

Dear Senators COOK, Lenney, Ward-Engelking, and
Representatives CLOW, Ehlers, Berch:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Division of Occupational and Professional Licenses - ~~Idaho Electrical Board~~ Building Safety:
IDAPA 24.39.30 - Rules of Building Safety (Building Code Rules) (ZBR Chapter Rewrite, Fee Rule)
- Proposed Rule (Docket No. 24-3930-2302);
IDAPA 24.39.31 - Rules for Factory Built Structures (ZBR Chapter Rewrite, Fee Rule) - Proposed
Rule (Docket No. 24-3931-2301);
IDAPA 24.39.50 - Rules of the Public Works Contractors License Board (ZBR Chapter Rewrite, Fee
Rule) - Proposed Rule (Docket No. 24-3950-2301).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 10/06/2023. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/03/2023.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Business Committee

FROM: Principal Legislative Drafting Attorney - Ryan Bush

DATE: September 19, 2023

SUBJECT: Division of Occupational and Professional Licenses - ~~Idaho Electrical Board~~ Building Safety

IDAPA 24.39.30 - Rules of Building Safety (Building Code Rules) (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule (Docket No. 24-3930-2302)

IDAPA 24.39.31 - Rules for Factory Built Structures (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule (Docket No. 24-3931-2301)

IDAPA 24.39.50 - Rules of the Public Works Contractors License Board (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule (Docket No. 24-3950-2301)

Docket No. 24-3930-2302

Summary and Stated Reasons for the Rule

The Division of Occupational and Professional Licenses submits notice of proposed rulemaking via IDAPA 24.39.30 - Rules of Building Safety (Building Code Rules) (ZBR Chapter Rewrite, Fee Rule). As part of the Governor's Zero-Based Regulation executive order, the Division states that it collaborated with the public to streamline and simplify the rule language, to use plain language, and to provide updates to comply with governing statute. The Division further states that no fees are being changed as a result of this rulemaking.

Negotiated Rulemaking / Fiscal Impact

The Division states that negotiated rulemaking was conducted and that notice was published in the June edition of the Idaho Administrative Bulletin. There is no anticipated fiscal impact associated with this rulemaking.

Statutory Authority

The proposed rule appears to be within the statutory authority granted to the Division in Sections 33-356, 29-4107, 39-4109, 39-4112, 39-4113, 39-9701 and 67-2604, Idaho Code.

Docket No. 24-3931-2301

Summary and Stated Reasons for the Rule

Paul Headlee, Deputy Director Legislative Services Office	Kristin Ford, Manager Research & Legislation	Keith Bybee, Manager Budget & Policy Analysis	April Renfro, Manager Legislative Audits	Norma Clark, Manager Information Technology
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Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

The Division of Occupational and Professional Licenses submits notice of proposed rulemaking via IDAPA 24.39.31 - Rules for Factory Built Structures (ZBR Chapter Rewrite, Fee Rule). As part of the Governor's Zero-Based Regulation executive order, the Division states that it collaborated with the public to streamline and simplify the rule language, to use plain language, and to provide updates to comply with governing statute. The Division further states that no fees are being changed as a result of this rulemaking.

Negotiated Rulemaking / Fiscal Impact

The Division states that negotiated rulemaking was conducted and that notice was published in the June edition of the Idaho Administrative Bulletin. There is no anticipated fiscal impact associated with this rulemaking.

Statutory Authority

The proposed rule appears to be within the statutory authority granted to the Division in Sections 39-4003, 39-4302, 44-2102, 44-2104, 44-2201, and 67-2604, Idaho Code.

Docket No. 24-3950-2301

Summary and Stated Reasons for the Rule

The Division of Occupational and Professional Licenses submits notice of proposed rulemaking via IDAPA 24.39.50 - Rules of the Public Works Contractors License Board (ZBR Chapter Rewrite, Fee Rule). As part of the Governor's Zero-Based Regulation executive order, the Division states that it collaborated with the public to streamline and simplify the rule language, to use plain language, and to provide updates to comply with governing statute. The Division further states that no fees are being changed as a result of this rulemaking.

Negotiated Rulemaking / Fiscal Impact

The Division states that negotiated rulemaking was conducted and that notice was published in the June edition of the Idaho Administrative Bulletin. There is no anticipated fiscal impact associated with this rulemaking.

Statutory Authority

The proposed rule appears to be within the statutory authority granted to the Division in Sections 54-1907 and 67-2604, Idaho Code.

cc: Division of Occupational and Professional Licenses - ~~Idaho Electrical Board~~ Building Safety
Katie Stuart

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.39.30 – RULES OF BUILDING SAFETY (BUILDING CODE RULES

DOCKET NO. 24-3930-2302 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, and Sections 33-356, 39-4107, 39-4109, 39-4112, 39-4113, 39-9701, 67-2614, 67-9406, and 67-9409, Idaho Code.

PUBLIC HEARING SCHEDULE: Two public hearings concerning this rulemaking will be held as follows:

Thursday, September 7, 2023, 9:00 a.m. MT & Tuesday, November 7, 2023, 9:00 a.m. MT
Division of Occupational and Professional Licenses Chinden Campus Building 4 11341 W. Chinden Blvd., Bldg. #4 Boise, ID 83714
Telephone and web conferencing information will be posted on: https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/

The hearing site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Building Code Board is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The fees for applications, licenses, and reinstatement as designated in Rule 400 of these proposed rules are authorized in Section 39-4017, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho legislature.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2301. The (Second) Omnibus Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 7, 2023 Idaho Administrative Bulletin, [Vol. 23-6, pp. 75-76](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

- International Building Code. The 2018 Edition, and 2021 Edition Relating to Mass Timber.
- International Residential Code. Parts I, II, III, and IX of the 2018 Edition for one (1)- and two (2)- family dwellings.
- International Existing Building Code. 2018 Edition.
- International Energy Conservation Code – Commercial Provisions. The 2018 Edition.
- International Energy Conservation Code – Residential Provisions. The 2018 Edition.

The materials cited are incorporated by reference because they would be unduly cumbersome, expensive, or otherwise inexpedient to republish all or in part. The materials cited are codes, standards, or rules adopted by a nationally recognized organization or association.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this proposed rule, contact Katie Stuart, Bureau Chief, at (208) 577-2489. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 7, 2023.

DATED this 4th day of August, 2023.

Katie Stuart
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2489
Email: katie.stuart@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-3930-2302
(ZBR Chapter Rewrite)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the proposed rule.*

24.39.30 – RULES OF BUILDING SAFETY (BUILDING CODE RULES)

000. LEGAL AUTHORITY.

The rules are promulgated pursuant to Sections 33-356, 39-4107, 39-4109, 39-4112, 39-4113, 39-9701, Idaho Code. ()

001. SCOPE.

The rules prescribe the criteria for enforcement and administration of the Idaho Building Code Act by the Idaho Building Code Board and the Division of Occupational and Professional Licenses and the integrated design and fundamental commissioning of public school facilities. ()

002. DEFINITIONS.

01. 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. ()

02. Minor Alteration. The following definition is used for the purpose of administering annual permits. ()

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. ()

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. ()

003. -- 199. (RESERVED)

200. INTEGRATED DESIGN AND FUNDAMENTAL COMMISSIONING OF PUBLIC SCHOOL FACILITIES.

01. 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 on the Division's. 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. ()

02. 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. ()

03. Annual Optimization Review. ()

a. The third-party commissioning agent who performed the initial fundamental commissioning for a public school building must provide the school district with a written report identifying the systems which will be subject to the Idaho Code Section 33-356 annual optimization review and identifying the system requirements and/or other relevant measuring criteria. The written report shall, at a minimum include the following: ()

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

ii. Verification that the lighting controls are functioning as they were at the commissioning of the building; and ()

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. ()

b. The annual optimization review shall be performed by persons qualified to make the required determinations and adjustments. ()

c. Following the annual optimization review, the school district shall submit to the Division written verification indicating (1) the systems identified by the commissioning agent, including those identified in this Section are functioning as they were at the initial commissioning; and (2) identifying the persons performing the optimization and their qualifications. ()

04. 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. ()

05. Fundamental Building Commissioning Requirements. ()

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

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. ()

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. ()

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. ()

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

201. -- 499. (RESERVED)

500. PERMITS AND PLAN REVIEW.

01. 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 upon request 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 herein. ()

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

03. Fees. ()

a. Technical Service Fee. One hundred dollars (\$100) per hour. ()

b. Building Permit Fees. 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.

TABLE 1-A - 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
\$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

()

c. Fees for Annual Permits. A fee for inspections performed on annual permits shall be charged at the rate of one hundred dollars (\$100) per inspection. 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. ()

d. 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 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. ()

501. -- 599. (RESERVED)

600. IDAHO BUILDING CODES.

Pursuant to Sections 39-4109 and 39-4109A, Idaho Code, the Board adopts the following international codes with identified amendments: ()

01. International Building Code. The 2018 Edition, including appendices pertaining to building accessibility, with the following amendments: ()

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. ()

i. 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. ()

ii. 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. ()

iii. 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. ()

b. Section 310.4: Add the following: “Dwelling units providing day care for twelve (12) or fewer children”. ()

c. Section 310.4.1. Delete 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. ()

d. Add new Section 602.1.2: 602.1.2 Alternative provisions. As an alternative to the construction types defined in Sections 602.2 through 602.5, buildings and structures erected or to be erected, altered, or extended in height or area may be classified as construction type IV-A, IV-B, or IV-C in accordance with the provisions adopted in Paragraph 004.01.b of these rules. Buildings and structures classified as construction type IV-A, IV-B, or IV-C shall comply with the provisions adopted in Paragraph 004.01.h of these rules and all other applicable provisions of this code. ()

e. Table 2902.1 Minimum Number of Required Plumbing Fixtures. Delete footnote e and replace with the following: e For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required. ()

f. Table 2902.1 Minimum Number of Required Plumbing Fixtures. Delete footnote f and replace with the following: f Drinking fountains are not required for an occupant load of thirty (30) or fewer. ()

g. Section 3113 Relocatable Buildings. Delete. ()

02. International Building Code, 2021 Edition. The following provisions of the 2021 Edition related to mass timber construction: ()

a. In Section 202, the definitions of the terms MASS TIMBER; NONCOMBUSTIBLE PROTECTION (FOR MASS TIMBER); SECONDARY STRUCTURAL MEMBERS; and WALL, LOAD BEARING; ()

b. Sections 403.3.2, 508.4.4.1, 509.4.1.1, 602.4 through 602.4.3.6, 703.6, 703.7, 704.4, 722.7 through 722.7.2.2, 1705.5.3, 1705.20, 2304.10.1, 3313.1 through 3313.3.3, 3313.5, and 3314.1; ()

c. Tables 504.3, 504.4, 506.2, 601, 705.5, 722.7.1(1), 722.7.1(2), and 1705.5.3, including any note following each table adopted in this subparagraph; and ()

d. In Chapter 35, the referenced standards ANSI/APA PRG 320—2019: Standard for Performance-rated Cross-laminated Timber, referenced in Sections 602.4 and 2303.1.4, and ASTM D3498—03(2011): Standard Specification for Adhesives for Field-Gluing Plywood to Lumber Framing for Floor Systems, referenced in Section 703.7. ()

03. International Residential Code, 2018 Edition. Parts I, II, III, and IX of the 2018 Edition for one (1)- and two (2)- family dwellings, with the following amendments: ()

a. Section R101.2 Scope. Delete the exception 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. ()

b. Section R105.2. Amend Item number 7 under the “Building” subheading Replace the words “24 inches (610 mm)” with “four (4) feet (1219 mm)” ()

c. Section R105.2. Add the following exemption under the “Building” subheading: 11. Flag poles. ()

d. Section R301.2.1.2 Protection of Openings. Delete. ()

e. Table R302.1(1). Delete 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
Projections	Fire-resistance rated	1 hour on the underside, or heavy timber, or fire retardant-treated wood ^{a,b}	≥ 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

^aThe 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.

^bThe 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. ()

f. Delete Table R302.6 Dwelling-Garage Separation and replace with the following table:

Separation	Material
From the residence, attics, and habitable rooms above the garage	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side
Structure(s) supporting floor/ceiling assemblies used for separation required by this section	
Garages located less than 3 feet from a dwelling unit on the same lot	Not less than 5/8-inch Type X gypsum board or equivalent applied to the interior side of exterior walls that are within this area

()

g. Section R302.13 Fire protection of floors. Delete. ()

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

i. Section R313.1 Townhouse automatic fire sprinkler systems. Delete the exception 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. ()

j. Section R313.2 One- and two-family dwellings automatic fire sprinkler systems. Delete. ()

k. Section R314.2.2 Alterations, repairs and additions Exception Item #2. Delete. ()

l. Section R315.2.2 Alterations, repairs and additions Exception Item #2. Delete. ()

m. Section R322.1.10 As-built elevation documentation. Delete. ()

n. 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). Delete. ()

o. Add the following as Table R403.1: ()

TABLE R403.1
MINIMUM WIDTH OF CONCRETE, PRECAST, OR MASONRY FOOTINGS (inches)^a

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

^aWhere 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. ()

p. Section R403.1.1. Delete 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). ()

q. Section R602.10. Delete and replace with the following: 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. ()

04. International Existing Building Code. 2018 Edition. ()

05. International Energy Conservation Code – Commercial Provisions. The 2018 Edition with the following amendments: ()

a. Add new 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. ()

b. Add the following Exemptions to section C402.1.1: ()

i. Exemption 4. Accessory utility and storage buildings and sports practice buildings accessory to A, B, and E occupancies where buildings maintain no heating or cooling or where intermittent heating and cooling systems are installed. ()

ii. Exemption 5. Buildings for domestic water wells, irrigation wells, sewer pump facilities, and sewer lift station buildings where equipment produces internal heat loads and where intermittent heating or cooling is provided to prevent freezing or overheating of equipment. ()

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. ()

06. International Energy Conservation Code – Residential Provisions. The 2018 Edition with the following amendments: ()

a. R202 General Definitions. Add the following to the definition of “Conditioned Space”: This definition shall not apply to garage spaces or other similar spaces where heating or cooling is installed for frost protection or intermittent use. ()

b. Table R402.1.2 Insulation and Fenestration Requirements by Component. Delete the rows in climate zones “5 and Marine 4” and “6” and replace with the following:

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

()

c. Table R402.1.2 - Insulation and Fenestration Requirements by Component. Add the following as footnote k to the Table title: k. For residential log home building thermal envelope construction requirements see Section R402.6. ()

d. Table R402.1.4 Equivalent U-Factors. Delete the rows in climate zones “5 and Marine 4” and “6” and replace with the following:

TABLE R402.1.4 EQUIVALENT U-FACTORS ^a								
Climate Zone	Fenestration U-factor	Skylight U-factor	Ceiling U-factor	Frame Wall U-factor	Mass Wall U-factor ^b	Floor U-factor	Basement Wall U-factor	Crawlspace Wall U-factor
5	0.32	0.55	0.030	0.060	0.082	0.033	0.050	0.055

TABLE R402.1.4 EQUIVALENT U-FACTORS ^a								
Climate Zone	Fenestration U-factor	Skylight U-factor	Ceiling U-factor	Frame Wall U-factor	Mass Wall U-factor ^b	Floor U-factor	Basement Wall U-factor	Crawlspace Wall U-factor
6	0.30	0.55	0.026	0.057	0.060	0.033	0.050	0.055

()

e. Section R402.4.1.2. Add the following exception: Visual Inspection. The Permit Holder will determine at the time of permit application the method of determining building envelope tightness. A visual inspection shall be considered acceptable in lieu of testing when the items listed in Table R402.4.1.1, applicable to the method of construction, are field verified. ()

f. Add new 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). ()

g. Add new Table R402.6:

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

^aThe fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

^bR-5 shall be added to the required slab edge R-values for heated slabs.

^c90% 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).

^d“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.

TABLE R402.6
LOG HOME PRESCRIPTIVE THERMAL ENVELOPE REQUIREMENTS BY COMPONENT

For SI: 1 foot = 304.8 mm.

Climate Zone	Fenestration U-factor ^a	Skylight U-factor	Glazed Fenestration SHGC	Ceiling R-value	Min. Average Log Size In Inches	Floor R-value	Basement Wall R-value ^d	Slab R-value & Depth ^b	Crawl Space Wall R-value ^d
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

^aThe fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

^bR-5 shall be added to the required slab edge R-values for heated slabs.

^c90% 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).

^d“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.

()

601. -- 999. (RESERVED)

[Agency redlined courtesy copy]

24.39.30 – RULES OF BUILDING SAFETY (BUILDING CODE RULES)

000. LEGAL AUTHORITY.

The rules are promulgated pursuant to Sections [33-356](#), 39-4107, [39-4109](#), [39-4112](#), [39-4113](#), [39-9701](#), Idaho Code. (4-6-23)T

001. SCOPE.

The rules prescribe the criteria for enforcement and administration of the Idaho Building Code Act by the Idaho Building Code Board and the Division of Occupational and Professional Licenses [and the integrated design and fundamental commissioning of public school facilities](#).(4-6-23)T

~~**002. -- 003. (RESERVED)**~~

~~**004.600. ADOPTION AND INCORPORATION BY REFERENCE IDAHO BUILDING CODES.**~~

~~Under the provisions of Sections 39-4109 and 39-4109A, Idaho Code, the codes enumerated in this section are hereby adopted and incorporated by reference into these rules. Pursuant to Sections 39-4109 and 39-4109A, Idaho Code, the Board adopts the following international codes with identified amendments: (4-6-23)T~~

01. International Building Code. The 2018 Edition, including appendices pertaining to building accessibility, with the following amendments:(4-6-23)T

~~a.~~ 2018 Edition with the following amendments:(4-6-23)T

~~ia.~~ 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. (4-6-23)T

ii. 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.(4-6-23)T

iii. 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. (4-6-23)T

iv. 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.(4-6-23)T

~~vb.~~ Delete Section 310.4: Add the following: “Dwelling units providing day care for twelve (12) or fewer children”. 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. (4-6-23)T

~~vic.~~ Delete Section 310.4.1. Delete 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.(4-6-23)T

~~viid.~~ Add the following asAdd new Section 602.1.2: 602.1.2 Alternative provisions. As an alternative to the construction types defined in Sections 602.2 through 602.5, buildings and structures erected or to be erected, altered, or extended in height or area may be classified as construction type IV-A, IV-B, or IV-C in accordance with the provisions adopted in Paragraph 004.01.b of these rules. Buildings and structures classified as construction type IV-A, IV-B, or IV-C shall comply with the provisions adopted in Paragraph 004.01.~~bh~~ of these rules and all other applicable provisions of this code.(4-6-23)T

~~viii.e.~~ Delete footnote^e under Table 2902.1 Minimum Number of Required Plumbing Fixtures. Delete footnote^e and replace with the following: ^e For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required.(4-6-23)T

~~ix.f.~~ Delete footnote^f from Table 2902.1 Minimum Number of Required Plumbing Fixtures. add footnote^f in the header row of the column in Table 2902.1 labeled “Drinking Fountains,” and dDelete footnote^f under Table 2902.1 and replace with the following: ^f Drinking fountains are not required for an occupant load of thirty (30) or fewer.(4-6-23)T

~~xg.~~ Delete Section 3113.1 Relocatable Buildings. Delete. 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 24.39.31. Exception: This Section shall not apply to manufactured housing used as dwellings.(4-6-23)T~~

02. International Building Code. The following provisions of the 2021 Edition related to mass timber construction:(_____)

~~b. The provisions of the 2021 Edition relating to mass timber construction, including, but not limited to: (4-6-23)T~~

~~ia. In Section 202, the definitions of the terms MASS TIMBER; NONCOMBUSTIBLE PROTECTION (FOR MASS TIMBER); SECONDARY STRUCTURAL MEMBERS; and WALL, LOAD BEARING; (4-6-23)T~~

~~ib. Sections 403.3.2, 508.4.4.1, 509.4.1.1, 602.4 through 602.4.3.6, 703.6, 703.7, 704.4, 722.7 through 722.7.2.2, 1705.5.3, 1705.20, 2304.10.1, 3313.1 through 3313.3.3, 3313.5, and 3314.1;(4-6-23)T~~

~~ic. Tables 504.3, 504.4, 506.2, 601, 705.5, 722.7.1(1), 722.7.1(2), and 1705.5.3, including any note following each table adopted in this subparagraph; and(4-6-23)T~~

~~id. In Chapter 35, the referenced standards ANSI/APA PRG 320—2019: Standard for Performance-rated Cross-laminated Timber, referenced in Sections 602.4 and 2303.1.4, and ASTM D3498—03(2011): Standard Specification for Adhesives for Field-Gluing Plywood to Lumber Framing for Floor Systems, referenced in Section 703.7. (4-6-23)T~~

023. International Residential Code. 2018 Edition with the following amendmentsParts I, II, III, and IX of the 2018 Edition for one (1)- and two (2)- family dwellings, with the following amendments:(4-6-23)T

~~a. Section R101.2 Scope. 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. (4-6-23)T~~

~~b. Delete Section R104.10.1 Flood hazard areas.(4-6-23)T~~

~~eb. Section R105.2. Delete Amend iItem 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 Replace the words “24 inches (610 mm)” with “four (4) feet (one thousand, two hundred nineteen (1219) mm)” deep.(4-6-23)T~~

~~dc. Section R105.2. Add the following as exemption item number 11 under the “Building” subheading of Section R105.2 Work exempt from permit: 11. Flag poles.(4-6-23)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.(4-6-23)T~~

~~fd. Delete Section R301.2.1.2 Protection of Openings. Delete.(4-6-23)T~~

~~ge. Delete Table R302.1(1). Delete 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
Projections	Fire-resistance rated	1 hour on the underside, or heavy timber, or fire retardant-treated wood ^{a,b}	≥ 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

^a 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.

^b 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.(4-6-23)T

f. Delete Table R302.6 Dwelling-Garage Separation and replace with the following table:

SEPARATION	MATERIAL
<u>From the residence, attics, and habitable rooms above the garage</u>	<u>Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side</u>
<u>Structure(s) supporting floor/ceiling assemblies used for separation required by this section</u>	
<u>Garages located less than 3 feet from a dwelling unit on the same lot</u>	<u>Not less than 5/8-inch Type X gypsum board or equivalent applied to the interior side of exterior walls that are within this area</u>

()

- ~~hf.~~ ~~Delete~~ Section R302.13 Fire protection of floors. ~~Delete.~~(4-6-23)T
- ~~ig.~~ ~~Delete~~ Section R303.4. ~~Delete~~ 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. (4-6-23)T
- ~~jh.~~ ~~Delete the exception under~~ Section R313.1 Townhouse automatic fire sprinkler systems. ~~Delete the exception~~ 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. (4-6-23)T
- ~~ki.~~ ~~Delete~~ Section R313.2 One- and two-family dwellings automatic fire sprinkler systems. ~~Delete.~~ (4-6-23)T
- ~~lj.~~ ~~Delete the exceptions under~~ Section R314.2.2 Alterations, repairs and additions; ~~Exception Item #2. Delete.~~ 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. (4-6-23)T
- ~~mk.~~ ~~Delete the exceptions under~~ Section R315.2.2 Alterations, repairs and additions; ~~Exception Item #2. Delete.~~ 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. (4-6-23)T
- ~~nl.~~ ~~Delete~~ Section R322.1.10 As-built elevation documentation. ~~Delete.~~(4-6-23)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.~~(4-6-23)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 mm²) for each square foot (0.093 m²) 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.(4-6-23)T
- ~~qm.~~ ~~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). ~~Delete.~~(4-6-23)T
- ~~rn.~~ Add the following as Table R403.1:

TABLE R403.1
MINIMUM WIDTH OF CONCRETE, PRECAST, OR MASONRY FOOTINGS (inches)^a

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

^aWhere 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.(4-6-23)T

~~so.~~ ~~Delete~~ Section R403.1.1. ~~Delete~~ 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).(4-6-23)T

~~tp.~~ ~~Delete~~ Section R602.10. ~~Delete~~ 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.(4-6-23)T

03. International Existing Building Code. 2018 Edition.(4-6-23)T

~~04. International Energy Conservation Code.~~ 2018 Edition with the following amendments:
(4-6-23)T

04. International Energy Conservation Code – Commercial Provisions. The 2018 Edition with the following amendments:()

a. Add ~~the following as new~~ 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.(4-6-23)T

b. Add the following Exemptions to section C402.1.1:

i. Exemption 4. Accessory utility and storage buildings and sports practice buildings accessory to A, B, and E occupancies where buildings maintain no heating or cooling or where intermittent heating and cooling systems are installed.

ii. Exemption 5. Buildings for domestic water wells, irrigation wells, sewer pump facilities, and sewer lift station buildings where equipment produces internal heat loads and where intermittent heating or cooling is provided to prevent freezing or overheating of equipment.

~~**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.(4-6-23)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.(4-6-23)T

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

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
1/4	0.33	34	50
5/16	0.5	N/A—non standard size	50
3/8	0.75	47	50
1/2	1.5	40	43
5/8	2	7	32

3/4	3	5	24
7/8	4	N/A – non-standard size	46
4	5	3	13
4-1/4	8	2	8
4-1/2	11	4	6
2-or-larger	18	4	4

For SI: 1 inch = 25.4 mm; 1 foot = 304.8 mm; 1 liquid ounce = 0.030 L; 1 gallon = 128 ounces.(4-6-23)T

05. International Energy Conservation Code – Residential Provisions. The 2018 Edition with the following amendments:()

a. R202 General Definitions. Add the following to the definition of “Conditioned Space”: This definition shall not apply to garage spaces or other similar spaces where heating or cooling is installed for frost protection or intermittent use.
 ()

eb. ~~Delete the rows in~~ Table R402.1.2 Insulation and Fenestration Requirements by Component. ~~Delete the rows in~~ for climate zones “5 and Marine 4” and “6” and replace with the following:

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

(4-6-23)T

fc. ~~Add the following as footnote^k to the title of~~ Table R402.1.2 - Insulation and Fenestration Requirements by Component. Add the following as footnote^k to the Table title: ^k. For residential log home building

thermal envelope construction requirements see Section R402.6.(4-6-23)T

gd. ~~Delete the rows in~~ Table R402.1.4 **Equivalent U-Factors.** ~~Delete the rows in for~~ climate zones “5 and Marine 4” and “6” and replace with the following:

TABLE R402.1.4 EQUIVALENT U-FACTORS ^a								
Climate Zone	Fenestration U-factor	Skylight U-factor	Ceiling U-factor	Frame Wall U-factor	Mass Wall U-factor ^b	Floor U-factor	Basement Wall U-factor	Crawlspace Wall U-factor
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

(4-6-23)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.~~ (4-6-23)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.~~ (4-6-23)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.~~ (4-6-23)T

ke. ~~Add the following as Section R402.4.1.32. -R402.4.1.3 Add the following exception: Visual inspection. The Permit Holder will determine at the time of permit application the method of determining B~~ building envelope tightness, ~~and insulation installation~~ **A visual inspection** shall be considered acceptable **in lieu of testing** when the items listed in Table R402.4.1.1, applicable to the method of construction, are field verified. ~~Where required~~

~~by code official or approved party independent from the installer of the insulation shall inspect the air barrier and insulation.~~(4-6-23)T

h. ~~Add the following as~~ **Add new** 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 (Lighting 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).(4-6-23)T

mg. Add ~~the following as~~ **new** Table R402.6:

TABLE R402.6									
LOG HOME PRESCRIPTIVE THERMAL ENVELOPE REQUIREMENTS BY COMPONENT									
For SI: 1 foot = 304.8 mm.									
Climate Zone	Fenestration U-factor ^a	Skylight U-factor	Glazed Fenestration SHGC	Ceiling R-value	Min. Average Log Size In Inches	Floor R-value	Basement Wall R-value ^d	Slab R-value & Depth ^b	Crawl Space Wall R-value ^d
5, 6 - High efficiency equipment path ^c	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

^aThe fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

^bR-5 shall be added to the required slab edge R-values for heated slabs.

^c90% 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).

^d“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.

(4-6-23)T

n. ~~Delete Section R403.3.1 and replace with the following: R403.3.1 Duct insulation requirements. Supply and return ducts located in an attic space shall have an R-value of not less than R-8.~~(4-6-23)T

~~o. Delete Sections R403.3.6 and R403.3.7.(4-6-23)T~~

~~p. 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.(4-6-23)T~~

~~q. 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.(4-6-23)T~~

~~r. 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.(4-6-23)T~~

~~s. Delete Table R406.4 and replace with the following:~~

~~**Table R406.4—Maximum Energy Rating Index**~~

Climate Zone	Energy Rating Index^a
5	68
6	68

~~^a 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.(4-6-23)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.(4-6-23)T~~

~~**005.—025.(RESERVED)**~~

~~**026002. DEFINITIONS.**~~

~~The terms defined in this section have the following meaning for all parts of this chapter, unless the context clearly indicates another meaning:(4-6-23)T~~

~~**01. Listed.** Equipment or other building components included within a current list published by a recognized 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.(4-6-23)T~~

~~**021. 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.(4-6-23)T

032. Minor Alteration. The following definition is used for the purpose of administering annual permits.(4-6-23)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.(4-6-23)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.(4-6-23)T

027500. PERMITS AND PLAN REVIEW.

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.(4-6-23)T

021. 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 upon request 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 herein.(4-6-23)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.(4-6-23)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.(4-6-23)T

032. Plans Not Required. Plans are not required for group U occupancies of Type V conventional light-frame wood construction.(4-6-23)T

04. Addenda and Change Orders. 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.(4-6-23)T

029. FEES.

03. Fees.

01a. Technical Service Fee. One hundred dollars (\$100) per hour.(4-6-23)T

02b. Building Permit Fees.

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.

TABLE 1-A – 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
\$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

(4-6-23)T

03c. 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~~ inspection. 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.

(4-6-23)T

04d. 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.(4-6-23)T

~~05. Refund of Plan Review Fees. Plan review fees are non-refundable.(4-6-23)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.(4-6-23)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, Chapter 41, Idaho Code, or these rules in the execution of the work nor from any other penalties prescribed by law.(4-6-23)T~~

~~032. STOP WORK ORDERS.~~

~~Whenever any work is being done contrary to any provisions of the codes enumerated in Title 39, Chapter 41, 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.(4-6-23)T~~

~~033.—037.(RESERVED)~~

038200. 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.(4-6-23)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.(4-6-23)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.(4-6-23)T~~

~~021. 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 on the Division's 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.(4-6-23)T~~

~~032. 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.(4-6-23)T

043. Annual Optimization Review.(4-6-23)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. (4-6-23)T~~

~~ba. 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. The third-party commissioning agent who performed the initial fundamental commissioning for a public school building must provide the school district with a written report identifying the systems which will be subject to the Idaho Code Section 33-356 annual optimization review and identifying the system requirements and/or other relevant measuring criteria.(4-6-23)T~~

~~e. The report written report required above in Paragraph 038.04.b. of these rules shall, at a minimum include, but is not limited to, at least the following:(4-6-23)T~~

~~i. Verification that the heating, ventilation, and air conditioning (HVAC) systems, controls, dampers, valves, sensors and other equipment used to control the system are functioning as they were at the commissioning of the building.:(4-6-23)T~~

~~ii. Verification that the lighting controls are functioning as they were at the commissioning of the building. and (4-6-23)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.(4-6-23)T~~

~~db. The annual optimization review shall be performed by persons qualified to make the required determinations and adjustments.(4-6-23)T~~

~~ec. Following the annual optimization review, the school district shall submit to the Division written verification indicating (1)that the systems identified by the commissioning agent, including those identified in this Section are functioning as they were at the initial commissioning; and (2). Such written verification shall also identifying the persons performing the optimization and their qualifications.(4-6-23)T~~

055. 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.(4-6-23)T

063. Fundamental Building Commissioning Requirements.(4-6-23)T

a. School districts seeking to qualify a building for the building replacement value calculation shall engage a building commissioning agent.(4-6-23)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.(4-6-23)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. (4-6-23)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.(4-6-23)T

e. The commissioning agent must submit a report to the owner once the commissioning plan has been executed. (4-6-23)T

~~039. 999.(RESERVED)~~

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Division of Occupational and Professional Licenses

Agency Contact: Michael Hyde **Phone:** (208) 332-7133

Date: 8/4/2023

IDAPA, Chapter and Title Number and Chapter Name:

24.39.30- Rules of Building Safety

Fee Rule Status: x **Proposed** **Temporary**

Rulemaking Docket Number: 24-3930-2302

STATEMENT OF ECONOMIC IMPACT: This rulemaking does not impose a new fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules.

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

01. Building Permit Fees

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
\$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

02. Fees for Annual Permits.

A fee for inspections performed on annual permits shall be charged at the rate of one hundred dollars (\$100) per inspection. 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.

03. 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.

04. Technical Service Fee.

One hundred dollars (\$100) per hour.

INCORPORATION BY REFERENCE SYNOPSIS

In compliance with Section 67-5223(4), Idaho Code, the following is a synopsis of the differences between the materials previously incorporated by reference in this rule that are currently of full force and effect and newly revised or amended versions of these same materials that are being proposed for incorporation by reference under this rulemaking.

The following agency of the state of Idaho has prepared this synopsis as part of the proposed rulemaking for the chapter cited here under the docket number specified:

IDAPA 24 – Division of Occupational and Professional Licenses

24.39.30 – Rules of Building Safety

Proposed Rulemaking - Docket No. 24-3930-2302

The proposed rulemaking adopts and incorporates the following:

International Building Code. The 2018 Edition

International Residential Code. Parts I, II, III, and IX of the 2018 Edition for one (1)- and two (2)- family dwellings

International Existing Building Code. 2018 Edition.

International Energy Conservation Code – Commercial Provisions. The 2018 Edition.

International Energy Conservation Code – Residential Provisions. The 2018 Edition.

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.39.31 – RULES FOR FACTORY BUILT STRUCTURES

DOCKET NO. 24-3931-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, and Sections 39-4003, 39-4302, 44-2102, 44-2104, 44-2201, 44-2202, 67-2614, 67-9406, and 67-9409, Idaho Code.

PUBLIC HEARING SCHEDULE: The public hearing concerning this rulemaking will be held as follows:

Wednesday, September 20, 2023, 9:00 a.m. MT
Division of Occupational and Professional Licenses Chinden Campus Building 4 11341 W. Chinden Blvd., Bldg. #4 Boise, ID 83714
Telephone and web conferencing information will be posted on: https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/

The hearing site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Factory Built Structures Advisory Board is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The fees for applications, licenses, and reinstatement as designated in Rule 400 of these proposed rules are authorized in Section 44-2104, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho legislature.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2301. The (Second) Omnibus Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 7, 2023 Idaho Administrative Bulletin, [Vol. 23-6, pp. 75-76](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

The Idaho Manufactured Home Installation Standard (January 1, 2018 edition).

The materials cited are incorporated by reference because they would be unduly cumbersome, expensive, or otherwise inexpedient to republish all or in part. The materials cited are codes, standards, or rules adopted by a nationally recognized organization or association.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this proposed rule, contact Katie Stuart, Administration Bureau Chief, at (208) 577-2489. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 27, 2023.

DATED this 8th day of August, 2023.

Katie Stuart
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2489
Email: katie.stuart@dopl.idaho.gov
Website: <https://dopl.idaho.gov/>

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-3931-2301
(ZBR Chapter Rewrite)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the proposed rule.*

24.39.31 – RULES FOR FACTORY BUILT STRUCTURES

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 39-4003, 39-4302, 44-2102, 44-2104, 44-2201, and 44-2202, Idaho Code. ()

001. SCOPE.

These rules govern the manufacture and installation of modular buildings in Idaho, apply to persons engaged in the business of manufacturing, selling, or installing manufactured or mobile homes for purposes of human habitation in Idaho, apply to disputes between persons licensed as manufacturers, retailers, and installers of manufactured homes, and apply to the installation of manufactured or mobile homes in Idaho. ()

002. INCORPORATION BY REFERENCE.

The Idaho Manufactured Home Installation Standard (January 1, 2018 edition), is hereby adopted and incorporated by reference and is available on the DOPL website: <https://dopl.idaho.gov>. ()

003. DEFINITIONS.

The terms defined in this section have the following meaning, unless the context clearly indicates another meaning.

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01. Alterations to Manufactured Homes. The replacement, addition, and modification, or removal of any equipment or installation after sale by a manufacturer to a retailer but prior to sale by a retailer to a purchaser which may affect the construction, fire safety, occupancy, plumbing, heat-producing or electrical system. It 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.

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02. Deceptive Practice. Intentionally publishing or circulating any advertising concerning mobile or manufactured homes which:

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a. Is misleading or inaccurate in any material respect;

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b. Misrepresents any of the products or services sold or provided by a manufacturer, manufactured/mobile home retailer, or installation company.

()

03. Insignia. A label or tag issued by the Division to indicate compliance with the codes, standards, rules, and regulations established for Modular Buildings and Commercial Coaches.

()

04. Installation. The complete operation of fixing in place a modular building or manufactured or mobile home for occupancy.

()

05. 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:

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a. The business of the manufactured or mobile home retailer is lawfully conducted here;

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b. The office or offices of the retailer is or are located here;

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c. The public may contact the retailer here;

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d. The offices are accessible and open to the public; and

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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.

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06. Used Manufactured Home or Mobile Home. A manufactured home or mobile home, respectively, which has been:

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a. Sold, rented, or leased and occupied prior to or after the sale, rental, or lease; or

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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.

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004. -- 099. (RESERVED)

100. LICENSURE.

01. Manufactured/Mobile Home Licensure.

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

b. Designated License Holder. Any applicant for a license under 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. No issued licenses are transferable. ()

i. Any person 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. ()

ii. The applicant agrees 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. ()

iii. 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. ()

iv. To engage in business in the state of Idaho, each manufacturer must be licensed by the Division. ()

v. The Division requires as a condition of licensing any information it deems necessary for each location where a manufactured/mobile home retailer maintains a branch office. 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 constitutes the maintenance of a branch office. A retailer must obtain a license from the Division to operate the branch office. ()

vi. Applicants for a manufacturer's, retailers, or installer's license must furnish: Any proof the Division may deem necessary that the applicant is a manufacturer, retailer, or installer; any proof the Division may require that the applicant has a principal place of business; 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 retailer for the make concerned; The fee and proof of the bond required by Section 44-2103, Idaho Code; and Proof of passing the examination required by these rules, as applicable. ()

vii. Within thirty (30) days after receipt of a completed application, the Division will issue or deny the license. ()

viii. Each license is valid for a period of one (1) year from the date of issuance. ()

02. Proof of Education Required. ()

a. 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: ()

i. Installers and retailers who are installers: eight (8) hours. ()

ii. 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, Idaho Code, and the National Manufactured Housing Construction and Safety Standards Act of 1974. ()

b. 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. ()

i. The course of continuing education must be approved by the Division and include information germane to the profession. ()

03. Examination Of Applicant For License. ()

a. Required Examinations. The Division requires a written examination of each applicant for an initial license as a manufactured/mobile home retailer or installer. ()

b. Examination and Grade. No license will be issued unless an applicant receives a final grade of seventy percent (70%) or higher. ()

101. -- 299. (RESERVED)

300. DISCIPLINARY ACTION AGAINST LICENSEES, CIVIL PENALTIES, AND CONSUMER COMPLAINT AND DISPUTE RESOLUTION.

01. The Division may deny, suspend, refuse to renew, or revoke any license or reissue the license subject to reasonable conditions upon any of the following grounds: ()

a. Failure to Provide Business Name. Failure to include in any advertising the name of the licensed retailer or installer. ()

b. Poor Workmanship. Performing workmanship which is grossly incompetent or repeatedly below the standards adopted by Title 44, Chapters 21 and 22, the provisions of these rules, or the National Manufactured Housing Construction and Safety Standards Act of 1974. ()

c. 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. ()

d. Failure to Respond to Notice. Failure to respond to a notice served by the Division. ()

e. 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. ()

f. Conviction of Misdemeanor. Conviction of a misdemeanor for violation of any of the provisions of Title 44, Chapters 21 or 22, Idaho Code. ()

g. Conviction of Felony. Conviction or withheld judgment for a felony in this state, any U.S. territory, or country. ()

h. Violation of Permit or Inspection Requirements. To knowingly violate any permit or inspection requirements of any city or county of this state. ()

02. Modular 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: ()

a. Installation. Any person who 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. ()

b. 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. ()

03. Manufactured Home Civil Penalties. Except as otherwise provided, the following acts subject the violator to penalties of not more than five hundred dollars (\$500) for the first offense and not more than one thousand dollars (\$1,000) for each offense thereafter: ()

a. Industry Licensing. Except as provided for by Section 44-2106, Idaho Code, any person who engages in the business of a manufacturer, retailer, or installer, as defined in Section 44-2101A, Idaho Code, without being duly licensed by the Division. ()

b. Deceptive Practice. 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 services sold or provided by a manufacturer, retailer, or installer. ()

c. Dealing with Stolen Manufactured or Mobile Homes. 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). ()

d. Failure to Maintain a Principal Place of Business. Any person who is a retailer duly licensed by the Division and who fails to maintain a principal place of business within Idaho. ()

e. Violation of Rules and Statutes. Any person who knowingly violates these rules or Title 44, Chapters 21 or 22, Idaho Code. ()

f. Gross Violation. In case of continued, repeated, or gross violations of these rules, 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. ()

04. Consumer Complaints and Dispute Resolution. ()

a. Site Inspection. The Division may perform a site inspection, based on the nature of a complaint or upon request of the complainant in accordance with HUD. ()

b. Fees. A charge for mileage to and from the inspection site, plus an hourly charge for the time spent conducting the inspection, is assessed the manufacturer, installer, or retailer if a site inspection is made upon a request by the manufacturer, installer, or retailer, and does not involve a serious defect or imminent safety hazard. ()

c. Inspection Report. Following a site inspection, the inspector will prepare a final report and include photographs. ()

d. Action. A notification letter and copies of the complaint form and investigation findings may be provided to all involved parties and HUD. ()

i. Any Division action, notification and follow-up are completed according to HUD guidelines. ()

ii. If the nature of the complaint pertains to retailer contractual issues or installation problems, a copy of the complaint is to be consolidated with the appropriate Division license files. ()

iii. A Division building inspector will issue a report concerning correction or repair of defects that are a matter of dispute between the homeowner, retailer, installer, or manufacturer. The report will include the likely cause of the defect and identify the party responsible for creating the defect that is in need of correction or repair. ()

e. Decisions. The Administrator will review the inspector's report and set forth the required corrective action and identify the party responsible for such action. The Administrator may initiate a contested case proceeding

if, in his sole discretion, he determines that such a proceeding or further investigation would be of assistance in reaching a decision. The decision must direct the responsible party to complete the required corrective action within specified timelines and consider the needs of the involved parties including, but not limited to, safety, anticipated expense and availability of funds, time of year, and convenience to the parties. ()

f. Appeals. Decisions of the administrator are final orders for purposes of appeal. ()

g. Informal Disposition -- Arbitration -- Mediation. Unless otherwise prohibited by other provisions of law, informal disposition may be made of any complaint by negotiation, stipulation, agreed settlement, and consent order. The parties may agree to enter into binding arbitration or mediation. Informal settlement of matters is to be encouraged. ()

301. -- 399. (RESERVED)

400. MANUFACTURED/MOBILE HOME LICENSE FEES.

01. Fees for Issuance and Renewal of License. The following fees for the issuance and renewal of a license will be charged: ()

a. Manufactured/mobile home retailer license: four hundred forty dollars (\$440). Retailers who are also installers will have to pay an installer's license fee to hold both licenses. ()

b. Manufacturer license: four hundred forty dollars (\$440); ()

c. Manufactured/mobile home installer license: two hundred twenty dollars (\$220); ()

02. Performance Bonding Requirements. Application for licensing will be accepted when accompanied by the performance bond required by Section 44-2103, Idaho Code. ()

401. -- 499. (RESERVED)

500. PERMITS, PLAN REVIEWS, AND INSPECTIONS.

01. Modular Building Permit Fees. Permits must be obtained from the Division prior to the construction of structures governed by 39-4303, Idaho Code. Other than as specified in this section, the permit fee schedule for Modular Buildings is as provided 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

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

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02. Modular Plan Review. 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. A fee of sixty-five dollars (\$65) per hour applies to additional plan review required by changes, additions, or revisions to plans. ()

03. Manufactured/Mobile Home Installation Permit Fees. Permits must be obtained from the Division prior to the site installation governed by 44-2202, and 39-4004, Idaho Code in accordance with the following schedule: ()

- a.** Single Section Unit. The permit fee is one hundred fifty dollars (\$150). ()
- b.** Double Section Unit. The permit fee is two hundred dollars (\$200). ()
- c.** More Than Two Sections. The permit fee for a home consisting of more than two (2) sections is two hundred fifty dollars (\$250). ()

04. In-Plant Inspection Agency Fees. In-plant inspection fees for manufactured homes produced by Idaho Manufactures as per 39-4003A and 39-4004 of Idaho Code is set at forty-five dollars (\$45) per floor. ()

05. Inspections at Manufacturing Plants. The Division conducts inspections at the manufacturing plant to determine compliance with codes adopted by Title 39, Chapters 40 and 41, Idaho Code, and Title 54, Chapters 10, 26, and 50, Idaho Code. ()

06. Manufactured Home Site Installation Inspections. 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. All installations must be inspected and approved by the authority having jurisdiction before the manufactured home is occupied. ()

a. Installation inspections shall be conducted in accordance with the Idaho Manufactured Home Installation Standard or the Design Approval Primary Inspection Agency of the manufactured home. ()

07. Modular Site Installation Inspection. In order to complete the installation of an Idaho approved Modular Building, approval and inspection of the installation by the enforcement agency having jurisdiction over the site location is required. ()

08. Qualifications of Inspectors. All inspectors 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). ()

09. Minimum Training Requirements for Inspectors. All manufactured home installation inspectors must complete eight (8) hours of training or instruction germane to the profession. ()

10. Rights and Limitations of Local Enforcement Agencies for Modular Buildings. ()

a. 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. ()

b. 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. ()

11. 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: ()

a. Inspections are conducted by the city or county employing inspectors holding a valid certification as residential building inspector from the International Code Council; ()

b. Inspectors attended training sessions provided or approved by the Division and receive a certificate evidencing successful completion thereof. ()

c. 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 thirty (30) days written notice of its intention to do so. ()

d. Quality Assurance. Any inspected installation is subject to quality assurance reviews by Division of Occupational and Professional Licenses. Findings made by the Division pursuant to such reviews will be forwarded to the inspection authority having jurisdiction. ()

i. All inspectors and approved programs are subject to review. ()

12. Modular Insignia and Serial Number. ()

a. Assigned Insignia are not transferable and are void when not affixed as assigned. ()

b. Each Modular Building must bear a legible identifying serial number. 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. ()

501. -- 999. (RESERVED)

[Agency redlined courtesy copy]

24.39.31 – RULES FOR FACTORY BUILT STRUCTURES

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 39-4003, 39-4302, 44-2102, 44-2104, 44-2201, and 44-2202, Idaho Code. ()

001. SCOPE.

~~Sections 100 through 199 of these rules apply to~~ These rules govern the manufacture and installation of modular buildings in Idaho. ~~Sections 200 through 299 of 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. ~~Sections 300 through 399 of these rules~~ apply to disputes between persons licensed as manufacturers, retailers, and installers of manufactured homes. ~~Sections 400 through 499 of these rules~~ and apply to the installation of manufactured or mobile homes in Idaho. ()

002. INCORPORATION BY REFERENCE.

The Idaho Manufactured Home Installation Standard (January 1, 2018 edition), is hereby adopted and incorporated by reference and is available on the DOPL website: <https://dopl.idaho.gov>.()

~~002.—009.(RESERVED)~~

0103. DEFINITIONS.

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

01. Alterations to Manufactured Homes. The replacement, addition, and modification, or removal of any equipment or installation after sale by a manufacturer to a retailer but prior to sale by a retailer 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.()

~~**02. 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.()~~

~~**03. Business.** Occupation, profession, or trade.()~~

042. Deceptive Practice. Intentionally publishing or circulating any advertising concerning mobile or manufactured homes which:()

a. Is misleading or inaccurate in any material respect;()

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

~~**053. Insignia.** A label or tag issued by the Division to indicate compliance with the codes, standards, rules, and regulations established for Modular Buildings and Commercial Coaches.()~~

~~**0634. Installation.** The term includes “setup” and is ~~t~~he complete operation of fixing in place a modular building or manufactured or mobile home for occupancy.()~~

~~**07. 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.()~~

~~**08. Manufactured Home Retailer.** Except as otherwise provided in these rules:()~~

~~a. Any person engaged in the business of selling or exchanging new and used units; or()~~

~~b. Any person or who buys, sells, lists, or exchanges three (3) or more new and used units in any one~~

~~(1) calendar year. (—)~~

~~**09. Mobile Home.** A factory-assembled structure or structures generally constructed prior to June 15, 1976, the date of enactment of the National Manufactured Housing Construction 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. (—)~~

105. 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:()

- a. The business of the manufactured or mobile home retailer is lawfully conducted here;()
- b. The office or offices of the retailer is or are located here;()
- c. The public may contact the retailer here;()
- d. The offices are accessible and open to the public; and()

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.()

~~**11. 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.(—)~~

~~**126. Used Manufactured Home or Mobile Home.** A manufactured home or mobile home, respectively, which has been:()~~

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

~~011.—099.(RESERVED)~~

~~**SUBCHAPTER A — MODULAR BUILDINGS**
(Rules 100 through 199)~~

~~**1500. PERMITS, PLAN REVIEWS, AND INSPECTIONS.**~~

~~**MODULAR PERMITS AND PLAN REVIEW FEES.**~~

~~Building pPermits must be obtained from the Division prior to the construction of structures governed by Title 39, Chapter 43 39-4303, 44-2202, and 39-4004, Idaho Code, or Sections 100 through 199 of these rules.()~~

~~**101. PLAN REVIEW.**~~

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

~~**02. Application Provisions.** The provisions of this section apply only to plans for work that will be accomplished at the place of manufacture.(—)~~

102. FEES.

The following fees apply to the functions cited: ()

01. Modular Building Permit Fees. Permits must be obtained from the Division prior to the construction of structures governed by 39-4303, Idaho Code. 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
\$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

()

02. Modular Plan Review. 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. A fee of sixty-five dollars (\$65) per hour applies to additional plan review required by changes, additions, or revisions to plans. ()

501. MANUFACTURED AND MOBILE HOME PERMIT AND INSPECTION FEES.

03. Manufactured/Mobile Home Installation Permit Fees. Permits must be obtained from the Division prior to the site installation governed by 44-2202, and 39-4004, Idaho Code in accordance with the following schedule:

- a. Single Section Unit.** The permit fee is one hundred fifty dollars (\$150).()
- b. Double Section Unit.** The permit fee is two hundred dollars (\$200).()
- c. More Than Two Sections.** The permit fee for a home consisting of more than two (2) sections is two hundred fifty dollars (\$250).()

04. In-Plant Inspection Agency Fees. In-plant inspection fees for manufactured homes produced by Idaho Manufactures as per 39-4003A and 39-4004 of Idaho Code is set at forty-five dollars (\$45) per floor.

103. MODULAR BUILDINGS INSPECTION REQUIREMENTS.

~~01. Enforcement and Administration.~~ 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 may inspect any such units, equipment, or installations to ensure compliance with the provisions of these rules and codes enumerated in Title 39, Chapter 43, Idaho Code. ()

~~02. Inspections.~~()

~~051. Inspections at Manufacturing Plants.~~ The Division conducts inspections at the manufacturing plant to determine compliance with Sections 100 through 199 of these rules and with codes adopted by Title 39, Chapters 40 and 41, Idaho Code, and Title 54, Chapters 10, 26, and 50, Idaho Code.()

062. Manufactured Home Site Installation Inspections. 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. All installations must be inspected and approved by the authority having jurisdiction before the manufactured home is occupied.()

a. Installation inspections shall be conducted in accordance with the Idaho Manufactured Home Installation Standard or the Design Approval Primary Inspection Agency of the manufactured home.

07. Modular Site Installation Inspection. In order to complete the installation of an Idaho approved Modular Building, approval and inspection of the installation by the enforcement agency having jurisdiction over the site location is required.

~~084. 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.()

095. Minimum Training Requirements for Inspectors. All manufactured home installation inspectors must complete eight (8) hours of training or instruction germane to the profession. ()

~~03. Installation Inspection.~~ In order to complete the installation of an Idaho approved Modular Building, approval and inspection of the installation by the enforcement agency having jurisdiction over the site location is required.()

1046. Rights and Limitations of Local Enforcement Agencies for Modular Buildings.()

a. 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.()

b. 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. ()

1197. 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:()

a. Inspections are conducted by the city or county employing inspectors holding a valid certification as residential building inspector from the International Code Council:()

b. Inspectors attended training sessions provided or approved by the Division and receive a certificate evidencing successful completion thereof.()

c. 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 thirty (30) days written notice of its intention to do so.()

d. Quality Assurance. Any inspected installation is subject to quality assurance reviews by Division of Occupational and Professional Licenses. Findings made by the Division pursuant to such reviews will be forwarded to the inspection authority having jurisdiction. ()

i. All inspectors and approved programs are subject to review.()

12085. Modular Insignia and Serial Number.()

a. Each Modular Building section must bear a Division Insignia prior to leaving the manufacturing facility. Assigned Insignia are not transferable and are void when not affixed as assigned.()

b. Each Modular Building must bear a legible identifying serial number. 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.()

104303. MODULAR-300. CIVIL PENALTIES.

01. Modular 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:()

a. 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.()

b. 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. ()

03. Lawful Orders. Any person who fails, neglects, or refuses to obey any lawful order issued by the Administrator or his representative under Section 39-4306, Idaho Code, or who refuses to perform any duty lawfully enjoined upon him by the Administrator or his representative under Section 39-4306, Idaho Code.()

105. 199.(RESERVED)

SUBCHAPTER B — MANUFACTURED/MOBILE HOME INDUSTRY LICENSING
(Rules 200 through 299)

2100. 100. LICENSURE MANUFACTURED/MOBILE HOME LICENSE REQUIRED.

01. Manufactured/Mobile Home Licensure

a. Minimum Age Requirement. No license will be issued to a person under eighteen (18) years of

age at the time of license application.()

~~**b. 02. Designated License Holder.** Any applicant for a license under Sections 200 through 299 of 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 Sections 200 through 299 these rules including, but not limited to, testing and education. No issued licenses are transferable.~~
()

~~**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.(—)~~

~~**bi.a.** Any person designated under Subsection 200.02 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.()~~

~~**ii.e.** The applicant and the person designated under Subsection 200.02 of these rules agrees 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.()~~

~~**iii. 03. Proof of License.** Proof of the existence of any license issued pursuant to Sections 200 through 299 of these rules is carried upon the person of any installation at all times during the performance of the installation work. Moreover, a 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.()~~

~~**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 Sections 200 through 299 of these rules 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.(—)~~

~~**iv. 05. License for Manufacturers.** To engage in business in the state of Idaho, each manufacturer must be licensed by the Division.()~~

~~**v. 06. License for Branch Office of Manufactured/Mobile Home Retailer.(—)**~~

~~**a.** The Division requires as a condition of licensing 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.(—)~~

~~**b.** To open a branch office, a A retailer must obtain a license from the Division to operate the branch office.
()~~

~~**07. 6vi. License to Engage in Business as Manufactured/Mobile Home Retailer, Manufacturer, or Installer; Application; Bond; Issuance, Expiration, and Renewal.(—)**~~

~~**a.** Applicants for a manufacturer's, retailers, or installer's license must furnish: Any proof the Division may deem necessary that the applicant is a manufacturer, retailer, or installer; any proof the Division may require that the applicant has a principal place of business; 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 retailer for the make concerned; The fee and proof of the bond required by Section 44-2103, Idaho Code; and Proof of passing the examination required by these rules, as applicable.()~~

~~**i.** Any proof the Division may deem necessary that the applicant is a manufacturer, retailer, or~~

- installer; ()
- ii. Any proof the Division may require that the applicant has a principal place of business; ()
 - iii. 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 retailer for the make concerned; ()
 - iv. The fee and proof of the bond required by Section 44-2103, Idaho Code; and ()
 - v. Proof of passing the examination required by Sections 200 through 299 of these rules, as applicable; ()
- vii. b.** Within thirty (30) days after receipt of a completed application, the Division will issue or deny the license. ()
- viii. e.** 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. ()

2101. PROOF OF EDUCATION REQUIRED.

021. Proof of Education Required.

- a. 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: ()
- i.** Installers and retailers who are installers: eight (8) hours. ()
 - ii.** The course of initial education must be approved by the Division and must include information relating to the provisions of Sections 200 through 299 of these rules, Title 44, Chapters 21, Idaho Code, and the National Manufactured Housing Construction and Safety Standards Act of 1974. ()

02. SATISFACTORY PROOF FOR LICENSE RENEWAL.

- b. 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 Sections 200 through 299 of 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. ()

- 03 a.i. Continuing Education Course.** The course of continuing education must be approved by the Division and include information germane to the profession, relating to the following: ()

- a.** Manufactured housing or mobile home parks; ()
- b.** The construction, including components and accessories, rebuilding, servicing, installation, or sale of manufactured/mobile homes; ()
- c.** Legislative issues concerning manufactured/mobile home housing and manufactured/mobile home parks, including pending and recently enacted state or federal legislation; and ()
- d.** Sections 200 through 299 of these rules, Title 44, Chapters 21 or 22, Idaho Code, and the Manufactured Housing Safety Standards Act of 1974. ()

21032. Examination Of Applicant For License.

~~a.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.~~()

~~b.02.~~ **Approval of Examination and Grade.** ~~Examinations for all classifications under Sections 200 through 299 of these rules must be approved by the Division and the Board.~~ No license will be issued unless ~~the~~an applicant receives a final grade of seventy percent (70%) or higher.()

2033002.DISCIPLINARY ACTION AGAINST LICENSEES, CIVIL PENALTIES, AND CONSUMER COMPLAINT AND DISPUT RESOLUTION.

~~01.~~ The Division may deny, suspend, refuse to renew, or revoke any license ~~issued under Title 44, Chapter 21, Idaho Code, or Sections 200 through 299 of these rules~~ or reissue the license subject to reasonable conditions upon any of the following grounds:()

~~01.~~ **Violation of Rules and Statutes.** ~~For any willful or repeated violation of Sections 200 through 299 or 400 through 499 of these rules, or Title 44, Chapters 21 or 22, Idaho Code.~~()

~~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.~~()

~~03.~~ **False Information.** ~~Material misstatement in the application or otherwise furnishing false information to the Division.~~()

~~04.~~ **Disclosing Contents of Examination.** ~~Obtaining or disclosing the contents of an examination given by the Division.~~()

~~05.~~ **Deceptive Practice.** ~~The intentional publication, circulation, or display of any advertising which constitutes a deceptive practice as that term is defined in Subsection 010.04 of these rules.~~()

~~06.a.~~ **Failure to Provide Business Name.** ~~Failure to include in any advertising the name of the licensed retailer or installer.~~()

~~07.~~ **Encouraging Falsification.** ~~Intentionally inducing an applicant or licensee to falsify an application.~~()

~~08b.~~ **Poor Workmanship.** ~~Performing workmanship which is grossly incompetent or repeatedly below the standards adopted by Title 44, Chapters 21 and 22, Sections 200 through 299 or 400 through 499 of the provisions of these rules, or the National Manufactured Housing Construction and Safety Standards Act of 1974, or the latest Idaho adopted editions of and amendments to the International Residential Code, the National Electrical Code, the Idaho State Plumbing Code, and the International Mechanical Code.~~()

~~09.~~ **Installation Supervisor Required.** ~~Failure to have an employee personally supervise any installation of a manufactured/mobile home.~~()

~~c.10.~~ **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.~~()

~~11.~~ **Revocation or Denial of License.** ~~Revocation or denial of a license issued pursuant to Sections 200 through 299 of these rules or an equivalent license by any other state or U.S. territory.~~()

~~d.12.~~ **Failure to Respond to Notice.** ~~Failure to respond to a notice served by the Division.~~()

~~c.13.~~ **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.~~()

~~f 14.~~ **Conviction of Misdemeanor.** Conviction of a misdemeanor for violation of any of the provisions of Title 44, Chapters 21 or 22, Idaho Code.()

~~g 15.~~ **Conviction of Felony.** Conviction or withheld judgment for a felony in this state, any U.S. territory, or country.()

~~16.~~ **Dealing with Stolen Manufactured or Mobile Homes.** To knowingly purchase, sell, or otherwise acquire or dispose of a stolen manufactured or mobile home. (—)

~~h 17.~~ **Violation of Permit or Inspection Requirements.** To knowingly violate any permit or inspection requirements of any city or county of this state.()

~~204.~~ **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.(—)

~~205.~~ **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.(—)

~~206~~**400. MANUFACTURED/MOBILE HOME LICENSE FEES.**

01. Fees for Issuance and Renewal of License. The following fees for the issuance and renewal of a license will be charged:()

a. Manufactured/mobile home retailer license: four hundred forty dollars (\$440). Retailers who are also installers will have to pay an installer's license fee to hold both licenses.()

b. Manufacturer license: four hundred forty dollars (\$440);()

c. Manufactured/mobile home installer license: two hundred twenty dollars (\$220);()

02. Performance Bonding Requirements. Application for licensing will be accepted when accompanied by the performance bond required by Section 44-2103, Idaho Code.()

~~207.~~ **MANUFACTURED HOMES CONSTRUCTION AND SAFETY STANDARDS.**
Effective June 15, 1976, the latest published edition of the National Manufactured Home Construction and Safety Standards and Manufactured Home Procedural and Enforcement Regulations are 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 bear the Housing and Urban Development (H.U.D.) label as authorized in the Manufactured Home Procedural and Enforcement Regulations.(—)

~~208.~~ **CIVIL PENALTIES.**

~~2091.~~ **Type Manufactured Home Civil Penalties.** Except as otherwise provided, the following acts subject the violator to penalties of not more than five hundred dollars (\$500) for the first offense and not more than one thousand dollars (\$1,000) for each offense thereafter:()

a. Industry Licensing. Except as provided for by Section 44-2106, Idaho Code, any person who engages in the business of a manufacturer, retailer, or installer, as defined in Section 44-2101A, Idaho Code, without being duly licensed by the Division.()

b. Deceptive Practice. 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 services sold or provided by a manufacturer, retailer, or installer.()

c. **Dealing with Stolen Manufactured or Mobile Homes.** 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).()

d. **Failure to Maintain a Principal Place of Business.** Any person who is a retailer duly licensed by the Division and who fails to maintain a principal place of business within Idaho.()

e. **Violation of Rules and Statutes.** Any person who knowingly violates ~~Sections 200 through 299 or 400 through 499~~ of these rules or Title 44, Chapters 21 or 22, Idaho Code.()

~~02f.~~ **Gross Violation.** In case of continued, repeated, or gross violations of ~~Sections 200 through 299 or 400 through 499~~ of these rules, 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.()

~~200. 299. (RESERVED)~~

~~SUBCHAPTER C — MANUFACTURED HOMES —
CONSUMER COMPLAINTS — DISPUTE RESOLUTION
(Rules 300 through 399)~~

~~03.~~ **Consumer Complaints and Dispute Resolution** ~~INVESTIGATION.~~

~~a. 01.~~ **Site Inspection.** The Division may perform a site inspection, based on the nature of a complaint or upon request of the complainant ~~in accordance with HUD.~~()

~~b. 02.~~ **Fees.** A charge for mileage to and from the inspection site, plus an hourly charge for the time spent conducting the inspection, is assessed the manufacturer, installer, or retailer if a site inspection is made upon a request by the manufacturer, installer, or retailer, and does not involve a serious defect or imminent safety hazard.
()

~~c. 03.~~ **Inspection Report.** Following a site inspection, the inspector will prepare a final report and include photographs.()

~~301. ACTION.~~

~~d.~~ **Action.** A notification letter and copies of the complaint form and investigation findings may be provided to all involved parties and HUD.()

~~01i.~~ **Division Action.** Any Division action, notification and follow-up are completed according to HUD guidelines. ()

~~02.ii.~~ **License File.** If the nature of the complaint pertains to retailer contractual issues or installation problems, a copy of the complaint is to be consolidated with the appropriate Division license files.()

~~03.iii.~~ **Correction or Repair.** A Division building inspector will issue a report concerning correction or repair of defects that are a matter of dispute between the homeowner, retailer, installer, or manufacturer. The report will include the likely cause of the defect and identify the party responsible for creating the defect that is in need of correction or repair.()

~~302.50. DECISIONS — APPEALS — INFORMAL DISPOSITION.~~

~~01e.~~ **Decisions.** The Administrator will review the inspector's report and set forth the required corrective action and identify the party responsible for such action. The Administrator may initiate a contested case proceeding if, in his sole discretion, he determines that such a proceeding or further investigation would be of assistance in reaching a decision. The decision must direct the responsible party to complete the required corrective

action within specified timelines and consider the needs of the involved parties including, but not limited to, safety, anticipated expense and availability of funds, time of year, and convenience to the parties.()

02.f. Appeals. Decisions of the administrator are final orders for purposes of appeal.()

03.g. Informal Disposition -- Arbitration -- Mediation. Unless otherwise prohibited by other provisions of law, informal disposition may be made of any complaint by negotiation, stipulation, agreed settlement, and consent order. The parties may agree to enter into binding arbitration or mediation. Informal settlement of matters is to be encouraged.()

~~303. 399.(RESERVED)~~

~~**SUBCHAPTER D — MANUFACTURED OR MOBILE HOME INSTALLATIONS**
(Rules 400 through 499)~~

~~**400. ADOPTION AND INCORPORATION BY REFERENCE.**~~

~~The Idaho Manufactured Home Installation Standard (January 1, 2018 edition), is hereby adopted and incorporated by reference into these rules.(—)~~

~~**401. APPLICATION — COMPLIANCE.**~~

~~**01. Application — State Preemption.** 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.(—)~~

~~**02. Compliance — Disciplinary Action Against Licensees.** Failure to comply with these standards constitutes grounds for discipline as provided in Title 44, Chapter 21, Idaho Code.(—)~~

~~**402. USE OF MANUFACTURERS' INSTALLATION INSTRUCTIONS.**~~

~~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.
(—)~~

~~**403. INSTALLATION PERMITS AND INSPECTIONS REQUIRED.**~~

~~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. All installations must be inspected and approved by the authority having jurisdiction before the manufactured home is occupied.(—)~~

~~**404. 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 are in accordance with the following schedule:(—)~~

~~**01. Single Section Unit.** The permit fee is one hundred fifty dollars (\$150).(—)~~

~~**02. Double Section Unit.** The permit fee is two hundred dollars (\$200).(—)~~

~~**03. More Than Two Sections.** The permit fee for a home consisting of more than two (2) sections is two hundred fifty dollars (\$250).(—)~~

~~**04. Trade Permits.** Trade permits are administered separately from installation permits, and fees for such are separate from the fees identified in Section 404 of these rules.(—)~~

~~**405. 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. (—)

~~406. 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:(—)~~

~~**a.** Inspections are conducted by the city or county employing inspectors holding a valid certification as residential building inspector from the International Code Council:(—)~~

~~**b.** Inspectors attended training sessions provided or approved by the Division and receive a certificate evidencing successful completion thereof.(—)~~

~~**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 thirty (30) days written notice of its intention to do so.(—)~~

~~407. MINIMUM TRAINING REQUIREMENTS FOR INSPECTORS.~~

~~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.(—)~~

~~408. QUALITY ASSURANCE.~~

~~**01. Inspected Installations.** Any inspected installation is subject to quality assurance reviews by Division of Occupational and Professional Licenses. Findings made by the Division pursuant to such reviews will be forwarded to the inspection authority having jurisdiction.(—)~~

~~**02. Inspectors and Programs.** All inspectors and approved programs, including the Division, are subject to review. (—)~~

~~409. MINIMUM SCOPE OF INSTALLATION INSPECTION.~~

~~**01. Scope.** At a minimum, the inspection of the installation of a manufactured home by an installer includes the inspection record document must verify that the installer has visually inspected the installation of the mobile or manufactured home.(—)~~

~~**02. Inspection Minimum Requirements.** At a minimum, the inspection of the installation of a manufactured home must include the following by an inspector:(—)~~

~~**a.** Verification that site location is suitable for home design and construction, and inspection of site-specific conditions, including preparation and grading for drainage;(—)~~

~~**b.** Inspection of the foundation construction;(—)~~

~~**e.** Verification that installed anchorage meets minimum requirements; and(—)~~

~~**d.** Verification of completed inspection record document.(—)~~

~~410. 999.(RESERVED)~~

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Division of Occupational and Professional Licenses

Agency Contact: Michael Hyde **Phone:** (208) 332-7133

Date: 8/3/2023

IDAPA, Chapter and Title Number and Chapter Name:

24.39.31 – Rules for Factory Built Structures

Fee Rule Status: x **Proposed** **Temporary**

Rulemaking Docket Number: 24-3931-2301

STATEMENT OF ECONOMIC IMPACT: This rulemaking does not impose a new fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules.

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

01. Modular Building Permit Fees

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
\$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

02. Modular Plan Review

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. A fee of sixty-five dollars (\$65) per hour applies to additional plan review required by changes, additions, or revisions to plans.

03. Manufactured/Mobile Home Installation Permit Fees. Permits obtained from the Division are in accordance with the following schedule:

- a. Single Section Unit.** The permit fee is one hundred fifty dollars (\$150).
- b. Double Section Unit.** The permit fee is two hundred dollars (\$200).
- c. More Than Two Sections.** The permit fee for a home consisting of more than two (2) sections is two hundred fifty dollars (\$250).

04. In-Plant Inspection Agency Fees. In-plant inspection fees for manufactured homes produced by Idaho Manufactures as per 39-4003A and 39-4004 of Idaho Code is set at forty-five dollars (\$45) per floor.

INCORPORATION BY REFERENCE SYNOPSIS

In compliance with Section 67-5223(4), Idaho Code, the following is a synopsis of the differences between the materials previously incorporated by reference in this rule that are currently of full force and effect and newly revised or amended versions of these same materials that are being proposed for incorporation by reference under this rulemaking.

The following agency of the state of Idaho has prepared this synopsis as part of the proposed rulemaking for the chapter cited here under the docket number specified:

IDAPA 24 – Division of Occupational and Professional Licenses

24.39.31 – Rules for Factory Built Structures

Proposed Rulemaking - Docket No. 24-3931-2301

The proposed rulemaking adopts and incorporates the current version of the *Idaho Manufactured Home Installation Standard* (January 1, 2018 edition). The current rules incorporate the same code.

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.39.50 – RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

DOCKET NO. 24-3950-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, and Sections 54-1907, 67-2614, 67-9406, and 67-9409, Idaho Code.

PUBLIC HEARING SCHEDULE: The public hearing concerning this rulemaking will be held as follows:

Monday, September 11, 2023, 9:00 a.m. MT
Division of Occupational and Professional Licenses Chinden Campus Building 4 11341 W. Chinden Blvd., Bldg. #4 Boise, ID 83714
Telephone and web conferencing information will be posted on: https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/

The hearing site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Public Works Contractors License Board is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The fees for applications, licenses, and reinstatement as designated in Rule 400 of these proposed rules are authorized in Section 54-1907, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho legislature.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2301. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June, 7 2023 Idaho Administrative Bulletin, [Vol. 23-6, pp. 75-76](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this proposed rule, contact Katie Stuart, Administration Bureau Chief, at (208) 577-2489. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 27, 2023.

DATED this 8th day of August, 2023.

Katie Stuart
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2489
Email: katie.stuart@dopl.idaho.gov
Website: <https://dopl.idaho.gov/>

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-3950-2301
(ZBR Chapter Rewrite)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the proposed rule.*

24.39.50 – RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

000. LEGAL AUTHORITY.

This chapter is adopted pursuant to Sections 54-1907, 67-2604, 67-2614, 67-9409, and 67-9406 Idaho Code, as amended. ()

001. TITLE.

These rules govern the practice of public works contractors in Idaho. ()

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Compiled. A type of financial statement in which the information presented is based solely upon representations by an organization's management. ()

02. Estimated Cost. 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. ()

03. Financial Statement. A balance sheet and income statement prepared in accordance with generally accepted accounting principles. ()

04. 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. ()

05. Independent Audit Report. A report prepared by an independent certified public accountant presenting opinion on the fairness of the organization's financial statements and prepared in accordance with generally accepted auditing standards. ()

06. Qualified Individual. The person qualifying by examination as to the experience and knowledge required by Section 54-1910(a), Idaho Code. ()

07. Reviewed. 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. ()

011. -- 099. (RESERVED)

100. LICENSURE.

01. Renewal. ()

a. Filing Deadline. Applications for renewal of a license must be filed by the last working day of the month in which the license expires. ()

b. 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 and may be extended once for a period not to exceed sixty (60) days. Approval of a petition for extension of time authorizes operation as a contractor. ()

c. 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. ()

d. 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. ()

02. 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, and financial responsibility. ()

03. Application. The applicant must submit to the administrator, on such forms and in a format as the administrator prescribes. ()

a. 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. ()

b. Applicants requesting a higher licensing class must provide documentation of having performed projects similar in scope and character to those for which license is requested. Licenses granted under this rule are valid for twelve (12) months from the date of issuance. ()

c. 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. A renewal application must be filed prior to the first day of the licensing period, ()

and is valid for a period of twelve (12) months from the date of the issuance. ()

d. Financial Requirements:

LICENSE CLASS	NET WORTH	WORKING CAPITAL
Unlimited	\$2,000,000	\$2,000,000
AAA	\$1,200,000	\$400,000
AA	\$900,000	\$300,000
A	\$600,000	\$200,000
B	\$300,000	\$100,000
CC	\$150,000	\$50,000
C	\$50,000	\$15,000
D	\$20,000	\$6,000

()

04. Examination. The Board approves all subject areas and topics to be included in the public works contractor license examination. Applicants for licensure must pass an examination as approved by the Board. ()

a. Professional Testing Services. The administrator may contract with a professional testing service to administer the examination. ()

b. Individual Qualified By Examination. Written notice that the Qualified Individual of a public works contractor has ceased to be connected with the contractor must be provided to the Administrator. ()

05. Limitations. ()

a. One License. A licensee will be permitted to hold only one (1) class of license at any given time. ()

b. 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. ()

c. 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. ()

d. 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. ()

06. Construction Manager Examinations. ()

a. If the applicant fails an examination, the applicant may take the examination a second time. If the applicant fails to achieve a passing grade, the applicant must wait for a period set by the Administrator before taking the examination again. The applicant must then take and pass all sections of the examination. ()

101. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. 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. ()

02. 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. ()

03. Changes In License Certificate. ()

a. When any change in the license certificate has been approved by the Board, a new license certificate will be issued. ()

201. -- 399. (RESERVED)

400. FEES.

01. Public Works Contractor.

License Class	Initial Fee	Renewal Fee
Unlimited	\$550	\$440
AAA	\$450	\$360
AA	\$350	\$280
A	\$250	\$160
B	\$150	\$120
CC	\$125	\$100
C	\$100	\$80
D	\$50	\$40

()

02. Construction Manager:

License Activity	Fee
Initial Licensing	\$200
License Renewal	\$200
Inactive License	\$50
License Reinstatement	\$200
Certificate of Authority	\$100

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401. -- 999. (RESERVED)

[Agency redlined courtesy copy]

24.39.50 – RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

000. LEGAL AUTHORITY.

This chapter is adopted pursuant to Sections 54-1907, ~~67-2604, 67-2614, 67-9409, and 67-9406~~ Idaho Code, as amended. ()

001. TITLE.

These rules govern the practice of public works contractors in Idaho.()

~~002. -- 009. (RESERVED)~~

010. DEFINITIONS.

~~As used in these rules.~~()

~~01. Applicant. Any person who has filed an application with the administrator.~~()

012. Compiled. A type of financial statement in which the information presented is based solely upon representations by an organization's management.()

~~023. 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.~~()

034. Financial Statement. A balance sheet and income statement prepared in accordance with generally accepted accounting principles.()

045. 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.()

056. 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.()

~~07. 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.~~()

068. Qualified Individual. The person qualifying by examination as to the experience and knowledge required by Section 54-1910(a), Idaho Code.()

~~079. Reviewed. Refers to a 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.~~()

~~100.—101.(RESERVED)~~

102. COMMUNICATION.

All communications are deemed officially received only when delivered to the office of the administrator.()

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.()

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:()

- ~~a. The petitioner's name, address, and license number.()~~
- ~~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.()~~
- ~~c. Statements of fact to support the request. Briefs and supporting documents may accompany petitions.()~~

~~02. Service.~~ The petition must be dated and signed by the petitioner, and filed as set forth in Section 102 of these rules.()

~~105.100. LICENSURE, RENEWAL, FILING DEADLINES, PETITIONS FOR EXTENSION OF TIME TO FILE, LAPSED LICENSES.~~

01. Renewal

a. Filing Deadline. Applications for renewal of a license must be filed by the last working day of the month in which the license expires.()

b. 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 and may be extended once for a period not to exceed sixty (60) days. Approval of a petition for extension of time authorizes operation as a contractor. ~~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.()~~

~~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.()~~

~~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.()

~~04.c. 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.()

05.d. 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.~~()

~~**106. SPECIAL PROVISIONS COVERED IN A PETITION TO CHANGE OR ADD TYPES OF CONSTRUCTION.**~~

~~**02. 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, and 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.~~()

~~**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.~~()

~~**110. APPLICATION FOR LICENSURE — DOCUMENTATION; APPRAISALS; REFERENCES; BONDING; AND FINANCIAL STATEMENTS.**~~

~~**031. 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:()~~

~~**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;~~ ()

~~**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;~~()

~~**e.** A general description of applicant's machinery and equipment; and~~()

~~**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:~~ ()

~~**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;~~()

~~**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.~~()

~~**ea.** 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.~~

()

~~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.~~

()

~~g.b. Applicants requesting a higher 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. Licenses granted under this rule are valid for twelve (12) months from the date of issuance. 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.~~

~~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.~~

~~03.c. 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 the such renewal licensing period, and, 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.~~

~~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.~~

~~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.~~

11. 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:

d. Financial Requirements:

TABLE 111.01 — FINANCIAL REQUIREMENTS		
LICENSE CLASS	NET WORTH	WORKING CAPITAL
Unlimited	\$1,000,000 2,000,000	\$1,000,000 2,000,000
AAA	\$600,000 1,200,000	\$200,000 400,000

AA	\$ 450,000 <u>900,000</u>	\$ 150,000 <u>300,000</u>
A	\$ 300,000 <u>600,000</u>	\$ 100,000 <u>200,000</u>
B	\$ 150,000 <u>300,000</u>	\$ 50,000 <u>100,000</u>
CC	\$ 75,000 <u>150,000</u>	\$ 25,000 <u>50,000</u>
C	\$ 25,000 <u>50,000</u>	\$ 7,500 <u>15,000</u>
D	\$ 10,000 <u>20,000</u>	\$ 3,000 <u>6,000</u>

()

112. EXAMINATION.

04. Examination. The Board approves all subject areas and topics to be included in the public works contractor license examination. Applicants for licensure must pass an examination as approved by the Board.

()

01. Frequency of Conducting of Examinations.(~~—~~)

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.(~~—~~)

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.()

02.a. Professional Testing Services. ~~In lieu of the administration by the administrator of the examination for licenses, 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.~~ ()

a. Class D applicants will utilize the existing in-house, open-book examination.()

b. Class D licensees pursuing an upgrade must reapply and pass the examination administered by the professional testing service.()

03. Required Score. The applicant must receive a final grade of seventy percent (70%) or higher prior to issuance of the appropriate license.(~~—~~)

04. Failed Examinations.(~~—~~)

a. An applicant receiving less than a passing score on a first or second examination may be reexamined without reapplication.(~~—~~)

b. Before being reexamined after failing an examination the third time, an applicant must resubmit the application and fee.(~~—~~)

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.(~~—~~)

~~113. INDIVIDUAL QUALIFIED BY EXAMINATION.~~

~~01.b. **Written Notice. Individual Qualified By Examination.** 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.()~~

~~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.()~~

~~114.—198.(RESERVED)~~

~~199. LIMITATIONS.~~

~~01.05. **Limitations**~~

~~a. **One License.** A licensee will be permitted to hold only one (1) class of license at any given time.
()~~

~~02.b. **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.()~~

~~03.c. **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. ()~~

~~04.d. **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.()~~

~~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.
()~~

~~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:()~~

~~01. **01107 Engineering.** A specialty contractor whose primary business includes providing engineering and design services such as civil, electrical, mechanical, and structural.()~~

~~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.()~~

~~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.()~~

~~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.()

~~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. ()~~

~~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.()~~

~~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.()~~

~~08. 02195 Environmental Remediation, Restoration and Soil Stabilization. A specialty contractor whose primary business is the remediation and restoration of contaminated environmental sites.()~~

~~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, ease, 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.()~~

~~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.()~~

~~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.()~~

~~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.()~~

~~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. ()~~

~~14. 02240 Dewatering and Subsurface Drainage. A specialty contractor whose primary business is to control the level and flow of subsurface water.()~~

~~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.()~~

~~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.()~~

~~17. 02270 Rockfall Mitigation and High Sealing. A specialty contractor whose primary business is rockfall mitigation and high sealing.()~~

~~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.(——)

~~19. 02312 Dust Control, Dust Abatement and Dust Oiling. A specialty contractor whose primary business is dust control, dust abatement and dust oiling.(——)~~

~~20. 02317 Rock Trenching. A specialty contractor whose primary business is rock trenching.(——)~~

~~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.(——)~~

~~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 milliamperere 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. (——)~~

~~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.(——)~~

~~24. 02404 Horizontal and Directional Earth Boring, Trenching and Tunneling. A specialty contractor whose primary business and expertise includes boring, trenching or tunneling.(——)~~

~~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. (——)~~

~~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. (——)~~

~~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.(——)~~

~~28. 02580 Installation of Communication Towers. A specialty contractor whose primary business and expertise is the installation of communication towers.(——)~~

~~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.(——)~~

~~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.(——)~~

~~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. ()

~~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. ()

~~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. ()

~~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. ()

~~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.) ()

~~36. 02820 Fencing.~~ A specialty contractor whose primary business includes the installation and repair of any type of fencing. ()

~~37. 02840 Guardrails and Safety Barriers.~~ A specialty contractor whose primary business includes the installation of guardrails and safety barriers (including cattle guards). ()

~~38. 02850 Bridges and Structures.~~ A specialty contractor whose primary business includes the installation, alteration and repair of bridges and related structures, including culverts. ()

~~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. ()

~~40. 02880 Installation of School Playground Equipment.~~ A specialty contractor whose primary business is the installation of school playground equipment. ()

~~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. ()

~~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. ()

~~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.
(——)

~~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.(——)~~

~~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.(——)~~

~~46. **02955 Pipeline Cleaning, Sealing, Lining and Bursting.** A specialty contractor whose primary business and expertise includes cleaning, sealing, lining and bursting pipelines.(——)~~

~~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.(——)~~

~~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.(——)~~

~~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.(——)~~

~~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.(——)~~

~~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.(——)~~

~~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.(——)~~

~~53. **03500 Gypcrete.** A specialty contractor whose primary business includes the ability and expertise to mix and apply gypsum concrete.(——)~~

~~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.(——)~~

~~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. (——)~~

~~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.(——)~~

~~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 faesimile units and products common to the masonry industry.(—)~~

~~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.(—)~~

~~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.(—)~~

~~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.(—)~~

~~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.(—)~~

~~62. 05830 Bridge Expansion Joints and Repair. A specialty contractor whose primary business and expertise is the repair of bridge expansion joints.(—)~~

~~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.(—)~~

~~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.(—)~~

~~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.(—)~~

~~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. (—)~~

~~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.(—)~~

~~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.(—)~~

~~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.(—)~~

~~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.(—)~~

~~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).(—)~~

~~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.(—)~~

~~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.(—)~~

~~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. (—)~~

~~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.(—)~~

~~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.()~~

~~77. **09110 Steel Stud Framing.** A specialty contractor whose primary business includes the ability and expertise to build or assemble steel stud framing systems.(—)~~

~~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.(—)~~

~~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 substrates; gypsum and cementitious backing board for other finishes; accessories and trim; and joint taping and finishing.(—)~~

~~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.(—)~~

~~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.(—)~~

~~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.(—)~~

~~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.(—)~~

~~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.(—)~~

~~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.(—)~~

~~86. **09960 Specialty Coatings.** A specialty contractor whose primary business includes the surface preparation and installation of specialty coatings.(—)~~

~~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.(—)~~

~~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.(—)~~

~~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.
(—)~~

~~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.(—)~~

~~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.
(—)

~~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.(—)

~~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.(—)

~~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.(—)

~~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.(—)

~~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.(—)

~~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.(—)

~~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.(—)

~~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, Gunitite, 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.(—)

~~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.
(—)

~~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.(—)

~~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.(—)

~~103. 13290 Radon Mitigation. A specialty contractor whose primary business and expertise includes the detection and mitigation of Radon gas.(—)~~

~~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.(—)~~

~~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).(—)~~

~~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.(—)~~

~~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.(—)~~

~~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. (—)~~

~~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.(—)~~

~~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).(—)~~

~~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.(—)~~

~~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.(—)~~

~~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.(—)~~

~~**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.(—)~~

~~**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.(—)~~

~~**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. (—)~~

~~**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). (—)~~

~~**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: (—)~~

- ~~a. Elevator, Dumbwaiter, Escalator or Moving walk Electrical;(—)~~
- ~~b. Sign Electrical;(—)~~
- ~~e. Manufacturing or Assembling Equipment;(—)~~
- ~~d. Limited Energy Electrical License (low voltage);(—)~~
- ~~e. Irrigation Sprinkler Electrical;(—)~~
- ~~f. Well Driller and Water Pump Installer Electrical; and(—)~~
- ~~g. Refrigeration, Heating and Air Conditioning Electrical Installer.(—)~~

~~**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.(—)~~

~~**120. 18200 Underwater Installation and Diving.** A specialty contractor whose primary business is marine construction under and above water.(—)~~

~~**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.(—)~~

~~**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.(—)~~

~~**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.()~~

~~**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.()~~

~~**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.()~~

400.201. 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.

TABLE 201.01 – INITIAL AND RENEWAL LICENSING FEES		
License Class	Initial Fee	Renewal Fee
Unlimited	\$550	\$440
AAA	\$450	\$360
AA	\$350	\$280
A	\$250	\$160
B	\$150	\$120
CC	\$125	\$100
C	\$100	\$80
D	\$50	\$40

()

02. Construction Manager. Licensing Fees. Fees for construction manager licenses are, in accordance with Section 54-4510, Idaho Code, as follows:()

TABLE 201.02 – CONSTRUCTION MANAGER LICENSING FEES	
License Activity	Fee
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.”~~
()

~~04. Application Filed With Fees. An application filed without the listed fees is deemed incomplete and returned to the applicant.~~()

~~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.~~()

~~203.—299.(RESERVED)~~

~~300.~~ **200. PRACTICE STANDARDS**

01. 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.
()

~~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.~~()

~~401.~~

02. 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.()

~~402.~~

03. CHANGES IN LICENSE CERTIFICATE.

a. When any change in the license certificate has been approved by the Board, a new license certificate will be issued.
()

~~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.~~()

~~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. (—)~~

~~**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. (—)~~

~~**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. (—)~~

~~**504.—599.(RESERVED)**~~

~~**600.**~~

06. CONSTRUCTION MANAGER EXAMINATIONS.

a. 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 for a period set by the Administrator 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).~~()

~~**601.—999.(RESERVED)**~~

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Division of Occupational and Professional Licenses

Agency Contact: Michael Hyde **Phone:** (208) 332-7133

Date: 8/4/2023

IDAPA, Chapter and Title Number and Chapter Name:

24.39.50 – Rules of the Public Works Contractors License Board

Fee Rule Status: x **Proposed** **Temporary**

Rulemaking Docket Number: 24-3950-2301

STATEMENT OF ECONOMIC IMPACT: This rulemaking does not impose a new fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules.

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

01. Public Works Contractor.

License Class	Initial Fee	Renewal Fee
Unlimited	\$550	\$440
AAA	\$450	\$360
AA	\$350	\$280
A	\$250	\$160
B	\$150	\$120
CC	\$125	\$100
C	\$100	\$80
D	\$50	\$40

02. Construction Manager.

TABLE 201.02 – CONSTRUCTION MANAGER LICENSING FEES	
License Activity	Fee
Initial Licensing	\$200
License Renewal	\$200
Inactive License	\$50
License Reinstatement	\$200
Certificate of Authority	\$100