumbing, heating or cooling, or electrical work. (3-20-20)T

**99. 13150 Swimming Pools and Spas.** A specialty contractor whose primary business includes the ability to construct swimming pools, spas or hot tubs including excavation and backfill of material, installation of concrete, Gunite, tile, pavers or other special materials used in pool construction. This category also includes the installation of heating and filtration equipment, using those trades or skills necessary for installing the equipment, which may require other licenses including electrical and plumbing. (3-20-20)T

**100. 13165 Aquatic Recreational Equipment.** A specialty contractor whose primary business includes the ability and expertise to design, fabricate and erect water slides and water park equipment and structures. This does not include any other categories such as concrete foundations, carpentry, plumbing, heating, cooling or electrical work. (3-20-20)T

**101. 13201 Circular Prestressed Concrete Storage Tanks (Liquid and Bulk).** A specialty contractor whose primary business is the construction of circular prestressed concrete structures post-tensioned with circumferential tendons or wrapped circular prestressing. (3-20-20)T

**102. 13280 Hazardous Material Remediation.** A specialty contractor whose primary business includes the ability and expertise to safely encapsulate, remove, handle or dispose of hazardous materials within buildings, including but not limited to asbestos, lead and chemicals. Contractors must be properly licensed and certified. (3-20-20)T

**103. 13290 Radon Mitigation.** A specialty contractor whose primary business and expertise includes the detection and mitigation of Radon gas. (3-20-20)T

**104. 13800 Instrumentation and Controls.** A specialty contractor whose primary business includes the installation, alteration or repair of instrumentation and control systems used to integrate equipment, sensors, monitors' controls and mechanical operators for industrial processes, building equipment, mechanical devices and related equipment. (3-20-20)T

**105. 13850 Alarm Systems.** A specialty contractor whose primary business includes the installation, alteration and repair of communication and alarm systems, including the mechanical apparatus, devices, piping and equipment appurtenant thereto (except electrical). (3-20-20)T

**106. 13930 Fire Suppression Systems (Wet and Dry-Pipe Sprinklers).** A specialty contractor whose primary business includes the ability and expertise to lay out, fabricate and install approved types of Wet-Pipe and Dry-Pipe fire suppression systems, charged with water, including all mechanical apparatus, devices, piping and equipment appurtenant thereto. Licensure with State Fire Marshal is required. (3-20-20)T

**107. 13970 Fire Extinguisher and Fire Suppression Systems.** A specialty contractor whose primary business is the installation of pre-engineered or pre-manufactured fixed chemical extinguishing systems primarily used for protecting kitchen-cooking equipment and electrical devices. Contractor also furnishes, installs and maintains portable fire extinguishers. (3-20-20)T

**108. 14200 Elevators, Lifts and Hoists.** A specialty contractor whose primary business includes the ability to safely and efficiently install, service and repair all elevators, lifts, hoists, including the fabrication, erection and installation of sheave beams, sheave motors, cable and wire rope, guides, cabs, counterweights, doors, sidewalk

elevators, automatic and manual controls, signal systems and other devices, apparatus and equipment appurtenant to the installation. (3-20-20)T

**109. 15100 Pipe Fitter and Process Piping.** A specialty contractor whose primary business is the installation of piping for fluids and gases or materials. This category does not include domestic water, sewage, fire protection and utilities as they are covered under other categories. (3-20-20)T

**110. 15400 Plumbing.** A specialty contractor whose primary business includes the ability to create and maintain sanitary conditions in buildings, by providing a permanent means for a supply of safe, pure and wholesome water, ample in volume and of suitable temperatures for drinking, cooking, bathing, washing, cleaning, and to cleanse all waste receptacles and like means for the reception, speedy and complete removal from the premises of all fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, including a safe and adequate supply of gases for lighting, heating, and industrial purposes. (Licensure with Division of Building Safety is required). (3-20-20)T

**111. 15510 Boiler and Steam Fitting.** A specialty contractor who installs, services and repairs boilers and associated steam distribution systems. This category is limited to work not requiring a heating, ventilating, and air conditioning (HVAC) license issued by the Division of Building Safety. (3-20-20)T

**112. 15550 Chimney Repair.** A specialty contractor whose primary business includes the cleaning or repair of multi-type chimneys, flues or emission control devices used to conduct smoke and gases of combustion from above a fire to the outside area. (3-20-20)T

**113. 15600 Refrigeration.** A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to construct, erect, install, maintain, service and repair devices, machinery and units for the control of air temperatures below fifty (50) degrees Fahrenheit in refrigerators, refrigerator rooms, and insulated refrigerated spaces and the construction, erection, fabrication and installation of such refrigerators, refrigerator rooms, and insulated refrigerator spaces, temperature insulation, air conditioning units, ducts, blowers, registers, humidity and thermostatic controls of any part or any combination thereof, in such a manner that, under an agreed specification acceptable refrigeration plants and units can be executed, fabricated, installed, maintained, serviced and repaired, but does not include those contractors who install gas fuel or electric power services for such refrigerator plants or other units. (3-20-20)T

**114. 15700 Heating, Ventilation, and Air Conditioning (HVAC).** A specialty contractor whose primary business includes the installation, alteration and repair of heating, ventilating, and air conditioning (HVAC) systems. Licensure by the Division of Building Safety as an HVAC contractor is required. (3-20-20)T

**115. 15950 Testing and Balancing of Systems.** A specialty contractor whose primary business includes the installation of devices and performs any work related to providing for a specified flow of air or water in all types of heating, cooling or piping systems. (3-20-20)T

**116. 16000 Electrical.** A contractor engaging in, conducting, or carrying on the business of installing wires or equipment to carry electric current or installing electrical apparatus to be operated by such current. A contractor licensed in this category may perform all work covered in categories defined in Subsection 200.118 of these rules. A contractor in this category must be an electrical contractor, licensed pursuant to Section 54-1007(1), Idaho Code. (3-20-20)T

**117. 16700 Communication.** A specialty contractor whose primary business includes the installation, alteration or repair of communication systems (voice, data, television, microwave, and other communication systems). (3-20-20)T

**118. 16800 Limited Electrical Contractor.** A contractor engaging in, conducting, or carrying on the business of installing, altering, or repairing special classes of electrical wiring, apparatus, or equipment. A contractor in this category must be an electrical specialty contractor, licensed pursuant to Section 54-1007(1), Idaho Code, and may perform only that work included within the specialty license. Electrical specialty categories include, but are not limited to: (3-20-20)T

- a. Elevator, Dumbwaiter, Escalator or Moving-walk Electrical; (3-20-20)T
- b. Sign Electrical; (3-20-20)T
- c. Manufacturing or Assembling Equipment; (3-20-20)T
- d. Limited Energy Electrical License (low voltage); (3-20-20)T
- e. Irrigation Sprinkler Electrical; (3-20-20)T
- f. Well Driller and Water Pump Installer Electrical; and (3-20-20)T
- g. Refrigeration, Heating and Air Conditioning Electrical Installer. (3-20-20)T

**119. 18100 Golf Course Construction.** A specialty contractor whose primary business includes the construction, modification, and maintenance of golf courses. This includes clearing, excavation, grading, landscaping, sprinkler systems and associated work. This does not include the construction of buildings or structures such as clubhouses, maintenance or storage sheds. (3-20-20)T

**120. 18200 Underwater Installation and Diving.** A specialty contractor whose primary business is marine construction under and above water. (3-20-20)T

**121. 18300 Develop Gas and Oil Wells.** A specialty contractor whose primary business includes the ability and expertise to perform oil well drilling and other oil field related specialty work. This does not include water well drilling. (3-20-20)T

**122. 18400 Nonstructural Restoration After Fire or Flood.** A specialty contractor whose primary business includes cleaning and nonstructural restoration after fire, flood or natural disasters. (3-20-20)T

**123. 18600 Building Cleaning and Maintenance.** A specialty contractor whose primary business includes the cleaning and maintenance of a structure designed for the shelter, enclosure and support of persons, chattels, personal and moveable property of any kind. (3-20-20)T

**124. 18700 Snow Removal.** A specialty contractor whose primary business includes the plowing, removal or disposal of snow from roads, streets, parking lots and other areas of the public rights-of-way. (3-20-20)T

**125. 18800 Roadway Cleaning, Sweeping and Mowing.** A specialty contractor whose primary business includes the clearing of trash and debris by manual or automated means from public thoroughfares. This category also includes cutting or mowing of grasses, plants, or weeds from public rights-of-way. (3-20-20)T

**201. FEES.**

**01. Public Works Contractor Licensing Fees.** In accordance with Section 54-1904, Idaho Code, fees for each class of public works contractor licenses are as provided below.

<b>TABLE 201.01 – INITIAL AND RENEWAL LICENSING FEES</b>		
<b>License Class</b>	<b>Initial Fee</b>	<b>Renewal Fee</b>
Unlimited	\$550	\$440
AAA	\$450	\$360
AA	\$350	\$280
A	\$250	\$160
B	\$150	\$120

<b>TABLE 201.01 – INITIAL AND RENEWAL LICENSING FEES</b>		
<b>License Class</b>	<b>Initial Fee</b>	<b>Renewal Fee</b>
CC	\$125	\$100
C	\$100	\$80
D	\$50	\$40

(3-20-20)T

**02. Construction Manager Licensing Fees.** Fees for construction manager licenses are, in accordance with Section 54-4510, Idaho Code, as follows: (3-20-20)T

<b>TABLE 201.02 – CONSTRUCTION MANAGER LICENSING FEES</b>	
<b>License Activity</b>	<b>Fee</b>
Initial Licensing	\$200
License Renewal	\$200
Inactive License	\$50
License Reinstatement	\$200
Exam Administration	Fee established by testing agency
Certificate of Authority	\$100

**03. Payment of Fees.** Fees are payable to “Division of Building Safety -- Public Works Contractors.” (3-20-20)T

**04. Application Filed With Fees.** An application filed without the listed fees is deemed incomplete and returned to the applicant. (3-20-20)T

**202. COMPLAINTS.**

Complaints alleging a violation of Title 54, Chapter 19, Idaho Code, or these rules must be in writing and filed with the administrator. All complaints must be verified and submitted on forms provided by the Board. (3-20-20)T

**203. -- 299. (RESERVED)**

**300. BUSINESS ORGANIZATION -- CHANGES IN ORGANIZATION OR STRUCTURE -- MEMBERS OF JOINT VENTURES - CHANGES FOR REASONS OTHER THAN DEATH.**

A licensed public works contractor or construction manager who undergoes a change in business organization or structure (such as a change from an individual proprietor to a partnership, corporation, limited liability partnership, limited liability company, joint venture, or other combination thereof), or where there is a change in ownership, must file an application for a new license on behalf of such successor organization or new owners within sixty (60) days after such change occurs. The administrator may authorize the continuous operation of the licensee as a contractor during the interim period until the application of the successor organization is reviewed; provided written notice of such change is filed within thirty (30) days after such change occurs. Each participant in a joint venture must be licensed at the time of bidding. Where there is a change in the surviving members of a licensed partnership, limited liability company, or limited liability partnership, due to a reason other than the death of one (1) of the partners, the remaining or succeeding member or members are required to file an application for an original license. (3-20-20)T

**301. -- 399. (RESERVED)**

**400. CERTIFICATES -- DISPLAY AND POSSESSION.**

Licensee must sign and display the license certificate issued to him in his main office or chief place of business and must furnish satisfactory evidence of the possession of a current license upon the administrator's demand.

(3-20-20)T

**401. LICENSE NUMBER ON BIDS.**

Licensee must place his license number on any and all bids submitted or contracts entered into, for any public works projects in the state of Idaho.

(3-20-20)T

**402. CHANGES IN LICENSE CERTIFICATE.**

When any change in the license certificate has been approved by the Board, a new license certificate will be issued.

(3-20-20)T

**403. -- 501. (RESERVED)**

**502. TECHNICALITIES OF FORM.**

The administrator may, during any hearing or proceeding waive any technicalities of form not deemed necessary in the circumstances.

(3-20-20)T

**503. HEARINGS.**

The general procedure for hearings before the administrator and the Board is as prescribed in these rules and Title 67, Chapter 52, Idaho Code.

(3-20-20)T

**01. Notes.** Any interested persons may request, in writing, five (5) days before any scheduled hearing in a contested case that the oral proceedings thereof be taken in the form of stenographic notes to be transcribed at his own expense.

(3-20-20)T

**02. Procedure.** The Board reserves the right to amend, modify or repeal all or any part of the above procedure or to dispense with any part thereof, at any hearing before the Board, as it may deem necessary in the circumstances.

(3-20-20)T

**504. -- 599. (RESERVED)**

**600. CONSTRUCTION MANAGER EXAMINATIONS.**

If the applicant fails an examination, the applicant may take the examination a second time. A grade of at least seventy-five percent (75%) is required to pass each section of the examination. If the applicant fails to score a passing grade, the applicant must pass all failed sections within one (1) year of the initial test date. If the applicant fails to achieve a passing grade in each individual section on the second examination, the applicant must wait one (1) full year before taking the examination again. The applicant must then take and pass all sections of the examination (receiving no credit for sections successfully completed during the previous year).

(3-20-20)T

**601. -- 999. (RESERVED)**

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

**000. LEGAL AUTHORITY.**

This chapter is adopted in accordance with Sections 54-5001 and 54-5005(2), Idaho Code. (3-20-20)T

**001. TITLE AND SCOPE.**

**01. Title.** These rules are titled IDAPA 07.07.01, “Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems” (HVAC Rules). (3-20-20)T

**02. Scope.** These rules establish the minimum standards for heating, ventilation, and air conditioning (HVAC) installation practice, certification, registration, and educational programs. (3-20-20)T

**002. (RESERVED)**

**003. ADMINISTRATIVE APPEALS.**

Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General,” govern administrative appeals and judicial review thereof. (3-20-20)T

**004. ADOPTION AND INCORPORATION BY REFERENCE OF THE INTERNATIONAL MECHANICAL CODE, 2018 EDITION; THE INTERNATIONAL FUEL GAS CODE, 2018 EDITION; AND PART V (MECHANICAL) AND PART VI (FUEL GAS) OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE (1)- AND TWO (2)-FAMILY DWELLINGS, 2018 EDITION.**

The 2018 editions of the International Residential Code for One (1)- and Two (2)-Family Dwellings, International Mechanical Code, and International Fuel Gas Code are available at the Division’s offices located at 1090 E. Watertower St., Suite, 150 Meridian, Idaho 83642; 1250 Ironwood Dr., Ste. 220, Coeur d’Alene, Idaho 83814; and 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. (3-20-20)T

**01. International Mechanical Code.** The 2018 Edition, including appendix “A,” (herein IMC) is adopted and incorporated by reference with the following amendments: (3-20-20)T

**a.** Where differences occur between the IMC and Title 54, Chapter 50, Idaho Code and IDAPA 07, Title 07, the provisions in Idaho Code and IDAPA rules apply. (3-20-20)T

**b.** All references to the International Plumbing Code (IPC) are construed as referring to the Idaho State Plumbing Code (ISPC) as adopted and amended by the Idaho State Plumbing Board. (3-20-20)T

**c.** All references to the International Code Council Electrical Code (ICC EC) are construed as referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board. (3-20-20)T

**d.** Section 109. Delete. (3-20-20)T

**e.** Section 202 Definitions. Delete the definitions provided in the code for the terms identified herein this paragraph and replace with the following: (3-20-20)T

**i.** Light-Duty Cooking Appliance. Light-duty cooking appliances include gas and electric ovens (including standard, bake, roasting, revolving, retherm, convection, combination convection/steamer, countertop conveyORIZED baking/finishing, deck, pastry, and electric and gas conveyor pizza ovens), electric and gas steam jacketed kettles, electric and gas pasta cookers, electric and gas compartment steamers (both pressure and atmospheric) and electric and gas cheesemelters. (3-20-20)T

**ii.** Medium-Duty Cooking Appliance. Medium-duty cooking appliances include electric discrete element ranges (with or without oven), electric and gas hot-top ranges, electric and gas griddles, electric and gas double sided griddles, electric and gas fryers (including open deep fat fryers, donut fryers, kettle fryers and pressure fryers), electric and gas tilting skillets (braising pans) and electric and gas rotisseries. (3-20-20)T

**f.** Section 401.1 Scope. Add the following: Exception: The principles specified in ASHREA 62-2010 may be used as an alternative to this chapter to demonstrate compliance with required ventilation air for occupants. (3-20-20)T



**g.** Section 504.8.1 Material and size. Add the following exception: Dryer duct may be constructed of 0.013 (30 gauge) or equivalent if prefabricated 0.016 (28 gauge) ducts and fittings are not available. (3-20-20)T

**h.** Table 603.4 Duct Construction Minimum Sheet Metal Thickness for Single Dwelling Units. Add the following exception to the Table: Round duct, enclosed rectangular ducts and fittings less than fourteen (14) inches may be constructed of 0.013 (30 gauge) or equivalent if prefabricated 0.016 (28 gauge) ducts and fittings are not available. (3-20-20)T

**02. International Fuel Gas Code.** The 2018 Edition, including appendixes “A, B, C, and D,” (herein IFGC) is adopted and incorporated by reference with the following amendments: (3-20-20)T

**a.** Where differences occur between the IFGC and Title 54, Chapter 50, Idaho Code and IDAPA 07, Title 07, the provisions in Idaho Code and IDAPA rules apply. (3-20-20)T

**b.** All references to the International Plumbing Code (IPC) are construed as referring to the Idaho State Plumbing Code (ISPC) as adopted and amended by the Idaho State Plumbing Board. (3-20-20)T

**c.** All references to the International Code Council Electrical Code (ICC EC) are construed as referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board. (3-20-20)T

**d.** Section 109. Delete. (3-20-20)T

**e.** Section 406.4. Change the last sentence to: Mechanical gauges used to measure test pressure must have a range such that the highest end of the scale is not greater than two (2) times the test pressure nor lower than one and one-half (1.5) times the test pressure. (3-20-20)T

**f.** Section 406.4.1. Test Pressure. Not less than twenty (20) psig (140kPa gauge) test pressure is required for systems with a maximum working pressure up to ten (10) inches water column. For systems with a maximum working pressure between ten (10) inches water column and ten (10) psig (70kPa gauge); not less than sixty (60) psig (420kPa gauge) test pressure is required. For systems over ten (10) psig (70kPa gauge) working pressure, minimum test pressure may be no less than six (6) times working pressure. (3-20-20)T

**g.** Section 406.4.2. The test duration may not be less than twenty (20) minutes. (3-20-20)T

**h.** Add a new section 503.4.1.2 as follows: Testing. All plastic pipe within a dwelling used for venting flue gases must be tested at five (5) psi for fifteen (15) minutes. (3-20-20)T

**i.** Section 505.1.1. Addition. An interlock between the cooking appliance and the exhaust hood system is not be required for appliances that are of the manually operated type and are factory equipped with standing pilot burner ignition systems. (3-20-20)T

**03. Part V (Mechanical) and Part VI (Fuel Gas) of the International Residential Code for One (1)- and Two (2)-Family Dwellings.** The 2018 Edition, including appendixes “A, B, C, and D,” (herein IRC) is adopted and incorporated by reference with the following amendments: (3-20-20)T

**a.** Where differences occur between the IRC and Title 54, Chapter 50, Idaho Code, and IDAPA 07, Title 07, Chapter 01, the provisions in Idaho Code and IDAPA rules apply. (3-20-20)T

**b.** All references to the International Plumbing Code (IPC) are construed as referring to the Idaho State Plumbing Code (ISPC) as adopted and amended by the Idaho State Plumbing Board. (3-20-20)T

**c.** All references to the International Code Council Electrical Code (ICC EC) are construed as referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board. (3-20-20)T

**d.** Add the following as section M1201.3 and section G2402.4 (201.4): Alternative materials, design

and methods of construction equipment. The provisions of this part of the code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction must be approved where the authority having jurisdiction finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code. Compliance with the specific performance-based provisions of this part of the code in lieu of specific requirements of this code will also be permitted as an alternate.

(3-20-20)T

**e.** Add the following as section M1201.3.1 and section G2402.4.1 (201.4.1): Tests. Whenever there is insufficient evidence of compliance with the provisions of this part of the code, or evidence that a material or method does not conform to the requirements of this part of the code, or in order to substantiate claims for alternative materials or methods, the authority having jurisdiction has the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods are as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the authority having jurisdiction approves the testing procedures. Tests must be performed by an approved agency. Reports of such tests must be retained by the authority having jurisdiction for the period required for retention of public records.

(3-20-20)T

**f.** Add the following as section M1203.1: Carbon monoxide alarms. For new construction, an approved carbon monoxide alarm must be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages.

(3-20-20)T

**g.** Add the following as section M1203.2: Where required in existing dwellings. Where work requiring a permit occurs in existing dwellings that have attached garages or in existing dwellings within which fuel-fired appliances exist, carbon monoxide alarms must be provided in accordance with Subsection 004.03.f. of these rules.

(3-20-20)T

**h.** Add the following as section M1203.3: Alarm requirements. Single station carbon monoxide alarms must be listed as complying with UL 2034 and must be installed in accordance with this code and the manufacturer's installation instructions.

(3-20-20)T

**i.** Section M1502.4.1 Material and size. Add the following exception: Dryer duct may be constructed of 0.013 (30 gauge) or equivalent if prefabricated 0.016 (28 gauge) ducts and fittings are not available.

(3-20-20)T

**j.** Delete Section M1502.4.2 Duct Installation and replace with the following: Exhaust ducts must be supported at four (4) foot (1,219 mm) intervals and secured in place. The insert end of the duct must extend into the adjoining duct or fitting in the direction of airflow. Ducts must not be joined with screws or similar fasteners that protrude into the inside of the duct.

(3-20-20)T

**k.** Table M1601.1.1 (2) Gauges of Metal Ducts and Plenums Used for Heating or Cooling. Add the following exception: Round duct, enclosed rectangular ducts and fittings less than fourteen (14) inches may be constructed of 0.013 (30 gauge) or equivalent if prefabricated 0.016 (28 gauge) ducts and fittings are not available.

(3-20-20)T

**l.** Section G2417.4 (406.4). Change the last sentence to: Mechanical gauges used to measure test pressure must have a range such that the highest end of the scale is not greater than two (2) times the test pressure nor lower than one and one-half (1.5) times the test pressure.

(3-20-20)T

**m.** Section G2417.4.1 (406.4.1). Test Pressure. Not less than twenty (20) psig (one hundred forty (140) kPa gauge) test pressure is required for systems with a maximum working pressure up to ten (10) inches water column. For systems with a maximum working pressure between ten (10) inches water column and ten (10) psig (seventy (70) kPa gauge), not less than sixty (60) psig (four hundred twenty (420) kPa gauge) test pressure is required. For systems over ten (10) psig (seventy (70) kPa gauge) working pressure, minimum test pressure may be no less than six (6) times working pressure.

(3-20-20)T

**n.** Section G2417.4.2 (406.4.2). The test duration may not be less than twenty (20) minutes.

(3-20-20)T

**o.** Add a new section G2427.4.1.2 as follows: Testing. All plastic pipe within a dwelling used for venting flue gases must be tested at five (5) psi for fifteen (15) minutes. (3-20-20)T

**005. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.**

The principal place of business of the Division’s HVAC Program is located at 1090 E. Watertower Street, Suite 150, Meridian, Idaho. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is: Division of Building Safety, HVAC Program, 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. The office telephone number is (208) 334-6180 and the facsimile number is (208) 855-0768. (3-20-20)T

**006. FILING OF DOCUMENTS.**

All written communications and documents that are intended to be part of an official record for decision in a rulemaking or contested case, must be filed with the administrator of the Division. Communications and documents must be filed by mail, hand-delivery, or by facsimile transmission. One (1) original must be filed with the administrator, and one (1) copy must be submitted to the opposing parties. Whenever documents are filed by facsimile transmission, originals must be deposited in the mail the same day or hand-delivered the following business day to the administrator and opposing parties. (3-20-20)T

**007. PUBLIC RECORDS ACT COMPLIANCE.**

These rules were promulgated in accordance with the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. These rules and all records of the Board are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (3-20-20)T

**008. -- 009. (RESERVED)**

**010. CHANGES IN NAME AND ADDRESS -- ADDRESS FOR NOTIFICATION PURPOSES.**

**01. Change of Name.** Whenever a change of name occurs for a certified contractor, journeyman, specialty journeyman, specialty contractor, registered apprentice, or specialty apprentice, the Board must be notified immediately, in writing, of the change. Documentation confirming the change of name must be provided to the Board on request. (3-20-20)T

**02. Change of Address.** Whenever a change of mailing address occurs for a certificated contractor, journeyman, specialty journeyman, specialty contractor, registered apprentice, or specialty apprentice, the Board must be notified immediately, in writing, of the change. (3-20-20)T

**03. Address for Notification Purposes.** The most recent mailing address on record with the Board will be utilized for purposes of all written communication with certified contractors, journeymen, specialty journeymen, specialty contractors, registered apprentices, and specialty apprentices, including, but not limited to, notification of renewal and notices related to inspections. (3-20-20)T

**011. MEETINGS.**

Board meetings are subject to the provisions of the Idaho Open Meeting Law, Title 67, Chapter 23, Idaho Code. (3-20-20)T

**012. DEFINITIONS.**

**01. Additional Definitions.** Terms defined in Section 54-5003, Idaho Code, will have the same meaning when utilized in these rules. (3-20-20)T

**02. Administrator.** The administrator of the Idaho Division of Building Safety. (3-20-20)T

**03. Board.** The Idaho Heating, Ventilation, and Air Conditioning (HVAC) Board. (3-20-20)T

**04. Division.** The Idaho Division of Building Safety. (3-20-20)T

**05. Recognized Jurisdiction.** A jurisdiction with an HVAC program that is recognized by the Board as being substantially equivalent to Idaho's HVAC program. (3-20-20)T

**013. CERTIFICATES OF COMPETENCY -- ISSUANCE, RENEWAL, EXPIRATION -- REVIVAL.**

**01. Issuance.** Certificates of competency will be issued in such a manner as to create a renewal date that coincides with the birth month of the individual to whom the certificate is issued and allows for renewals every three (3) years. Certificates of competency are issued for a period of no less than one (1) year and no more than (3) three years. The fee for issuance of certificates of competency will be prorated based on the number of months for which the certificate is issued. (3-20-20)T

**02. Renewal.** Certificates of competency will be renewed using the birth month of the individual to whom the certificate is issued as the expiration date. Certificates of competency are renewed for a period of no less than one (1) year and no more than three (3) years. The fee for renewal of certificates of competency will be prorated based on the number of months for which the certificate is issued. (3-20-20)T

**03. Expiration-Revival.** (3-20-20)T

**a.** Certificates that are not timely renewed will expire on the last day of the month in which the renewal is due. (3-20-20)T

**b.** Revived certificates will be issued in such a manner as to create a renewal date that coincides with the birth month of the applicant so as to create a staggered system of renewal. (3-20-20)T

**014. -- 019. (RESERVED)**

**020. HVAC CONTRACTOR AND HVAC JOURNEYMAN APPLICATIONS FOR EXAMINATION AND CERTIFICATES OF COMPETENCY, AND REGISTRATION OF APPRENTICES.**

**01. Application Forms.** All applications for certificates and all applications for registration must be submitted on forms provided by the administrator and be properly completed, giving all pertinent information with notarized signatures. (3-20-20)T

**02. Application, Renewal, and Registration Fees.** Fees for applications for examination, certificates of competency, renewal of certificates, and fees for apprentice registration are as set forth in Section 54-5012, Idaho Code. (3-20-20)T

**03. Application Submission.** All applications must be submitted to the board and be approved by an administrator before any examination may be taken and before any certificate of competency is issued. (3-20-20)T

**021. HVAC CONTRACTOR CERTIFICATE OF COMPETENCY - REQUIREMENTS.**

**01. Bond.** Applicants must provide a compliance bond in the amount of two thousand dollars (\$2,000). Any such bond is required to be effective for the duration of the contractor licensing period. (3-20-20)T

**02. Qualification.** Applicants must provide proof, satisfactory to the Board, of having legally acted as an HVAC journeyman for a period of not less than twenty-four (24) months. (3-20-20)T

**03. Examination.** Applicants for certification as HVAC contractors must successfully complete the examination designated by the Board. (3-20-20)T

**04. Out-of-State Contractor Applications.** (3-20-20)T

**a.** An out-of-state applicant for a contractor certificate of competency shall first obtain an Idaho journeyman certificate of competency in accordance with Section 023 of these rules. The applicant shall pay all applicable application and examination fees to the Division and successfully complete the contractor examination administered by the Division. The applicant shall file the compliance bond required by Section 54-5007, Idaho Code,

with the Division upon successful completion of the examination. Applications that are incomplete in any detail will be returned as unacceptable or denied. (3-20-20)T

**b.** An applicant for a contractor certificate of competency who has previously been licensed as an HVAC journeyman in a Recognized Jurisdiction shall provide to the Division satisfactory proof of two (2) years of work experience as an HVAC journeyman in such jurisdiction. (3-20-20)T

**c.** An applicant for a contractor certificate of competency who has never been previously licensed as a journeyman in a Recognized Jurisdiction shall provide proof of four (4) years of experience performing HVAC work of a nature equivalent to that which an HVAC journeyman in Idaho must demonstrate to qualify for a contractor certificate of competency. Proof of such work experience may be provided by the submission of three (3) sworn affidavits from individuals attesting that the applicant has had at least four (4) years' experience performing such work. (3-20-20)T

**022. HVAC SPECIALTY CONTRACTOR CERTIFICATE OF COMPETENCY - REQUIREMENTS.**

Applicants for certification as HVAC specialty contractors must: (3-20-20)T

**01. Bond.** Provide a compliance bond in the amount of two thousand dollars (\$2,000). Any such bond is required to be effective for the duration of the contractor licensing period. (3-20-20)T

**02. Qualification.** Provide proof, satisfactory to the board, of having legally acted as an HVAC specialty journeyman for a period of not less than twenty four (24) months. (3-20-20)T

**03. Examination.** Successfully complete the examination designated by the board. (3-20-20)T

**023. HVAC JOURNEYMAN CERTIFICATES OF COMPETENCY AND EXAMINATION REQUIREMENTS.**

**01. Certificate of Competency Requirements.** To obtain a journeyman certificate of competency, an applicant shall submit to the Division sufficient evidence demonstrating the applicant has successfully completed the journeyman examination and four (4) years, defined as a minimum of eight thousand (8,000) hours of work experience as a registered apprentice making installations on the job under the supervision of a qualified journeyman. Notwithstanding the requirement that an apprentice demonstrate four (4) years of on-the-job work experience under the supervision of a qualified journeyman, any apprentice who successfully completes a Board-approved, full-time, one (1)-academic-year training course may receive credit for up to one (1) year of on-the-job work experience. (3-20-20)T

**02. Examination Requirement.** To take the journeyman examination, an applicant must submit to the Division sufficient evidence demonstrating the applicant has successfully completed a Board-approved training course. (3-20-20)T

**03. Out of State Journeyman Applications.** (3-20-20)T

**a.** An out-of-state applicant for a journeyman certificate of competency shall pay all applicable application and examination fees to the Division, and successfully complete the journeyman examination administered by the Division. (3-20-20)T

**b.** Exhibition of a license issued by another Recognized Jurisdiction may be accepted as proof of meeting the experience and schooling requirements listed in Subsections 023.01 and 023.02 of these rules. An applicant for a journeyman certificate of competency who has previously been licensed as a journeyman in a Recognized Jurisdiction must provide satisfactory proof of licensure in such jurisdiction. (3-20-20)T

**c.** An applicant for a journeyman certificate of competency who has never been previously licensed as a journeyman in a Recognized Jurisdiction must provide one (1) of the following: (3-20-20)T

**i.** Proof of four (4) years, defined as eight thousand (8,000) hours, of HVAC work experience of a nature equivalent to that which an HVAC apprentice must perform in Idaho and four (4) years of training equivalent

to that which an HVAC apprentice must complete in Idaho. (3-20-20)T

ii. Proof of eight (8) years, defined as a minimum of sixteen thousand (16,000) hours, of HVAC work experience of a nature at least equivalent to that which an HVAC apprentice must perform in Idaho. (3-20-20)T

**024. HVAC HEARTH SPECIALTY JOURNEYMAN CERTIFICATES OF COMPETENCY LIMITATIONS: REQUIREMENTS.**

Certification as a hearth specialty journeyman entitles the holder to install hearth appliances and the associated gas lines. Hearth Specialty Journeymen are required to meet the experience requirement and either the education or examination requirement to receive a certificate of competency. (3-20-20)T

**01. Experience.** Demonstrate, to the satisfaction of the board, a minimum of one (1) year 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 installations on the job under the supervision of a qualified HVAC journeyman or qualified HVAC specialty journeyman. (3-20-20)T

**02. Education.** Successfully complete a board approved training course(s), such as the National Fireplace Institute program and a minimum of sixty (60) hours of education in fuel gas code and piping installation methods. (3-20-20)T

**03. Examination.** Successfully complete an examination designated by the board. (3-20-20)T

**025. HVAC APPRENTICE REQUIREMENTS FOR REGISTRATION.**

**01. Registration.** To become an apprentice, a person shall comply with Section 54-5012, Idaho Code, and be a minimum of eighteen (18) years of age or sixteen (16) years of age if registered by the Bureau of Apprenticeship and Training of the United States Department of Labor. To renew a registration, an apprentice shall show proof of enrollment in a Board-approved training course or completion of eight (8) hours of Board-approved continuing education for each year of the prior registration period. (3-20-20)T

**02. Supervision.** Each apprentice must work under the supervision of a certified journeyman. (3-20-20)T

**026. HVAC SPECIALTY APPRENTICE REQUIREMENTS FOR REGISTRATION.**  
Requirements for HVAC Specialty Apprentice. (3-20-20)T

**01. Age.** Minimum of eighteen (18) years of age unless registered in a Bureau of Apprenticeship Training (BAT) certified HVAC training program. (3-20-20)T

**02. Training.** Maintain enrollment in or successfully complete a training program approved by the board. (3-20-20)T

**03. Supervision.** Work under the supervision of a certificated HVAC journeyman or certificated HVAC specialty journeyman. (3-20-20)T

**027. HVAC WASTE OIL HEATING SPECIALTY JOURNEYMAN CERTIFICATES OF COMPETENCY LIMITATIONS: REQUIREMENTS.**

Certification as a waste oil heating specialty journeyman entitles the holder to install non-duct connected waste oil heaters. Waste oil heating specialty journeymen are limited to the maintenance, installation, and repair of the equipment, controls, and piping directly associated with the waste oil heater, tank, and burner only. Any plumbing, electrical, ducting, venting, or associated equipment beyond the waste oil heater, tank, and burner must be installed by others. Applicants for the waste oil heating specialty journeyman certificate of competency must: (3-20-20)T

**01. Experience.** Demonstrate to the satisfaction of the board, a minimum of one (1) year experience making waste oil heating installations under the supervision of a qualified HVAC journeyman or HVAC Waste Oil Heating specialty journeyman. (3-20-20)T

**02. Examination.** Successfully complete a waste oil burner manufacturers certification or examination as approved by the board. (3-20-20)T

**028. HVAC FUEL GAS PIPING SPECIALTY JOURNEYMAN CERTIFICATES OF COMPETENCY LIMITATIONS: REQUIREMENTS.**

Certification as fuel gas piping specialty journeyman entitles the holder to install fuel gas piping only and does not make the final termination. Appliances and the associated gas piping, chimney, and vents must be installed by others. Fuel gas specialty journeymen are required to meet the experience requirement and either the education or examination requirement to receive a certificate of competency. (3-20-20)T

**01. Experience.** Demonstrate, to the satisfaction of the board, a minimum of one (1) year 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 installations on the job under the supervision of a qualified HVAC journeyman or qualified HVAC specialty journeyman. (3-20-20)T

**02. Education.** Successfully complete a board approved training course(s), of a minimum of sixty (60) hours of education in fuel gas code and piping installation methods. (3-20-20)T

**03. Examination.** Successfully complete an examination designated by the board. (3-20-20)T

**029. -- 049. (RESERVED)**

**050. HVAC PERMITS.**

**01. Serial Number.** Each permit must bear a serial number. (3-20-20)T

**02. HVAC Contractors and HVAC Specialty Contractors.** The Division will furnish permits to certified HVAC contractors and HVAC specialty contractors upon request. The serial numbers of such permits must be registered in the name of the HVAC contractor or HVAC specialty contractor to whom they are issued. (3-20-20)T

**03. Home Owners.** Home owners or a contract purchaser of residential property, making HVAC installations on their own residences, coming under the provisions of Section 54-5002, Idaho Code, must secure an HVAC permit by making application to the Division as provided in Section 54-5016, Idaho Code. (3-20-20)T

**04. HVAC Contractors and HVAC Specialty Contractors.** HVAC contractors and HVAC specialty contractors must secure an HVAC permit by making application to the Division as provided in Section 54-5016, Idaho Code. (3-20-20)T

**05. Transferring a Permit.** A HVAC permit may be transferred to another eligible party if such party provides to the Division written authorization signed and notarized by the original permit holder consenting to the transfer itself as well as assignment of all the responsibilities and conditions incorporated into the original permit issuance. A permit may be transferred to the owner of the property on which the HVAC work is to be performed and for which the permit was issued for such owners' designated legal agent, in cases where the property owner has terminated their legal relationship with the HVAC contractor who originally obtained the permit. An administrative fee in the amount of forty-five dollars (\$45) for the transfer of a permit will be assessed by the Division. (3-20-20)T

**06. Refunds of Permits.** The Administrator may authorize a refund for any permit fee paid on the following bases: The Administrator may authorize a refund of the entire permit fee paid when no work has been performed related to the installations or HVAC work covered by a permit issued by the Division. A lesser amount up to fifty percent (50%) of the permit fee amount may be refunded if work has commenced and the project is less than fifty percent (50%) complete as determined by the Division. The Administrator will not authorize a refund of any permit fee paid except upon written application for such filed by the original permit holder or the property owner's representative not less than one hundred eighty (180) days after the date the permit was issued. (3-20-20)T

**051. HVAC PERMIT FEE SCHEDULE.**

Permit fees are to cover the cost of inspections as provided by Section 54-5017, Idaho Code. Any person, partnership,

company, firm, association, or corporation making an installation must pay to the Division a permit fee as provided in the following schedule: (3-20-20)T

**01. Residential.** Includes all buildings with HVAC systems being installed on each property. The following permit fees apply to all residential installations:

Type	Fee
Base permit	\$100
Furnace, furnace-air conditioner combination, heat pump, air conditioner, evaporative cooler, unit heater, space heater, decorative gas-fired appliance, incinerator, boiler, pool heater, mini-split system, free-standing solid-fuel stove, factory-built gas fireplace, or similar fixture or appliance, including ducts, vents, and flues attached thereto	Plus \$30 per first fixture or appliance Plus \$15 per additional fixture or appliance
Exhaust duct or ventilation duct, including dryer vents, range hood vents, cook stove vents, bath fan vents, and similar exhaust ducts or ventilation ducts	Plus \$15 per first duct Plus \$5 per additional duct
Fuel gas piping system	Plus \$5 per appliance outlet
Hydronic systems	Plus \$5 per zone

(3-20-20)T

**02. Miscellaneous.** The following permit fees apply for the types of permits listed:

Type	Fee
Requested inspection	\$65 per hour or portion thereof plus costs of out-of-state travel
Mobile or manufactured home	\$65 per inspection
Modular building	
Plan check or technical service	\$65 per hour or portion thereof

(3-20-20)T

**03. Other Installations Including Industrial and Commercial.** The permit fees listed in this Subsection apply to installations not specifically mentioned elsewhere in this schedule. The HVAC system cost is the cost to the owner of labor charges and other costs incurred to complete the installation of equipment and materials installed as part of the HVAC system. All permit fees calculated under this Subsection are based on the total HVAC system cost, which must be listed on the permit.

HVAC System Cost	Fee
Up to \$10,000	\$60 plus 2% of HVAC system cost
\$10,000 to \$100,000	\$260 plus 1% of HVAC system cost exceeding \$10,000
Over \$100,000	\$1,160 plus 5% of HVAC system cost exceeding \$100,000

(3-20-20)T

**04. Additional Fees.** A fee of sixty-five dollars (\$65) per hour or portion thereof applies to trips to inspect: (3-20-20)T



- is not;
- a. When the permit holder has given notice to the Division that the work is ready for inspection and it (3-20-20)T
  - b. If the permit holder has not accurately identified the work location; (3-20-20)T
  - c. If the inspector cannot gain access to make the inspection; (3-20-20)T
  - d. Corrections required by the inspector as a result of the permit holder improperly responding to a corrective notice; or (3-20-20)T
  - e. When corrections have not been made in the prescribed time, unless an extension has been requested and granted. (3-20-20)T
- 05. No Permit.** Failure to purchase a permit before commencing work may result in the assessment of a double fee. (3-20-20)T

**052. -- 059. (RESERVED)**

**060. REQUIRED INSPECTIONS.**

- 01. Request for Division Inspection.** (3-20-20)T
- a. Inspection. Each permit holder must notify the Division at least one (1) day prior to the desired inspection, Sundays and holidays excluded, that the project is ready for inspection. (3-20-20)T
  - b. Reinspection. If a reinspection is required after the final inspection, due to a failure to meet requirements of Title 54, Chapter 50, Idaho Code, and/or these rules, the permit holder will be charged a fee not to exceed the actual cost of each reinspection. (3-20-20)T
- 02. Inspection Tags.** Inspectors certify to the permit holder that an inspection has been done by securely attaching the inspection tag in a prominent location. (3-20-20)T
- a. Final Inspection Tags. An inspection tag indicating that a final inspection has been performed is attached when the HVAC installation as specified on the permit is complete and conforms to the requirements of the code and rules. (3-20-20)T
  - b. Inspection Tags for Unacceptable HVAC Installations. “Notice of Correction” inspection tags are attached to indicate that the HVAC installation is not acceptable and that corrections are required. (3-20-20)T
  - c. Work-in-Progress Tag. An inspection tag indicating that a work-in-progress inspection has been performed is attached following inspection of ground work, rough-in work, or any portion of the installation that is to be covered or otherwise concealed before completion of the entire HVAC installation as specified on the permit. (3-20-20)T

**061. INSPECTOR QUALIFICATIONS.**

In accordance with Section 54-5021, Idaho Code, all mechanical inspectors in Idaho employed by the state or a local government must hold an inspector certification as a commercial or residential mechanical inspector, as appropriate depending on the type of mechanical work being inspected. Mechanical inspectors must obtain the requisite certification from either the International Association of Plumbing and Mechanical Officials (IAPMO), the International Code Council (ICC), or other professional certifying body as approved by the board. (3-20-20)T

**062. -- 069. (RESERVED)**

**070. CIVIL PENALTIES.**

Except for the acts described in Subsections 070.01 and 07.08 of these rules, the acts described in this section subject the violator to a civil penalty of not more than two hundred dollars (\$200) for the first offense and not more than one thousand dollars (\$1,000) for each offense that occurs thereafter within one (1) year of an earlier violation.

(3-20-20)T

**01. Heating, Ventilation, and Air Conditioning Contractor or Specialty Contractor.** Except as provided by Section 54-5001, Idaho Code, any person who acts, or purports to act, as an HVAC contractor or specialty contractor as defined by Section 54-5003(3) and 54-5003(6), Idaho Code, without a valid Idaho state HVAC contractor or specialty contractor certification is subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and not more than one thousand dollars (\$1,000) for each offense that occurs thereafter within one (1) year of an earlier violation. (3-20-20)T

**02. Knowingly Employing.** Knowingly employing a person who does not hold a valid Idaho HVAC certification or apprentice registration, as required by Section 54-5008, Idaho Code, to perform HVAC installations. (3-20-20)T

**03. Certification or Registration.** Except as provided by Section 54-5001, Idaho Code, performing HVAC work as an HVAC journeyman as defined by Section 54-5003(4), Idaho Code; specialty journeyman as defined by Section 54-5003(7), Idaho Code; apprentice as defined by Section 54-5003(2), Idaho Code; or specialty apprentice as defined by Section 54-5003(5), Idaho Code, without a valid certification or registration. (3-20-20)T

**04. Supervision.** Working as an HVAC apprentice or specialty apprentice without the required journeyman supervision or employing an apprentice without providing the required journeyman supervision. (3-20-20)T

**05. Performance Outside Scope of Specialty License.** Performance of any HVAC installation, alteration, or maintenance by an HVAC specialty contractor or specialty journeyman outside the scope of the specialty certification. (3-20-20)T

**06. Fees and Permits.** Failing to pay applicable fees or properly post an HVAC permit for, or to request an inspection of, any installation, alteration, improvement, or extension of any piping, venting, ductwork, appliances and appurtenances in connection with any HVAC system or subsystems of such. (3-20-20)T

**07. Corrections.** Failure to make corrections in the time allotted in the notice on any HVAC installation as set forth in Section 54-5019, Idaho Code. (3-20-20)T

**08. Gross Violation.** In the case of continued, repeated, or gross violation of Title 54, Chapter 50, Idaho Code, or these rules, a certification revocation will be initiated for certificated individuals under this chapter and non-certificated individuals is subject to prosecution by the appropriate jurisdiction under Idaho law. (3-20-20)T

**071. -- 999. (RESERVED)**

## 07.10.01 – RULES GOVERNING THE DAMAGE PREVENTION BOARD

### 000. LEGAL AUTHORITY.

The Idaho Damage Prevention Board of the Division of Building Safety is authorized under Section 55-2203, Idaho Code, to promulgate rules for the administration of Title 55, Chapter 22, Idaho Code. (3-20-20)T

### 001. TITLE AND SCOPE.

01. **Title.** These rules are titled IDAPA 07.10.01, “Rules Governing the Damage Prevention Board.” (3-20-20)T

02. **Scope.** These rules are applicable to underground facilities, and facility owners as established in Title 55, Chapter 22, Idaho Code. (3-20-20)T

### 002. ADMINISTRATIVE APPEALS.

01. **Governing Procedural Requirements.** IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General,” Section 100, et seq., applies to contested cases, in addition to the provisions of Title 55, Chapter 22, Idaho Code. (3-20-20)T

02. **Appeal Bond.** Upon notice of the imposition of training or a civil penalty, the notified party may contest the imposition of such before the Damage Prevention Board in accordance with Section 018 of these rules. An appeal bond in the amount of two hundred dollars (\$200) must accompany the request for hearing to contest the matter. In the case of training, the Division of Building Safety will refund the bond if the contesting party appears at the hearing. In the case of a civil penalty, the Division will refund any portion of the bond not used to satisfy the penalty imposed by the Board or the entire bond if the contesting party prevails at the hearing. (3-20-20)T

### 004. -- 006. (RESERVED)

### 007. FUNDING OF BOARD ACTIVITIES.

Each owner of an underground facility must pay a fee of ten cents (\$.10) each time such owner receives notice from a one-number notification service as prescribed by Section 55-2205, Idaho Code. The fee assessed upon the underground facility owner is collected by the one-number notification service, and is payable to the board in accordance with the following schedule: (3-20-20)T

01. **Fee Assessed.** The fee will be assessed on an underground facility owner for each notification issued by the one-number notification service to the underground facility owner, with the one-number notification service required to submit a summary of the number of notices issued in a given month to the board no later than fifteen (15) days following the end of the month in which the notices were issued. (3-20-20)T

02. **Payment Submission.** The one-number notification service must submit payment to the board for all payments received from underground facility owners no later than seventy (70) days following the end of the month in which the notices were issued to the facility owners. In those cases where the payment from the underground facility owner is received after the seventy-day (70) period, the one-number service must include late payments in its next payment to the board. (3-20-20)T

03. **Notices Issued.** The one-number notification service must also submit a detailed list of notices issued, including the facility owner’s contact information, for which payment has not been received within the seventy (70) day period following the end of the month in which the notices were issued. Such list must be updated on a monthly basis to reflect the status of all past-due payments due from underground facility owners that have not been received. (3-20-20)T

### 008. AUDIT OF ONE-NUMBER SERVICE RECORDS.

The Board has the right to review and audit the payment records of any one-number notification service relating to the collection of the fee imposed on underground facility owners. In the event the board wishes to conduct a review and/or audit of a one-number notification service, the board will provide no less than a five (5) business day advance notice of the intended action. The board may delegate any responsibilities contained herein this chapter to the Division of Building Safety. (3-20-20)T

### 009. -- 014. (RESERVED)

### 015. EDUCATIONAL AND TRAINING MATERIALS.

**01. Approval of Training and Educational Programs.** The Board approves acceptable training courses or programs and educational materials on relevant underground facility damage prevention topics pertaining to safe excavation, locating and marking of facilities, determining facility damage, emergency procedures, excavator downtime, pre-marking of intended excavation areas, and appropriate procedures when encountering unmarked facilities. (3-20-20)T

**02. Scope of Training and Educational Programs.** Such training programs and educational materials must relate to various aspects of underground facility damage prevention, and contain practices, information, and standards generally accepted and recognized among stakeholders in Idaho. (3-20-20)T

**03. Accessibility of Training and Educational Programs.** The Division maintains and periodically updates a database of approved educational materials and training programs. (3-20-20)T

**04. Purposes of Training and Educational Programs.** Such programs may be used for general educational use by stakeholders or for remedial training that may be ordered by the board or the administrator pursuant to Section 55-2211, Idaho Code. (3-20-20)T

**016. ADEQUACY OF FACILITY OWNERS LOCATING UNDERGROUND FACILITIES.**

The board reviews all stakeholder complaints of violations related to underground facility line locating, as well as generally accepted practices and procedures related to locating. Stakeholders must take remedial actions to improve line-locating performance and monitor and report performance improvements to the board. (3-20-20)T

**017. IMPROVEMENT OF TECHNOLOGY AND COMMUNICATIONS BY STAKEHOLDERS.**

**01. Adoption of Technology and Communications Materials.** On an annual basis the board reviews and adopts any available technology and communications materials which promote effective underground facility locating. The board will make available any such appropriate technology and communications materials as it may determine to all stakeholders on the Division website. (3-20-20)T

**02. Availability of Technology and Communications Materials.** The board may request that stakeholders provide it with information or data related to procedures, methods, or technologies utilized by such stakeholders to enhance communications among other stakeholders, or that enhances underground facility locating capabilities, or enhances the stakeholder's ability to gather and analyze data related to underground facility damage. The board will review such technologies, methods, or materials adopted by stakeholders to ensure that such use is adequate, as well as to provide stakeholders with best practices. The Division of Building Safety must maintain an approved database of such referenced stakeholder data for public viewing and analysis on its website. (3-20-20)T

**018. DAMAGE PREVENTION COMPLAINTS.**

**01. Complaint Forms.** Persons may submit written complaints to the administrator regarding an alleged violation of Title 55, Chapter 22, Idaho Code, on such forms as required by the Division of Building Safety. Forms are available at the Division of Building Safety offices and electronically on the Division's website. Notice of the complaint may be served concurrently on the alleged violator by the person submitting the complaint. Verifiable proof of such notification of a complaint provided to the alleged violator must also be provided to the administrator. (3-20-20)T

**02. Contents.** Complaints must include the name and address of the complainant and the alleged violator, the date and location of the alleged violation, as well as a complete description of the nature of the violation alleged, including whether it resulted in damage to an underground facility or an excavator downtime event. Complainants may also provide additional documentation in support of a complaint. Complaints must be accompanied by a sworn declaration from the complainant declaring that the information contained therein is true and accurate. The administrator may request additional information or documents in support of the complaint. (3-20-20)T

**03. Complaint Procedures and Timelines.** The following timelines and procedure govern the process of filing and administering complaints related to violations of Title 55, Chapter 22, Idaho Code, and the rules of the Board. (3-20-20)T

**a.** Initial Filing. Complaints must be filed with the administrator not later than thirty (30) days from the date of the alleged violation giving rise to the complaint or from the date the violation should have reasonably been discovered by the complainant, whichever is later. (3-20-20)T

**b.** Response. The administrator must notify the alleged violator of the complaint and request a response and any additional information from the alleged violator as may be necessary. The alleged violator may provide a response to the administrator within thirty (30) days from the date they are notified of the complaint by the administrator. (3-20-20)T

**c.** Recommendation. Within thirty (30) days of receipt of the response, or if no response is received, within fifteen (15) days from the deadline for filing a response, the administrator must notify the complainant and the alleged violator of his recommended course of action. The administrator may extend the period of time in which to determine a recommended course of action, and so notify the parties, if he determines it is necessary to further review or investigate the complaint. (3-20-20)T

**d.** Contest. The alleged violator has the right to contest the imposition of a civil penalty before the damage prevention board. Notice of such contest must be provided by the alleged violator not more than thirty (30) days after receipt of the administrator's recommended course of action. Recommendations of the administrator regarding complaints may be reviewed by the board at its next regularly scheduled meeting. (3-20-20)T

**019. CLAIMS AND REPORTS OF DAMAGE OR EXCAVATOR DOWNTIME.**

**01. Claims.** Claims for the cost of repairs for damaged underground facilities are enforced by the affected underground facility owner in accordance with procedures as may be established by the facility owner, and in accordance with applicable law. Underground facility owners must provide notice to excavator contractors of such procedures, along with sufficient information supporting the basis for the amount of a claim within six (6) months from the date of the event giving rise to the claim or from the date the event should have reasonably been discovered by the underground facility owner, whichever is later. (3-20-20)T

**02. Reports.** Underground facility owners and excavators who observe, suffer or cause damage to an underground facility or observe, suffer or cause excavator downtime related to a failure of one (1) or more stakeholders to comply with applicable damage prevention statutes or regulations must report such information to the board on forms or by such method adopted for such by the board. Forms are available at the Division offices and electronically on the Division's website. (3-20-20)T

**020. CIVIL PENALTIES.**

The Idaho Damage Prevention Board is authorized under Section 55-2203(17), Idaho Code, to establish by administrative rule the fines to be paid for civil penalties issued for violations of Title 55, Chapter 22, Idaho Code. To the extent authorized by Section 55-2211, Idaho Code, the acts described in this section subject the violator to a civil penalty of not more than one thousand dollars (\$1,000) for a second offense and a civil penalty of not more than five thousand dollars (\$5,000) for each offense that occurs thereafter within eighteen (18) months from an earlier violation, and where facility damage has occurred. (3-20-20)T

**01. Violations of Title 55, Chapter 22, Idaho Code.** The following acts subject a person to civil penalties: (3-20-20)T

**a.** Pre-marking Excavation Site. Any person who fails to adequately pre-mark onsite the path of proposed excavation as reasonably required under the circumstances in accordance with Section 55-2205(1)(b), Idaho Code, is subject to a civil penalty. (3-20-20)T

**b.** Notice of Excavation. Any person who fails to provide notice of the scheduled commencement of excavation to any underground facility owner through a one-number notification service, or directly to a facility owner, as applicable within the prescribed time as required by Section 55-2205(1)(c), Idaho Code, is subject to a civil penalty. (3-20-20)T

**c.** One-Number Notification to Facility Owner. A one-number notification service that fails to provide

notice of a scheduled excavation upon notification from an excavator is subject to a civil penalty. (3-20-20)T

**d.** Failure to Locate or Mark. An underground facility owner, owner’s agent, or locator who fails to locate or mark underground facilities when responsible to do so in accordance with Section 55-2205(2), Idaho Code, or within the prescribed time provided therein, is subject to a civil penalty. (3-20-20)T

**e.** Failure to Wait for Locate or Maintain Markings. An excavator who commences excavation prior to waiting the time prescribed by Section 55-2205(2), Idaho Code, for all known facilities to be located and marked, or an excavator who fails to maintain the markings of underground facilities previously so marked subsequent to the commencement of excavation in accordance with Section 55-2205(2), Idaho Code, is subject to a civil penalty. (3-20-20)T

**f.** Failure to Cease Excavation or Report Unidentified Facilities. An excavator who does not cease excavation in the immediate vicinity upon the discovery of underground facilities therein, whether such facilities be active or abandoned, which were not previously identified or located with reasonable accuracy, or does not notify the owner or operator of the facilities, or a one-number notification service in accordance with Section 55-2205(4), Idaho Code, is subject to a civil penalty. (3-20-20)T

**g.** Failure to Identify Facilities in Contract Documents. Project owners who fail to indicate in bid or contract documents the existence of underground facilities known by the owner to be located within the proposed area of excavation in accordance with Section 55-2207, Idaho Code, is subject to a civil penalty. (3-20-20)T

**h.** Precautions to Avoid Damage. An excavator who does not engage in any of the activities required by Section 55-2207(2), Idaho Code, or use reasonable care to avoid damage to underground facilities is subject to a civil penalty. (3-20-20)T

**i.** Reporting of Damage to Facility. An excavator who fails to report to a facility owner and a one-number notification service any contact or damage to an underground facility caused by such excavator in the course of excavation, or fails to alert an appropriate authority upon an actual breach of a facility which causes the release of gas or hazardous liquids as required by Section 55-2208(1), Idaho Code, is subject to a civil penalty. (3-20-20)T

**j.** Reporting to the Board. An excavator or underground facility owner who observes, suffers or causes damage to an underground facility or excavator downtime related to the failure of one (1) or more stakeholders to comply with the damage prevention regulations and fails to report such information to the board as required by Section 55-2208(5), Idaho Code, is subject to a civil penalty. (3-20-20)T

**k.** Failure to Participate. Any person who fails to participate or cooperate with a one-number notification service as prescribed by Section 55-2206, Idaho Code, is subject to a civil penalty. (3-20-20)T

**02. Second Offense.** For the purpose of this section, a second offense is deemed to be any violation of Title 55, Chapter 22, Idaho Code, for which a civil penalty may be imposed in accordance with this section which occurs within eighteen (18) months of a previous violation of any provision. (3-20-20)T

**03. Multiple Violations.** Each day that a violation of Title 55, Chapter 22, Idaho Code, occurs for which a civil penalty may be imposed as provided herein constitutes a separate offense. (3-20-20)T

**021. -- 999. (RESERVED)**