

STATEMENT OF PURPOSE

RS26449C1

Under Idaho Code section 55-2211(1) the administrator of the Division of Building Safety (Division) recommends and the Damage Prevention Board (Board) imposes training or civil penalties for those who violate chapter 22, title 55, Idaho Code. This process has proven to be inefficient for the alleged violator, complainant, and Division. This legislative proposal will give the administrator authority to impose training or civil penalties and the Board authority to hear appeals regarding training or civil penalties imposed. These changes will streamline this process and align it with the process for other chapters administered by the Division.

Idaho Code section 55-2211 provides authority for the Board to impose training or civil penalties and enhanced civil penalties for subsequent violations with facility damage. However, Idaho Code section 55-2211 does not allow passage of a certain amount of time to "reset" the violation record of a violator unless the violations involve facility damage. Further, Idaho Code section 55-2211 does not provide penalties for third, fourth, fifth, etc. violations without facility damage. This legislative proposal will address both of these issues.

Idaho Code section 55-2211(1) allows the Board to impose training for a first violation and civil penalties for further violations. However, Idaho Code section 55-2211(1) only allows an alleged violator to contest the imposition of civil penalties. Because the imposition of training potentially affects an alleged violator's future liability under the statute, due process requires that alleged violators be given the ability to also contest the imposition of training. This legislative proposal will allow an alleged violator to contest both training and civil penalties.

FISCAL NOTE

There will be a positive fiscal impact to the Damage Prevention Board fund created by more efficient processing of civil penalties. There is no fiscal impact, positive or negative, to any other state funds, including the state General Fund.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).