

Dear Senators TIPPETS, Patrick, Schmidt, and  
Representatives HENDERSON, Thompson, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the  
Division of Building Safety:

IDAPA 07.01.03 - Rules of Electrical Licensing and Registration - Proposed Rule (Docket No.  
07-0103-1401);

IDAPA 07.01.07 - Rules Governing Continuing Education Requirements - Proposed Rule (Docket  
No. 07-0107-1401);

IDAPA 07.01.11 - Rules Governing Civil Penalties - Proposed Rule (Docket No. 07-0111-1401);

IDAPA 07.02.04 - Rules Governing Plumbing Safety Inspections - Proposed Rule (Docket No.  
07-0204-1401);

IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing - Proposed Rule (Docket No.  
07-0205-1401);

IDAPA 07.02.06 - Rules Concerning Idaho State Plumbing Code - Proposed Rule (Docket No.  
07-0206-1401);

IDAPA 07.03.01 - Rules of Building Safety - Proposed Rule (Docket No. 07-0301-1401);

IDAPA 07.03.01 - Rules of Building Safety - Temporary and Proposed Rule (Docket No.  
07-0301-1402).

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 10/20/2014. 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 11/18/2014.

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 334-4834, or send a written request to the address on the  
memorandum attached below.



Eric Milstead  
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:** Senior Legislative Research Analyst - Ryan Bush

**DATE:** September 30, 2014

**SUBJECT:** Division of Building Safety

IDAPA 07.01.03 - Rules of Electrical Licensing and Registration - Proposed Rule (Docket No. 07-0103-1401)

IDAPA 07.01.07 - Rules Governing Continuing Education Requirements - Proposed Rule (Docket No. 07-0107-1401)

IDAPA 07.01.11 - Rules Governing Civil Penalties - Proposed Rule (Docket No. 07-0111-1401)

IDAPA 07.02.04 - Rules Governing Plumbing Safety Inspections - Proposed Rule (Docket No. 07-0204-1401)

IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing - Proposed Rule (Docket No. 07-0205-1401)

IDAPA 07.02.06 - Rules Concerning Idaho State Plumbing Code - Proposed Rule (Docket No. 07-0206-1401)

IDAPA 07.03.01 - Rules of Building Safety - Proposed Rule (Docket No. 07-0301-1401)

IDAPA 07.03.01 - Rules of Building Safety - Temporary and Proposed Rule (Docket No. 07-0301-1402)

**(1) 07.01.03 - Rules of Electrical Licensing and Registration - Proposed Rule (Docket No. 07-0103-1401)**

The Division of Building Safety and Idaho Electrical Board submit notice of proposed rulemaking at IDAPA 07.01.03 - Rules of Electrical Licensing and Registration. The Division states that this rule is being done in response to individuals who are licensed as electricians in other jurisdictions and come to Idaho and obtain apprentice registrations for a single job. The Division states that this prevents Idaho apprentice electricians from filling these positions. This rule requires anyone who is or has been licensed in another jurisdiction to disclose their licensure history and prevents such people from obtaining an apprentice registration.

The Division states that negotiated rulemaking was not conducted because the change was discussed at several Board meetings with input from stakeholders and interested parties. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Division in Sections 54-1005 and 54-1006, Idaho Code.

Mike Nugent, Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

**(2) 07.01.07 - Rules Governing Continuing Education Requirements - Proposed Rule (Docket No. 07-0107-1401)**

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.01.07 - Rules Governing Continuing Education Requirements. This rulemaking revises terminology by replacing "Electrical Bureau" with "Division of Public Safety" and revises continuing education requirements. Specifically, this rule reduces the amount of continuing education hours related to the National Electrical Code from eight to sixteen and ties all continuing education to license renewal instead of updates to the Code. The Division states that these requirements are more in line with other states and less restrictive.

The Division states that negotiated rulemaking was conducted and Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May edition of the Idaho Administrative Bulletin. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Division in Sections 54-1005 and 54-1006, Idaho Code.

**(3) 07.01.11 - Rules Governing Civil Penalties - Proposed Rule (Docket No. 07-0111-1401)**

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.01.11 - Rules Governing Civil Penalties. This rulemaking imposes a civil penalty for failure to disclose required information on any electrical license application, specifically licensure history and previous licensure in another jurisdiction. The penalty is two hundred dollars (\$200) for a first offense and one thousand dollars (\$1,000) for each subsequent offense.

The Division states that negotiated rulemaking was not conducted because the change was discussed at several Board meetings with input from stakeholders and interested parties. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Division in Section 54-1005, Idaho Code.

**(4) 07.02.04 - Rules Governing Plumbing Safety Inspections - Proposed Rule (Docket No. 07-0204-1401)**

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.02.04 - Rules Governing Plumbing Safety Inspections. This rulemaking revises reference to the "Cross Connection Control Manual" from the 6th Edition to the 7th Edition. The Division states that this manual is the standard by which all plumbing cross connection and backflow prevention devices must be installed.

The Division states that negotiated rulemaking was not conducted because the change was discussed at several Board meetings with input from stakeholders and interested parties. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Division in Section 54-2606, Idaho Code.

**(5) 07.02.05 - Rules Governing Plumbing Safety Licensing - Proposed Rule (Docket No. 07-0205-1401)**

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.02.05 - Rules Governing Plumbing Safety Licensing. The Division states that the proposed rule more clearly establishes the schooling and work experience requirements necessary to obtain a plumbing journeyman certificate of competency and more clearly establishes the work experience requirements necessary to obtain a plumbing contractor

license. This rulemaking also provides specifically for out-of-state journeyman applications and out-of-state contractor applications and more clearly aligns such applications with those from in-state.

The Division states that negotiated rulemaking was conducted and Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July edition of the Idaho Administrative Bulletin. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Division in Section 54-2606, Idaho Code.

**(6) 07.02.06 - Rules Concerning Idaho State Plumbing Code - Proposed Rule (Docket No. 07-0206-1401)**

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.02.06 - Rules Concerning Idaho State Plumbing Code. This rulemaking revises several provisions for the use of various materials in pipes, fittings and building drains. This rulemaking also eliminates the requirements to test a shower pan for water tightness, to use a device in tubs that limits the maximum temperature and to anchor water heaters in place due to earthquakes. The Division states that this allows contractors and property owners greater flexibility in installation and eliminates unnecessary cost and expense.

The Division states that negotiated rulemaking was conducted and Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the March edition of the Idaho Administrative Bulletin. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Division in Section 54-2606, Idaho Code.

**(7) 07.03.01 - Rules of Building Safety - Proposed Rule (Docket No. 07-0301-1401)**

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.03.01 - Rules of Building Safety. The Division states that this rulemaking reinstates an exemption for building permits for fences not over seven feet in height, revises residential exterior wall fire resistance ratings and fire separation distances and amends a provision requiring residential mechanical ventilation to ensure the exchange of air and creates an exemption for such ventilation.

The Division states that negotiated rulemaking was conducted and Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June edition of the Idaho Administrative Bulletin. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Division in Sections 39-4107 and 39-4109, Idaho Code.

**(8) 07.03.01 - Rules of Building Safety - Temporary and Proposed Rule (Docket No. 07-0301-1402)**

The Division of Building Safety submits notice of temporary and proposed rulemaking at IDAPA 07.03.01 - Rules of Building Safety. This rulemaking correctly establishes the maximum guestroom amount at five rooms instead of three which was submitted last year in error. The Division states that this will allow owner-occupied lodging house occupancies (bed and breakfasts) with five or fewer guestrooms to be constructed or remodeled in accordance with the residential code instead of the commercial building code.

The Division states that negotiated rulemaking was not conducted because this rule was negotiated in 2014 and is now being resubmitted with a correction to a textual error. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Division in Sections 39-4107 and 39-4109, Idaho Code.

cc: Division of Building Safety  
Steve Keys

## **IDAPA 07 - DIVISION OF BUILDING SAFETY**

### **07.01.03 - RULES OF ELECTRICAL LICENSING AND REGISTRATION - GENERAL**

#### **DOCKET NO. 07-0103-1401**

#### **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. The action is authorized pursuant to Sections 54-1003, 54-1006, and 54-1007, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2014.

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Division and Electrical Board have determined, based on numerous complaints by the industry in recent years, that an increasing number of individuals already licensed in other jurisdictions as master and journeyman electricians enter Idaho and obtain apprentice registrations from the Division for the purpose of working on single jobs and leave the state upon completion of such. This practice prevents Idaho apprentice electricians from filling these positions and furthering their education and experience in working towards their journeyman license. There is no basis for someone already recognized as a journeyman in another jurisdiction working in Idaho as an apprentice to "learn" to be a journeyman; rather, it is circumvention of Idaho licensing requirements and allows these non-resident trades people to avoid testing for the Idaho journeyman's license. This rule would require anyone who has previously been licensed in any jurisdiction as a journeyman or master electrician to disclose such licensure history to the Division upon application. It also prevents any such individual so previously licensed from obtaining an apprentice registration.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**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 resulting from this rulemaking: NA

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the matter was formally designated as an agenda topic before the Electrical Board at four board meetings over the last two years prior to the rulemaking. The Board was satisfied that all stakeholders and interested parties were recognized and had an opportunity to participate in the adoption process.

**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: NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

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 October 22, 2014.

DATED this 29th Day of August, 2014.

Steve Keys, Deputy Administrator - Operations  
Division of Building Safety  
Tel: (208) 332-8986 / Fax: (877) 810-2840

1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83542

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0103-1401**  
**(Only those Sections being amended are shown.)**

**004. -- ~~0409.~~ (RESERVED)**

**010. LICENSURE HISTORY.**

An applicant for any electrical registration, license, or certificate of competency who has been previously licensed as a journeyman or master electrician in any recognized jurisdiction is required upon application to the Division of Building Safety to disclose such licensure history and provide sufficient proof thereof. An applicant for any electrical registration, license, or certificate of competency who has been previously licensed as a journeyman or master electrician in any recognized jurisdiction shall not be issued an electrical apprentice registration. ( )

## IDAPA 07 - DIVISION OF BUILDING SAFETY

### 07.01.07 - RULES GOVERNING CONTINUING EDUCATION REQUIREMENTS

DOCKET NO. 07-0107-1401

#### 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. The action is authorized pursuant to Sections 54-1006(5) and 54-1013, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2014.

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Electrical Board and Division have determined that imposing a less restrictive CEU requirement would allow licensees a better opportunity to fulfill their CEU requirements. The past couple of editions of the electrical code (NEC) have not required sixteen (16) hours of CEU's to adequately cover the changes in the new editions of the NEC. The Board and Division determined that licensees would be better served by having the discretion to use eight (8) hours of training directly related to the code, but not necessarily based on changes in the latest edition of the NEC. This change is in line with requirements of other states which have reciprocal licensing agreements with Idaho. The proposed rule would allow for an additional category of instruction in the area of electrical code-related training to qualify toward the continuing education credits that a journeyman and master electrician must obtain in each licensing period. Currently, journeyman and master electricians are required to receive twenty-four (24) hours of continuing education units (CEU) training in each three (3)-year licensing period. The twenty-four (24) hours currently consists of sixteen (16) hours of code update covering changes included in the latest edition of the NEC, and eight (8) hours of industry related training. This proposed rule would require eight (8) hours of code update, eight (8) hours of industry related training, and eight (8) hours of code-related training. It would also clarify that the required CEU hours must be completed in each three (3)-year licensing period, as opposed to the period between updates of the NEC.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**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 resulting from this rulemaking:

There will be no impact to the general or dedicated funds. Positive impact to affected licensees is expected as a result of creating more options to obtain continuing education credits.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 7, 2014 Idaho Administrative Bulletin, [Vol. 14-5, pages 48 and 49](#).

**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: NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

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 October 22, 2014.



DATED this 29th Day of August, 2014.

Steve Keys, Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83542  
Phone: (208) 332-8986  
Fax: (877) 810-2840

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0107-1401**  
**(Only those Sections being amended are shown.)**

**011. CONTINUING EDUCATION REQUIREMENTS.**

Journeyman and master electricians must complete at least twenty-four (24) hours of continuing education instruction in every three (3) year period between ~~updates of the National Electrical Code~~ renewals of such licenses. The twenty-four (24) hours of instruction shall consist of ~~sixteen~~ eight (8) hours of code update covering changes included in the latest edition of the National Electrical Code, eight (8) hours of code-related training, and eight (8) hours of industry-related training. The Idaho Electrical Board will establish criteria for approval of instruction and instructors, and courses and instructors will be approved by the ~~Electrical Bureau~~ Division of Building Safety. Proof of completion of these continuing education requirements must be submitted to the ~~Bureau~~ Division of Building Safety prior to or with the application for license renewal by any such licensee in order to renew a journeyman or master electrician license for the code change year. ~~(4-7-11)( )~~

**012. COURSE APPROVAL REQUIREMENTS.**

Continuing education courses for electricians must cover technical aspects of the electrical trade. Courses related to management, supervision, business practices, personal computer skills, or first aid will not be approved. Courses will be approved as either code update or industry related based on the criteria as defined in this section. (4-2-08)

**01. General Course Requirements.** (4-2-08)

**a.** Courses must be at least four (4) hours in length. (4-2-08)

**b.** Courses must be taught by an instructor approved by the ~~Electrical Bureau~~ Division of Building Safety. ~~(4-2-08)( )~~

**c.** The presentation should be delivered orally with the assistance of power point or other means of visual media. Pre-taped video or audio shall be held to a minimum. (4-2-08)

**d.** A course evaluation card shall be provided to all participants to evaluate course and presentation. The completed evaluation cards must be submitted to the ~~Electrical Bureau~~ Division of Building Safety. ~~(4-2-08)( )~~

**e.** All programs are subject to audit by representatives of the Division of Building Safety or Idaho Electrical Board for content and quality without notice and at no charge. Course and instructor approval are subject to revocation if the minimum requirements of course content or instructor qualifications are not met. (4-2-08)

**f.** Credit will not be given to a licensee who attended a course prior to that course being approved by the Division of Building Safety. (4-2-08)

**02. Code Update Programs.** Code update programs must cover changes to the National Electrical

Code utilizing pre-approved materials such as the NFPA-IAEI Analysis of Changes. (4-2-08)

**03. Industry Related Programs.** Industry related programs shall be technical in nature and directly related to the electrical industry. Electrical theory, application of the National Electrical Code, grounding, photovoltaic systems, programmable controllers, and residential wiring methods are examples of industry related programs. (4-2-08)

**04. Program Approval Procedures.** (4-2-08)

**a.** Program approvals shall be effective for one (1) code cycle. Subsequent applications for the same program may incorporate by reference all or part of the original application. (4-2-08)

**b.** An application for course approval may be obtained from the ~~Electrical Bureau~~ Division of Building Safety, 1090 E. Watertower Street, Meridian, Idaho 83642, or from the Division of Building Safety's website at <http://dbs.idaho.gov>. The application shall include: (4-2-08)(    )

- i. The title and general description of the program; (4-2-08)
  - ii. The name of the sponsor as it will appear on the completion certificate; (4-2-08)
  - iii. The address and contact person for the sponsor; (4-2-08)
  - iv. The names of the instructors and dates of approval by the Division of Building Safety or completed applications for the instructors; (4-2-08)
  - v. The hours of instruction to be presented – correspondence or on-line computer based courses must provide a minimum of twenty (20) questions to be answered by the student for each hour of credit requested for approval. For example four (4) hours of credit would require eighty (80) questions, eight (8) hours of credit would require one hundred and sixty (160) questions; (4-2-08)
  - vi. An outline of the program; (4-2-08)
  - vii. The cost of the program to the participant; (4-2-08)
  - viii. A schedule of classes, including locations, dates, and times; (4-2-08)
  - ix. A list or sample of materials to be used in the program; (4-2-08)
  - x. A copy of the quiz to be given to the participants, if applicable; (4-2-08)
  - xi. A copy or sample of the completion certificate; and (4-2-08)
  - xii. A copy of the evaluation card. (4-2-08)
- c.** Certificates of Completion. Certificates of completion must contain the following: (4-2-08)
- i. The date of the program; (4-2-08)
  - ii. The title of the program; (4-2-08)
  - iii. The location of the program; (4-2-08)
  - iv. The name of the sponsor; (4-2-08)
  - v. The number of hours of credit completed; (4-2-08)
  - vi. The name of the attendee; (4-2-08)

- vii. The license number of the attendee; (4-2-08)
- viii. The name of the instructor; and (4-2-08)
- ix. The Idaho course approval number. (4-2-08)
- d.** Evaluation Cards. Evaluation cards or forms must be pre-addressed to the Division of Building Safety and must include the following: (4-2-08)
  - i. The date of the program; (4-2-08)
  - ii. The title of the program; (4-2-08)
  - iii. The location of the program; (4-2-08)
  - iv. The instructor's name; (4-2-08)
  - v. An evaluation of the course (for example: poor, fair, good, very good, excellent); and (4-2-08)
  - vi. An evaluation of the instructor's presentation skills. (4-2-08)
- 05. Appeals.** Appeals for courses that have been denied approval shall be submitted in writing and shall be presented to the Idaho Electrical Board within thirty (30) days for review. Decision by the Idaho Electrical Board on the appeal shall be final. Any further appeal shall be to the district court as provided by the Idaho Administrative Procedure Act (Title 67, Chapter 52, Idaho Code) as an appeal from a final agency action in a contested case proceeding. (4-2-08)
- 06. Instructor Approval Procedures.** (4-2-08)
  - a.** Instructor approvals shall be effective for one (1) code cycle. (4-2-08)
  - b.** An application for instructor approval may be obtained from the ~~Electrical Bureau~~ **Division of Building Safety**, 1090 E. Watertower Street, Meridian, Idaho 83642, or from the Division of Building Safety's website at <http://dbs.idaho.gov>. Documentation of the instructor qualifications must be included with the instructor application. The minimum qualification for an instructor shall be established by providing proof of one (1) of the following: (4-2-08)(    )
    - i. Current and active master or journeyman electrician license; (4-2-08)
    - ii. An appropriate degree related to the electrical field; or (4-2-08)
    - iii. Other recognized experience or certification in the subject matter to be presented. (4-2-08)
  - c.** Any person denied instructor approval may appeal to the Idaho Electrical Board within thirty (30) days. Decision by the Idaho Electrical Board on the appeal shall be final. Any further appeal shall be to the district court as provided by the Idaho Administrative Procedure Act (Title 67, Chapter 52, Idaho Code) as an appeal from a final agency action in a contested case proceeding. (4-2-08)
- 07. Revocation of Approval.** (4-2-08)
  - a.** The Idaho Electrical Board may revoke, suspend, or cancel the approval of any continuing education program or instructor if the Idaho Electrical Board determines that the program or instruction does not meet the intent of furthering the education of electricians. Grounds for revocation of approval shall include, but not be limited to: (4-2-08)
    - i. Failure of the instructor to substantially follow the approved course materials; (4-2-08)

- ii. Failure to deliver instruction for the full amount of time approved for the course; or (4-2-08)
- iii. Substantial dissatisfaction with the instructor's presentation or the content of the course or materials by the class attendees or representatives of the Division of Building Safety or Idaho Electrical Board. (4-2-08)

**b.** Decision by the Idaho Electrical Board on the appeal shall be final. Any further appeal shall be to the district court as provided by the Idaho Administrative Procedure Act (Title 67, Chapter 52, Idaho Code), as an appeal from a final agency action in a contested case proceeding. (4-2-08)

**08. Requirements for Credit.** In order for a licensee to receive credit for attending a class, the following requirements must be met: (4-2-08)

**a.** The class must have prior approval by the ~~Electrical Bureau~~ Division of Building Safety or a state that is reciprocal with Idaho for continuing education; (~~4-2-08~~)(    )

**b.** The instructors must be approved instructors for the program; (4-2-08)

**c.** The licensee must submit a copy of the certificate of completion to the ~~Electrical Bureau~~ Division of Building Safety; and (~~4-2-08~~)(    )

**d.** The course provider must provide a roster of attendees to include the name, license number, and the number of hours to be credited. (4-2-08)

**09. Schedule of Approved Classes.** The ~~Electrical Bureau~~ Division of Building Safety shall publish a list of approved classes at a minimum of once a year. This list shall be forwarded to all states that are members of the continuing education reciprocal agreement and shall be made available to any licensee via the Division of Building Safety's website or by mail. (~~4-2-08~~)(    )

## **IDAPA 07 - DIVISION OF BUILDING SAFETY**

### **07.01.11 - RULES GOVERNING CIVIL PENALTIES**

**DOCKET NO. 07-0111-1401**

#### **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. The action is authorized pursuant to Sections 54-1003 and 54-1006, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2014.

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

No specific provision exists in rule to impose a civil penalty for failure to disclose the required information on an application for registration or certificate of competency. Requiring such disclosure will help prevent applicants, particularly those already licensed in other jurisdictions, from circumventing the journeyman licensure requirements in Idaho. This rule would establish a civil penalty for applicants who fail to disclose the required information on any Division electrical license application, specifically to include their licensure history and any licenses previously held in any state or jurisdiction.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**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 resulting from this rulemaking: NA

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the matter was formally designated as an agenda topic before the Electrical Board at four board meetings over the last two years prior to the rulemaking. The Board was satisfied that all stakeholders and interested parties were recognized and had an opportunity to participate in the adoption process.

**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: NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

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 October 22, 2014.

DATED this 29th day of August, 2014.

Steve Keys, Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83542  
Phone: (208) 332-8986  
Fax: (877) 810-2840

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0111-1401  
(Only those Sections being amended are shown.)**

**011. CIVIL PENALTIES.**

The following acts shall subject the violator to penalties based on the following schedule. (3-30-01)

**01. Electrical Contractor.** Except as provided by Section 54-1016, Idaho Code, any person who acts, or purports to act as an electrical contractor, as defined by Section 54-1003A, Idaho Code, without a valid Idaho state electrical contractor's license shall be subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-30-01)

**02. Employees.** Any person, who knowingly employs a person who does not hold a valid Idaho state electrical license or registration as required by Section 54-1010, Idaho Code, and IDAPA 07.01.03, "Rules of Electrical Licensing and Registration," to perform electrical installations, shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-30-01)

**03. License or Registration.** Except as provided by Section 54-1016, Idaho Code, any person performing electrical work as a journeyman electrician as defined by Section 54-1003A(2), Idaho Code, specialty electrician as defined by Section 54-1003A(6), Idaho Code, apprentice electrician as defined by Section 54-1003A(3), Idaho Code, or a specialty electrical trainee as defined by Section 54-1003A(8), Idaho Code, without a valid license or registration shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-30-01)

**04. Journeyman to Apprentice Ratio.** Any electrical contractor or industrial account employing electricians in violation of the journeyman to apprentice ratio established by the Idaho Electrical Board shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-30-01)

**05. Supervision.** Any contractor failing to provide constant on-the-job supervision to apprentice electricians by a qualified journeyman electrician shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-30-01)

**06. Performance Outside Scope of License.** Any specialty electrical contractor or specialty electrical journeyman performing electrical installations, alterations or maintenance outside the scope of the specialty electrical license shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-30-01)

**07. Fees and Permits.** Any person failing to pay applicable fees or properly post an electrical permit shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-30-01)

**08. Corrections.** Any person who fails to make corrections in the time allotted in the notice on any electrical installation as set forth in Section 54-1004, Idaho Code, shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-30-01)

**09. Failure to Disclose.** Any applicant for an electrical registration, license, or certificate of competency who upon request fails to disclose any required information including, but not limited to, their complete licensure history or the fact that they have been previously licensed as a journeyman or master electrician in any recognized jurisdiction shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. ( )

**~~09~~10. Gross Violation.** In the case of continued, repeated or gross violation of Title 54, Chapter 10, Idaho Code, or IDAPA 07.01.03, a license revocation shall be initiated for licensees under this chapter and nonlicensees shall be subject to prosecution by the appropriate jurisdiction under Idaho law. (3-30-01)

**101. Judicial Review.** Any party aggrieved by the final action of the Idaho Electrical Board shall be entitled to a judicial review thereof in accordance with the provisions of Title 67, Chapter 52, Idaho Code. (3-30-01)

**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.02.04 - RULES GOVERNING PLUMBING SAFETY INSPECTIONS**

**DOCKET NO. 07-0204-1401**

**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. The action is authorized pursuant to Sections 54-2601, 54-2605, and 54-2606, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2014.

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Idaho Plumbing Board has adopted the Cross Connection Control Manual as the standard by which all plumbing cross connection and backflow prevention devices must be installed to prevent against actual or potential connections between a potable and nonpotable water supply; which connection can constitute a serious public health hazard. The Cross Connection Control Manual is published by the American Water Works Association (AWWA), and was recently updated as reflected in the 7th edition of the manual published in 2012. This rulemaking adopts the 7th Edition of the Cross Connection Control Manual published in 2012 by the American Water Works Association in place of the now out-dated 1995 6th Edition.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**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 resulting from this rulemaking: NA

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rule merely adopts the most recent edition of the Cross Connection Manual. Although formal negotiated rulemaking did not occur prior to the promulgation of this rulemaking, the matter was formally designated as an agenda topic before the Plumbing Board at three board meetings over the last two years prior to the rulemaking. The Board was satisfied that all stakeholders and interested parties were recognized and had an opportunity to participate in the adoption process.

**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: NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

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 October 22, 2014.

DATED this 29th Day of August, 2014.

Steve Keys, Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83542  
Tel: (208) 332-8986 / Fax: (877) 810-2840



**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0204-1401**  
**(Only those Sections being amended are shown.)**

**012. REQUIREMENTS IN ADDITION TO THE PLUMBING CODE.**

**01. Cross Connection Control Manual.** The “Cross Connection Control Manual” published by the Pacific Northwest Section of the American Water Works Association (~~December~~ ~~1995~~ ~~2012~~ ~~67~~th Edition) is hereby adopted as the standard for cross connection control and back flow prevention devices. ~~(5-3-03)~~(    )

**02. Jurisdiction/Septic Systems.** Septic tank and drain fields: Under the definition of a plumbing system as set forth in Section 54-2604(h), Idaho Code, the plumbing contractor’s interest and responsibility ceases with the “connection” to the septic tank. (11-14-85)

**03. Waste Disposal.** The Department of Health and Welfare is the inspection authority on waste disposal. (6-4-76)

## IDAPA 07 - DIVISION OF BUILDING SAFETY

### 07.02.05 - RULES GOVERNING PLUMBING SAFETY LICENSING

DOCKET NO. 07-0205-1401

#### 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. The action is authorized pursuant to Sections 54-2605, 54-2606, and 54-2610, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2014.

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed rule more clearly defines the qualifications and requirements necessary to become a licensed plumber in Idaho for applicants from both within the state, as well as from other states. It more clearly aligns the requirements for licensure from out-of-state applicants with those for applicants from Idaho, eliminating any advantage to out-of-state applicants and ensuring all applications are handled uniformly and consistently. Licensing requirements vary in states throughout the country, and this rule requires that out-of-state applicants meet the same requirements as plumbers who are trained and licensed in Idaho. The proposed rule more clearly establishes the schooling and work experience requirements necessary to obtain a plumbing journeyman certificate of competency (license), as well as the necessary requirements for applicants who come from other states, which may or may not have a formal licensing scheme equivalent to or recognized by Idaho. Similarly, it more clearly establishes the work experience requirements necessary to obtain a plumbing contractor license, including the requirement to obtain a journeyman license. It also sets forth the necessary requirements for applicants who come from other states, which may or may not have a formal licensing scheme equivalent to or recognized by Idaho, including the journeyman license prerequisite.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**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 resulting from this rulemaking: NA

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 2, 2014 Idaho Administrative Bulletin, [Vol. 14-7, pages 33 and 34](#).

**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: NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

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 October 22, 2014.

DATED this 29th Day of August, 2014.

Steve Keys, Deputy Administrator - Operations  
Division of Building Safety  
Tel: (208) 332-8986 / Fax: (877) 810-2840

1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83542

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0205-1401**  
**(Only those Sections being amended are shown.)**

**011. APPRENTICE REGISTRATION.**

A person wishing to become a plumbing apprentice shall register with the Division of Building Safety prior to going to work. All apprentices shall pay the registration fee as prescribed by Section 54-2614, Idaho Code. The minimum age for any apprentice shall be sixteen (16) years. No examination is required for such registration. In order to maintain registration, the apprentice shall renew his registration in accordance with Sections 54-2614 and 54-2614A, Idaho Code. (3-29-12)

**01. Work Requirements.** A plumbing apprentice must work at the trade under the constant on-the-job supervision of a journeyman and in the employ of a contractor for a total of four (4) years, defined as a minimum of eight thousand (8,000) hours work experience in order to be eligible for a journeyman certificate of competency. (3-29-12)

**02. Schooling Requirements.** A plumbing apprentice must complete an Idaho Plumbing Board approved related course of instruction for four (4) years in order to be eligible for a journeyman certificate of competency. Unless prior approval has been granted by the Division of Building Safety, the apprentice must complete the required course work sequentially: year one (1) must be completed prior to beginning year two (2); year two (2) must be completed prior to beginning year three (3); and year three (3) must be completed prior to beginning year four (4). A minimum of one hundred forty-four (144) hours of classroom or other Idaho Plumbing Board-approved instruction time per school year is required. A grade average of seventy percent (70%) must be attained in these courses. Upon completion of apprenticeship schooling, the apprentice must obtain a certificate of completion, or a letter signed by the chairman of his apprenticeship committee, and attach the certificate or letter to his application for a journeyman license. (3-29-12)

**03. Journeyman Examination.** (3-29-12)

**a.** Any plumbing apprentice who desires to take the written portion of the journeyman examination ~~must shall~~ complete an Idaho Plumbing Board approved related course of instruction for four (4) years as described in ~~Paragraph Subsection~~ 011.032-b. of these rules prior to the date of the exam and provide a certificate of completion with the application for examination. There is no minimum work requirement in order to be eligible to take the written portion of the plumbing journeyman examination. (3-29-12)(    )

**b.** Successful completion of the journeyman written examination does not eliminate the requirement to complete four (4) years of work experience, defined as eight thousand (8,000) hours, under the constant on-the-job supervision of a journeyman plumber or the practical portion of the examination in order to be issued a journeyman ~~license~~ certificate of competency. Successful completion of the written plumbing journeyman examination notwithstanding, no journeyman ~~license~~ certificate of competency shall be issued until an apprentice successfully completes the practical portion for the examination and furnishes to the Division proof of satisfaction of the work requirements contained in ~~Paragraph Subsection~~ 011.031-a. of these rules. Satisfaction of the work requirements contained in ~~Paragraph Subsection~~ 011.031-a. of these rules is required before any individual is eligible to take the practical portion of the journeyman examination. (3-29-12)(    )

**012. JOURNEYMAN.**

**01. Qualifications for Journeyman Plumber.** An applicant for a journeyman plumber's certificate of competency ~~must shall~~ have at least four (4) years' experience as an apprentice making plumbing installations under the constant on-the-job supervision of a qualified journeyman plumber, as provided by Section 54-2611, Idaho Code. Pipe fitting will not be accepted as qualifications for a journeyman plumber's ~~license~~ certificate of competency. ~~The first step in~~ In order to obtain a journeyman certificate of competency, ~~is to an individual shall~~ submit an application for examination and license. The application ~~must shall~~ be accompanied by proof the applicant has completed ~~the minimum~~ an approved course of instruction for four (4) years' ~~experience in the trade~~ as provided in Subsection

011.02 of these rules. ~~Exhibition of a current license or photostatic copy of it from another jurisdiction may be accepted as proof of experience~~ The journeyman examination may be taken by an individual who has successfully completed an Idaho Plumbing Board-approved course of instruction for four (4) years as described in Subsection 011.03 of these rules. The examination fee shall be as prescribed by Section 54-2614, Idaho Code, and ~~must shall~~ (3-29-12)( ) accompany the application.

**02. Examination.** The journeyman examination grade is based on answers to written questions and practical work performed on plumbing installations as determined by the Division after successful completion of the written ~~work exam~~. Time allowed for the written examination is four (4) hours. A passing grade is required on the written examination. The practical portion of the exam may be performed on a job in-progress or in a laboratory setting and shall consist of work performed in either a residential or commercial application. The practical portion of the exam must pass with no violations. (4-7-11)( )

**03. Out of State Journeyman Applications.** ( )

**a.** Exhibition of a license issued by another recognized jurisdiction may be accepted as proof of meeting the above experience and schooling requirements. An application for a journeyman certificate of competency from an individual previously licensed as a journeyman in another jurisdiction recognized by the Idaho Plumbing Board shall include satisfactory proof of licensure in such jurisdiction. The applicant shall pay all applicable application and examination fees to the Division, and successfully complete the journeyman examination administered by the Division. ( )

**b.** An application for a journeyman certificate of competency from an individual who has never been previously licensed as a journeyman in a jurisdiction recognized by the Idaho Plumbing Board shall include evidence which demonstrates that the applicant has four (4) years of plumbing work experience of a nature at least equivalent to what a plumbing apprentice must perform in Idaho, as well as four (4) years of schooling equivalent to what a plumbing apprentice must complete in Idaho. Upon submission of sufficient proof of having completed such experience and schooling requirements, such applicant shall also pay all applicable application and examination fees to the Division, and successfully complete the journeyman examination administered by the Division. ( )

**013. PLUMBING CONTRACTOR.**

**01. Qualifications for Plumbing Contractor.** A plumbing contractor must be certified as competent by the Idaho Plumbing Board and the administrator of the Division before he offers his service to the public. To obtain the certificate, he ~~must shall~~ first submit an acceptable application. ~~The application must show, among other things applicant shall possess an active journeyman plumbing certificate of competency issued by the Division,~~ a provable minimum of two and one-half (2 1/2) years' experience as a licensed journeyman plumber ~~either~~ in the state of Idaho ~~or another state. Such experience may be proven by the submission with the application of a photostatic copy of the license from another jurisdiction, which has been held for the required period of time. However, if the applicant is from a state which does not require or provide for formal journeyman licensing, then said experience may be proven by the submission of three (3) sworn affidavits from individuals attesting to the fact that the applicant has had at least two and one-half (2 1/2) years' experience as a journeyman plumber. Applications which are incomplete in any detail will be returned as unacceptable as well as provide payment to the Division for all applicable application and examination fees, and successfully complete the contractor examination administered by the Division. A~~ The compliance bond ~~must also~~ required by Section 54-2606, Idaho Code, shall be required to be on file in with the Division ~~before an~~ upon successful completion of the examination ~~will be given~~. The examination fee shall be as prescribed by Section 54-2614, Idaho Code, ~~and must accompany the application.~~ (8-25-88)( )

**02. Out of State Contractor Applications.** ( )

**a.** An applicant for a contractor certificate of competency who has previously been licensed as a journeyman in another jurisdiction recognized by the Idaho Plumbing Board shall first obtain an Idaho journeyman certificate of competency in accordance with Section 012 of these rules. Such applicants may provide proof of two and one half (2 1/2) years of experience as a plumbing journeyman by providing satisfactory evidence to the Division of such work history in another recognized jurisdiction. Such applicants shall also pay all applicable application and examination fees to the Division, and successfully complete the contractor examination administered by the Division. The compliance bond required by Section 54-2606, Idaho Code, shall be required to be on file with the Division upon

successful completion of the examination. ( )

**b.** An applicant for a contractor certificate of competency who has never been previously licensed as a journeyman in a jurisdiction recognized by the Idaho Plumbing Board shall first obtain an Idaho journeyman certificate of competency in accordance with Section 012 of these rules. Such applicants shall also provide proof of four (4) years of experience performing plumbing work of a nature equivalent to what a journeyman in Idaho must demonstrate to qualify for a contractor certificate of competency. Proof of such work experience may be provided by the submission of three (3) sworn affidavits from individuals attesting to the fact that the applicant has had at least four (4) years' experience performing such work. Alternatively, such an applicant must provide proof of two and one half (2 ½) years of experience as a journeyman plumber in the state of Idaho. Such applicants shall also pay all applicable application and examination fees to the Division, and successfully complete the contractor examination administered by the Division. The compliance bond required by Section 54-2606, Idaho Code, shall be required to be on file with the Division upon successful completion of the examination. Applications which are incomplete in any detail will be returned as unacceptable, or denied. ( )

**023. Restrictive Use of Contractor Certificate.** Any individual holding a contractor certificate and designated by a firm to represent that firm for licensing purposes shall represent one (1) firm only, and shall immediately notify the Division in writing when his working arrangement with that firm has been terminated for purposes of becoming self-employed or affiliation with another firm, or for any other reason. A license holder cannot represent any other person or firm, self-employed or otherwise, than originally stated on his application for license. When a change is made, he is required to so inform the Division. Otherwise, he is guilty of transferring his license in violation of Section 54-2610, Idaho Code, and is subject to license suspension, revocation, or refusal to renew under Section 54-2608, Idaho Code, or to prosecution under the provisions of Section 54-2628, Idaho Code. (8-25-88)

**034. Previous Revocation.** Any applicant for a plumbing contractor's license who has previously had his plumbing contractor's license revoked for cause, as provided by Section 54-2608, Idaho Code, shall be considered as unfit and unqualified to receive a new plumbing contractor's license so long as such cause for revocation is continuing, and of such a nature that correction can be made by the applicant. (11-14-85)

**045. Reviving an Expired License.** Any applicant for a plumbing contractor's license who has allowed his license to expire and seeks to revive it under the provisions of Section 54-2617, Idaho Code, may be denied a license as unfit and unqualified if, while operating under the license prior to expiration, he violated any of the laws, rules or regulations applicable to plumbing contractors, and such violation is continuing, and of such a nature that corrections can be made by the applicant. (11-14-85)

**056. Effective Dates.** The effective dates of the compliance bond referred to in Subsection 013.01 of these rules shall coincide with the effective dates of the contractor's license. Proof of renewal of the compliance bond must be on file with the Division before the contractor can renew or revive his license. (4-6-05)

**067. Plumbing Contractor's Responsibility.** It shall be the responsibility of the plumbing contractor to ensure that all his employees working at the plumbing trade are licensed as provided by Idaho Code and these rules. (8-25-88)

**078. Advertising.** Any person or entity advertising to engage in the business, trade, practice, or work of a plumbing contractor as defined in Section 54-2611, Idaho Code, who does not possess a current and valid plumbing contractor certificate of competency issued by the Division of Building Safety, shall be in violation of the licensing provisions of Title 54, Chapter 26, Idaho Code. Such conduct is punishable as a misdemeanor as prescribed by Section 54-2628, Idaho Code, and subject to civil penalties in accordance with IDAPA 07.02.07, "Rules Governing Civil Penalties," Section 011. (5-8-09)

**a.** For the purposes of this Section, advertising shall include, but not be limited to: newspaper, telephone directory, community flier ads or notices; telephone, television, radio, internet, or door-to-door solicitations. (5-8-09)

**b.** Any advertising, as defined in Subsection 013.07 of these rules, conducted by those persons or entities with a valid certificate of competency shall include the contractor certificate of competency number. (5-8-09)

## IDAPA 07 - DIVISION OF BUILDING SAFETY

### 07.02.06 - RULES CONCERNING IDAHO STATE PLUMBING CODE

DOCKET NO. 07-0206-1401

#### 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. The action is authorized pursuant to Sections 54-2601 and 54-2605, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2014.

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking updates the Idaho State Plumbing Code to allow certain materials to be used for potable water distribution piping and building sewers. This will allow contractors and property owners greater flexibility when installing such pipes and sewer systems. It also eliminates several provisions of the code which can unnecessarily cost contractors and property owners additional expense. This rulemaking amends several provisions of the Idaho State Plumbing Code. It allows for the use of Polypropylene (PP) and Polyethylene of Raised Temperature (PE-RT) materials for use in building supply pipes and fittings as well as water distribution pipes and fittings, and Polyethylene (PE) for use in building drains. It eliminates the requirement for a plumber to test a shower pan for water-tightness. It also eliminates the requirement to use a device in bathtubs and whirlpool tubs that limits the maximum hot temperature of the water discharged therein. Finally, it eliminates the requirement in certain seismic areas to anchor or strap water heaters in place to resist against displacement due to earthquake motion.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**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 resulting from this rulemaking:

The proposed amendments are expected to have a positive fiscal impact on plumbing contractors and homeowners making their own installations as a result of allowing more materials to be used in supply pipe and sewer systems, as well as the elimination of additional equipment/devices and testing when making an installation. The proposed changes have no fiscal impact on the Division of Building Safety dedicated fund or the state of Idaho general fund, or other jurisdictions enforcing the Idaho State Plumbing Code.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the March 5, 2014 Idaho Administrative Bulletin, [Vol. 14-3, pages 19 and 20](#).

**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:

Revisions are being made to the already incorporated by reference Idaho Plumbing Code, 2012 edition, in Section 011 as described above.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

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 October 22, 2014.

DATED this 29th Day of August, 2014.

Steve Keys, Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83542  
Phone: (208) 332-8986  
Fax: (877) 810-2840

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0206-1401  
(Only those Sections being amended are shown.)**

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

The Idaho State Plumbing Code published in 2012, including Appendices “A, B, D, E, I, and L,” (herein ISPC) is adopted and incorporated by reference with amendments as prescribed by the Idaho Plumbing Board and contained in this Section. The Idaho State Plumbing Code is modeled after the 2009 Uniform Plumbing Code (UPC). The Idaho State Plumbing Code is available at the Division of Building Safety offices located at 1090 E. Watertower St., Suite 150, Meridian, Idaho 83642; 1250 Ironwood Dr., Ste. 220, Coeur d’Alene, Idaho 83814; and 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. It may also be accessed electronically online at <http://dbs.idaho.gov/>.

(3-25-13)

**01. Section 218.** Delete definition of “Plumbing System.” Incorporate definition of “Plumbing System” as set forth in Section 54-2604, Idaho Code. (3-15-02)

**02. Section 315.4.** Add: Where unsuitable or soft material is encountered, excavate to a depth not less than two (2) pipe diameters below the pipe and replace with select backfill. Such backfill shall be sand, fine gravel, or stone and shall provide lateral support for the pipe. Where rock is encountered, the trench shall be excavated to a minimum depth of six (6) inches (152 mm) below the bottom of the pipe. Sand shall be added to provide uniform bedding and support for the pipe. The pipe shall not rest on any rock at any point, including joints. (3-25-13)

**03. Section 316.1.6 Solvent Cement Plastic Pipe Joints.** PVC DWV may be joined by the use of one-step solvent cement listed or labeled per U.P.C. Section 301.1.1. (3-25-13)

**04. Section 402.4 Metered Faucets.** Self-closing or self-closing metering faucets may be installed on lavatories intended to serve the transient public, such as those in, but not limited to, service stations, train stations, airports, restaurants, convention halls, and rest stops. Installed metered faucets shall deliver a maximum of zero point two six (0.26) gallons (one point zero (1.0) liter) of water per use. (3-25-13)

**05. Section 411.8.1 Tests for Shower Receptors. Delete.** ( )

**056. Section 412.0 Minimum Number of Required Fixtures.** Delete Section 412.0 and all subsections contained thereunder and replace with the following: (3-25-13)

**a.** 412.1 Fixture Count. Plumbing fixtures shall be provided for the type of building occupancy and in the minimum number shown in Table 412.1. The total occupant load and occupancy classification shall be determined in accordance with the building code. Occupancy classification not shown in Table 412.1 shall be considered separately by the Authority Having Jurisdiction. The minimum number of fixtures shall be calculated at fifty percent (50%) male and fifty percent (50%) female based on the total occupant load. Where information submitted indicates a difference in distribution of the sexes such information shall be used in order to determine the

number of fixtures for each sex. Once the occupancy load and occupancy are determined, Table 412.1 shall be applied to determine the minimum number of plumbing fixtures required. Where applying the fixture ratios in Table 412.1 results in fractional numbers, such numbers shall be rounded to the next whole number. For multiple occupancies, fractional numbers shall be first summed and then rounded to the next whole number. (3-25-13)

**b.** 412.1.1 Family or Assisted-Use Toilet and Bathing Facilities. Where family or assisted-use toilet and bathing rooms are required, in applicable building regulations, the facilities shall be installed in accordance with those regulations. (3-25-13)

**c.** 412.2 Separate Facilities. Separate toilet facilities shall be provided for each sex, with the following exceptions: (3-25-13)

**i.** Residential installations. (3-25-13)

**ii.** In occupancies with a total occupant load of ten (10) or less, including customers and employees, one (1) toilet facility, designed for use by no more than one (1) person at a time, shall be permitted for use by both sexes. (3-25-13)

**iii.** In business and mercantile occupancies with a total occupant load of fifty (50) or less including customers and employees, one (1) toilet facility, designed for use by no more than one (1) person at a time, shall be permitted for use by both sexes. (3-25-13)

**d.** 412.3 Fixture Requirements for Special Occupancies. Additional fixtures shall be permitted to be required where unusual environmental conditions or referenced activities are encountered. In food preparation areas, fixture requirements shall be permitted to be dictated by health codes. (3-25-13)

**e.** 412.4 Toilet Facilities Serving Employees and Customers. Each building or structure shall be provided with toilet facilities for employees and customers. Requirements for customers and employees shall be permitted to be met with a single set of restrooms accessible to both groups. Required toilet facilities for employees and customers located in shopping malls or centers shall be permitted to be met by providing a centrally located toilet facility accessible to several stores. The maximum travel distance from entry to any store to the toilet facility shall not exceed three hundred (300) feet (91.4 m). Required toilet facilities for employees and customers in other than shopping malls or centers shall have a maximum travel distance not to exceed five hundred (500) feet (152.4 m). (3-25-13)

**f.** 412.4.1 Access to Toilet Facilities. In multi-story buildings, accessibility to the required toilet facilities shall not exceed one (1) vertical story. Access to the required toilet facilities for customers shall not pass through areas designated as for employee use only such as kitchens, food preparation areas, storage rooms, closets, or similar spaces. Toilet facilities accessible only to private offices shall not be counted to determine compliance with this section. (3-25-13)

**g.** 412.5 Toilet Facilities for Workers. Toilet facilities shall be provided and maintained in a sanitary condition for the use of workers during construction. (3-25-13)

**067.** **Table 4-1 Minimum Plumbing Facilities.** Delete Table 4-1 and replace with the following Table 412.1:

**TABLE 412.1  
MINIMUM PLUMBING FACILITIES<sup>1</sup>**

Each building shall be provided with sanitary facilities, including provisions for persons with disabilities as prescribed by the Department Having Jurisdiction. Table 412.1 applies to new buildings, additions to a building, and changes of occupancy or type in an existing building resulting in increased occupant load.



TYPE OF OCCUPANCY <sup>2</sup>	WATER CLOSETS (FIXTURES PER PERSON) <sup>3</sup>		URINALS (FIXTURES PER PERSON)	LAVATORIES (FIXTURES PER PERSON)		BATHTUBS OR SHOWERS (FIXTURES PER PERSON)	DRINKING FOUNTAINS/ FACILITIES (FIXTURES PER PERSON)	OTHER
	Male	Female	Male	Male	Female			
<b>A-1</b> Assembly occupancy (fixed or permanent seating)- theatres, concert halls and auditoriums	Male 1: 1-100 2: 101-200 3: 201-400	Female 1: 1-25 2: 26-50 3: 51-100 4: 101-200 6: 201-300 8: 301-400	Male 1: 1-200 2: 201-300 3: 301-400 4: 401-600	Male 1: 1-200 2: 201-400 3: 401-600 4: 601-750	Female 1: 1-100 2: 101-200 4: 201-300 5: 301-500 6: 501-750		1: 1-250 2: 251-500 3: 501-750	1 service sink or laundry tray
	Over 400, add 1 fixture for each additional 500 males and 1 fixture for each additional 125 females.		Over 600, add 1 fixture for each additional 300 males.	Over 750, add 1 fixture for each additional 250 males and 1 fixture for each additional 200 females.		Over 750, add 1 fixture for each additional 500 persons.		
<b>A-2</b> Assembly occupancy- restaurants, pubs, lounges, night clubs and banquet halls	Male 1: 1-50 2: 51-150 3: 151-300 4: 301-400	Female 1: 1-25 2: 26-50 3: 51-100 4: 101-200 6: 201-300 8: 301-400	Male 1: 1-200 2: 201-300 3: 301-400 4: 401-600	Male 1: 1-150 2: 151-200 3: 201-400	Female 1: 1-150 2: 151-200 4: 201-400		1: 1-250 2: 251-500 3: 501-750	1 service sink or laundry tray
	Over 400, add 1 fixture for each additional 250 males and 1 fixture for each 125 females.		Over 600, add 1 fixture for each additional 300 males.	Over 400 add 1 fixture for each additional 250 males and 1 fixture for each additional 200 females.		Over 750, add 1 fixture for each additional 500 persons.		
<b>A-3</b> Assembly occupancy (typical without fixed or permanent seating)- arcades, places of worship, museums, libraries, lecture halls, gymnasiums (without spectator seating), indoor pools (without spectator seating)	Male 1: 1-100 2: 101-200 3: 201-400	Female 1: 1-25 2: 26-50 3: 51-100 4: 101-200 6: 201-300 8: 301-400	Male 1: 1-100 2: 101-200 3: 201-400 4: 401-600	Male 1: 1-200 2: 201-400 3: 401-600 4: 601-750	Female 1: 1-100 2: 101-200 4: 201-300 5: 301-500 6: 501-750		1: 1-250 2: 251-500 3: 501-750	1 service sink or laundry tray
	Over 400 add 1 fixture for each additional 500 males and 1 fixture for each additional 125 females.		Over 600, add 1 fixture for each additional 300 males.	Over 750, add 1 fixture for each additional 250 males and 1 fixture for each additional 200 females.		Over 750, add 1 fixture for each additional 500 persons.		

TYPE OF OCCUPANCY <sup>2</sup>	WATER CLOSETS (FIXTURES PER PERSON) <sup>3</sup>		URINALS (FIXTURES PER PERSON)	LAVATORIES (FIXTURES PER PERSON)		BATHTUBS OR SHOWERS (FIXTURES PER PERSON)	DRINKING FOUNTAINS/FACILITIES (FIXTURES PER PERSON)	OTHER
	Male	Female		Male	Female			
<b>A-4</b> Assembly occupancy (indoor activities or sporting events with spectator seating)- swimming pools, skating rinks, arenas and gymnasiums	Male 1: 1-100 2: 101-200 3: 201-400	Female 1: 1-25 2: 26-50 3: 51-100 4: 101-200 6: 201-300 8: 301-400	Male 1: 1-100 2: 101-200 3: 201-400 4: 401-600	Male 1: 1-200 2: 201-400 3: 401-750	Female 1: 1-100 2: 101-200 4: 201-300 5: 301-500 6: 501-750		1: 1-250 2: 251-500 3: 501-750	1 service sink or laundry tray
	Over 400, add 1 fixture for each additional 500 males and 1 fixture for each additional 125 females.		Over 600, add 1 fixture for each additional 300 males.	Over 750, add 1 fixture for each additional 250 males and 1 fixture for each additional 200 females.		Over 750, add 1 fixture for each additional 500 persons.		
<b>A-5</b> Assembly occupancy (outdoor activities or sporting events)- amusement parks, grandstands and stadiums	Male 1: 1-100 2: 101-200 3: 201-400	Female 1: 1-25 2: 26-50 3: 51-100 4: 101-200 6: 201-300 8: 301-400	Male 1: 1-100 2: 101-200 3: 201-400 4: 401-600	Male 1: 1-200 2: 201-400 3: 401-750	Female 1: 1-100 2: 101-200 4: 201-300 5: 301-500 6: 501-750		1: 1-250 2: 251-500 3: 501-750	1 service sink or laundry tray
	Over 400, add 1 fixture for each additional 500 males and 1 fixture for each additional 125 females.		Over 600, add 1 fixture for each additional 300 males.	Over 750, add 1 fixture for each additional 250 males and 1 fixture for each additional 200 females.		Over 750, add 1 fixture for each additional 500 persons.		
<b>B</b> Business occupancy (office, professional or service type transactions)- banks, vet clinics, hospitals, car wash, banks, beauty salons, ambulatory health care facilities, laundries and dry cleaning, educational institutions (above high school), or training facilities not located within school, post offices and printing shops	Male 1: 1-50 2: 51-100 3: 101-200 4: 201-400	Female 1: 1-15 2: 16-30 3: 31-50 4: 51-100 8: 101-200 11: 201-400	Male 1: 1-100 2: 101-200 3: 201-400 4: 401-600	Male 1: 1-75 2: 76-150 3: 151-200 4: 201-300 5: 301-400	Female 1: 1-50 2: 51-100 3: 101-150 4: 151-200 5: 201-300 6: 301-400		1 per 150	1 service sink or laundry tray
	Over 400, add 1 fixture for each additional 500 males and 1 fixture for each additional 150 females.		Over 600, add 1 fixture for each additional 300 males.	Over 400, add 1 fixture for each additional 250 males and 1 fixture for each additional 200 females.				
<b>E</b> Educational occupancy- private or public schools	Male 1 per 50	Female 1 per 30	Male 1 per 100	Male 1 per 40	Female 1 per 40		1 per 150	1 service sink or laundry tray

TYPE OF OCCUPANCY <sup>2</sup>	WATER CLOSETS (FIXTURES PER PERSON) <sup>3</sup>		URINALS (FIXTURES PER PERSON)	LAVATORIES (FIXTURES PER PERSON)		BATHTUBS OR SHOWERS (FIXTURES PER PERSON)	DRINKING FOUNTAINS/ FACILITIES (FIXTURES PER PERSON)	OTHER
	Male	Female		Male	Female			
<b>F1, F2</b> Factory or Industrial occupancy-fabricating or assembly work	Male 1: 1-50 2: 51-75 3: 76-100	Female 1: 1-50 2: 51-75 3: 76-100		Male 1: 1-50 2: 51-75 3: 76-100	Female 1: 1-50 2: 51-75 3: 76-100	1 shower for each 15 persons exposed to excessive heat or to skin contamination with poisonous, infectious or irritating material.	1: 1-250 2: 251-500 3: 501-750	1 service sink or laundry tray
	Over 100 add 1 fixture for each additional 40 persons.			Over 100 add 1 fixture for each additional 40 persons.			Over 750 add 1 fixture for each additional 500 persons.	
<b>I-1</b> Institutional occupancy (houses more than 16 persons on a 24-hour basis)- substance abuse centers, assisted living, group homes, or residential facilities	Male 1 per 15	Female 1 per 15		Male 1 per 15	Female 1 per 15	1 per 8	1 per 150	1 service sink or laundry tray
<b>I-2</b> Institutional occupancy-medical, psychiatric, surgical or nursing homes	Hospitals and nursing homes-individual rooms and ward room	1 per room		1 per room		1 per room	1 per 150	1 service sink or laundry tray
		1 per 8 patients		1 per 10 patients		1 per 20 patients		
	Hospital Waiting or Visitor Rooms	1 per room		1 per room			1 per room	
	Employee Use	Male 1: 1-15 2: 16-35 3: 36-55	Female 1: 1-15 3: 16-35 4: 36-55		Male 1 per 40	Female 1 per 40		
Over 55, add 1 fixture for each additional 40 persons.								

TYPE OF OCCUPANCY <sup>2</sup>		WATER CLOSETS (FIXTURES PER PERSON) <sup>3</sup>		URINALS (FIXTURES PER PERSON)	LAVATORIES (FIXTURES PER PERSON)		BATHTUBS OR SHOWERS (FIXTURES PER PERSON)	DRINKING FOUNTAINS/FACILITIES (FIXTURES PER PERSON)	OTHER
<b>I-3</b> Institutional occupancy (houses more than 5 people)	Prisons	1 per cell			1 per cell		1 per 20	1 per cell block/floor	
	Correctional facilities or juvenile center	1 per 8			1 per 10		1 per 8	1 per floor	1 service sink or laundry tray
	Employee Use	Male 1: 1-15 2: 16-35 3: 36-55	Female 1: 1-15 3: 16-35 4: 36-55		Male 1 per 40	Female 1 per 40		1 per 150	
		Over 55, add 1 fixture for each additional 40 persons.							
<b>I-4</b> Institutional occupancy (any age that receives care for less than 24 hours)		Male 1: 1-15 2: 16-35 3: 36-55	Female 1: 1-15 3: 16-35 4: 36-55		Male 1 per 40	Female 1 per 40		1 per 150	1 service sink or laundry tray
		Over 55, add 1 fixture for each additional 40 persons.							
<b>M</b> Mercantile occupancy (the sale of merchandise and accessible to the public)		Male 1: 1-100 2: 101-200 3: 201-400	Female 1: 1-100 2: 101-200 4: 201-300 6: 301-400	Male 0: 1-200 1: 201-400	Male 1: 1-200 2: 201-400	Female 1: 1-200 2: 201-300 3: 301-400		1: 1-250 2: 251-500 3: 501-750	1 service sink or laundry tray
		Over 400 add 1 fixture for each additional 500 males and 1 fixture for each 200 females.		Over 400 add 1 fixture for each additional 500 males.	Over 400 add 1 fixture for each additional 500 males and 1 fixture for each 400 females.			Over 750 add 1 fixture for each additional 500 persons.	
<b>R-1</b> Residential occupancy (minimal stay)- hotels, motels, bed and breakfast homes		1 per sleeping room			1 per sleeping room		1 per sleeping room		1 service sink or laundry tray

TYPE OF OCCUPANCY <sup>2</sup>		WATER CLOSETS (FIXTURES PER PERSON) <sup>3</sup>		URINALS (FIXTURES PER PERSON)	LAVATORIES (FIXTURES PER PERSON)		BATHTUBS OR SHOWERS (FIXTURES PER PERSON)	DRINKING FOUNTAINS/FACILITIES (FIXTURES PER PERSON)	OTHER
		Male	Female		Male	Female			
R-2 Residential occupancy (long-term or permanent)	Dormitories	Male 1 per 10	Female 1 per 8	1 per 25	Male 1 per 12	Female 1 per 12	1 per 8	1 per 150	1 service sink or laundry tray
		Add 1 fixture for each additional 25 males and 1 fixture for each additional 20 females.		Over 150, add 1 fixture for each additional 50 males.	Add 1 fixture for each additional 20 males and 1 fixture for each additional 15 females.				
	Employee Use	Male 1: 1-15 2: 16-35 3: 36-55	Female 1: 1-15 3: 16-35 4: 36-55		Male 1 per 40	Female 1 per 40			
Over 55, add 1 fixture for each additional 40 persons									
	Apartment house/unit	1 per apartment			1 per apartment		1 per apartment		1 kitchen sink per apartment. 1 laundry tray or 1 automatic clothes washer connection per unit or 1 laundry tray or 1 automatic clothes washer connection for each 12 units
R-3 Residential occupancy (long-term or permanent in nature) for more than 5 but does not exceed 16 occupants)		Male 1 per 10	Female 1 per 8		Male 1 per 12	Female 1 per 12	1 per 8	1 per 150	1 service sink or laundry tray
		Add 1 fixture for each additional 25 males and 1 fixture for each additional 20 females.			Add 1 fixture for each additional 20 males and 1 fixture for each additional 15 females.				

TYPE OF OCCUPANCY <sup>2</sup>	WATER CLOSETS (FIXTURES PER PERSON) <sup>3</sup>		URINALS (FIXTURES PER PERSON)	LAVATORIES (FIXTURES PER PERSON)		BATHTUBS OR SHOWERS (FIXTURES PER PERSON)	DRINKING FOUNTAINS/FACILITIES (FIXTURES PER PERSON)	OTHER
	Male	Female		Male	Female			
<b>R-3</b> Residential occupancy (one and two family dwellings)	1 per one and two family dwelling			1 per one and two family dwelling		1 per one and two family dwelling		1 kitchen sink and 1 automatic clothes washer connection per one and two family dwelling
<b>R-4</b> Residential occupancy (residential care or assisted living)	Male 1 per 10	Female 1 per 8		Male 1 per 12	Female 1 per 12	1 per 8	1 per 150	1 service sink or laundry tray
	Add 1 fixture for each additional 25 males and 1 fixture for each additional 20 females.		Add 1 fixture for each additional 20 males and 1 fixture for each additional 15 females.					
<b>S-1, S-2</b> Storage occupancy-storage of goods, warehouse, aircraft hanger, food products, appliances	Male 1: 1-100 2: 101-200 3: 201-400	Female 1: 1-100 2: 101-200 3: 201-400		Male 1: 1-200 2: 201-400 3: 401-750	Female 1: 1-200 2: 201-400 3: 401-750		1: 1-250 2: 251-500 3: 501-750	1 service sink or laundry tray
	Over 400, add 1 fixture for each additional 500 males and 1 fixture for each additional 150 females.		Over 750, add 1 fixture for each additional 500 persons.		Over 750, add 1 fixture for each additional 500 persons.			

**Notes:**

- <sup>1</sup> The figures shown are based upon one fixture being the minimum required for the number of persons indicated or any fraction thereof.
- <sup>2</sup> A restaurant is defined as a business that sells food to be consumed on the premises.
  - a. The number of occupants for a drive-in restaurant shall be considered as equal to the number of parking stalls.
  - b. Hand-washing facilities shall be available in the kitchen for employees.
- <sup>3</sup> The total number of required water closets for females shall be not less than the total number of required water closets and urinals for males.

(3-25-13)

**08. Section 414.5 Limitation of Hot Water in Bathtubs and Whirlpool Bathtubs. Delete. ( )**

**079. Section 418.0.** Pressure balance or thermostatic mixing valves are not required for high flow (over eight (8) g.p.m.) tub filler valves with hand shower sets attached. (3-25-13)

**0810. Section 504.1 Inspection of Chimneys or Vents.** Add the following to the end of section 504.1: Water heating appliances using Category 3 or 4 exhaust venting shall be tested in its entirety with five (5) pounds of air for fifteen (15) minutes. Plastic vents shall be constructed using manufacturer's instructions. (3-25-13)

**11. Section 508.2. Delete. ( )**

**0912. Section 508.14 Installation in Residential Garages.** Replace 508.14 (1) with the following: Any plumbing appliance or appurtenance in residential garages and in adjacent spaces that open to the garage and are not

part of the living space of a dwelling unit shall be installed so that burners, burner-ignition devices or other sources of ignition are located not less than eighteen (18) inches (450 mm) above the floor unless listed as flammable vapor ignition resistant. (3-25-13)

**103.** **Section 603.4.16.5 Residential Sprinkler System.** Add the following to the end of section 603.4.16.5: and the requirements of the Authority Having Jurisdiction (AHJ). (3-25-13)

~~**11.** **Section 604.1. Materials.** Crosslinked Polyethylene (PEX) Tubing manufactured to ASTM F876/F877 and tested, approved, and listed to ANSI/NSF 14 and 61, for potable water along with all applicable installation standards may be used for hot and cold water distribution systems within a building or cold water distribution systems outside of a building. Listed PE (polyethylene) water service and yard piping may be installed within a building (above ground and below ground) with one (1) joint, provided that only listed and approved metallic transition fittings shall be used. (4-6-05)~~

**14.** **Table 6-4 Materials for Building Supply and Water Distribution Pippings and Fittings.** Add the following to Table 6-4:

<u>Material</u>	<u>Building Supply Pipe &amp; Fittings</u>	<u>Water Distribution Pipe &amp; Fittings</u>	<u>Referenced Standard(s) Pipe</u>	<u>Referenced Standard(s) Fittings</u>
<u>PE-RT (Polyethylene of Raised Temperature)</u>	<u>X</u>	<u>X</u>	<u>ASTM F2769</u>	<u>ASTM F1807, ASTM F2098, ASTM F2159, ASTM F2735, ASTM F2769</u>
<u>PP (Polypropylene)</u>	<u>X</u>	<u>X</u>	<u>ASTM F 2389</u>	<u>ASTM F2389, CSA B137.11</u>

( )

**15.** **Section 606. Joints and Connections.** Add the following at the end of Section 606: ( )

**a.** Section 606.3 Polyethylene of Raised Temperature (PE-RT). Polyethylene of Raised Temperature (PE-RT) tubing shall be marked with the appropriate standard designations(s) listed in Table 6-4 for which the tubing has been approved. PE-RT tubing shall be installed in accordance with the manufacturer's installation instructions. Fittings, metal insert fittings, metal compression fittings and plastic fittings shall be manufactured to and marked in accordance with the standards for fittings in Table 6-4. ( )

**b.** Section 606.4 Polypropylene (PP) Piping and Joints. Polypropylene pipe and fittings shall be installed in accordance with the manufacturer's installation instructions. ( )

**c.** Section 606.4.1 Heat Fusion Joints. Heat fusion joints for PP pipe and fitting joints shall be installed with socket-heat fused polypropylene fittings, fusion outlets, butt fusion polypropylene fittings or pipe, or electro-fusion polypropylene fittings. Joint surfaces shall be clean and free from moisture. The joint shall be undisturbed until cool. Joints shall be made in accordance with ASTM F 2389 or CSA B137.11. ( )

**d.** Section 606.4.2 Mechanical and Compression Sleeve Joints. Mechanical and compression sleeve joints shall be installed in accordance with the manufacturer's installation instructions. ( )

**e.** Section 606.4.3 Threaded Joints. PP pipe shall not be threaded. PP transition fittings for connection to other piping materials shall only be threaded by use of brass or stainless steel inserts molded in the fitting. ( )

**f.** Section 606.5 Listed Polyethylene (PE). Listed PE (polyethylene), 160 psi minimum, water service

and yard piping may be installed within a building (above ground and below ground) with one (1) joint, provided that only listed and approved metallic transition fittings shall be used. Polyethylene (PE) plastic pipe or tubing and fitting joining methods shall be installed in accordance with the manufacturer’s installation instructions. Mechanical joints between PE pipe or tubing and fittings shall include inserts and mechanical compression fittings that provide a pressure seal resistance to pullout. Joints for insert fittings shall be made by cutting the pipe square, using a cutter designed for plastic piping, and removal of sharp edges. Two (2) stainless steel clamps shall be placed over the end of the pipe. Fittings shall be checked for proper size based on the diameter of the pipe. The end of pipe shall be placed over the barbed insert fitting, making contact with the fitting shoulder. Clamps shall be positioned equal to one hundred eighty (180) degrees (3.14 rad) apart and shall be tightened to provide a leak tight joint. Compression type couplings and fittings shall be permitted for use in joining PE piping and tubing. Stiffeners that extend beyond the clamp or nut shall be prohibited. Bends shall be not less than thirty (30) pipe diameters, or the coil radius where bending with the coil. Bends shall not be permitted closer than ten (10) pipe diameters of a fitting or valve. Mechanical joints shall be designed for their intended use. ( )

**126.** **Section 609.1 Installation.** Delete the following sentence: Water service yard piping shall be not less than twelve (12) inches (305 mm) below the average local frost depth; and replace it with the following: The cover shall be not less than forty-two (42) inches (1068mm) below grade. (3-25-13)

**137.** **Section 609.4 Testing.** Testing. Deleting the phrase “Except for plastic piping,” at the beginning of the third sentence and add the following sentence at the end of the section: Plastic piping is to be tested in accordance with manufacturer’s installation standards. (3-25-13)

**148.** **Section 609.10 Water Hammer.** Does not apply to residential construction. (3-25-13)

**159.** **Table 6-5 and Appendix Table A-2.** Change fixture unit loading value for both public and private for bathtub or combination bath/shower, and clothes washers to two (2) fixture units. (3-25-13)

**1620.** **Section 610.2.** Add the following: All new one (1) and two (2) family residences built slab on grade or that will have a finished basement at the time of final inspection must have a pre-plumbed water softener loop. The kitchen sink must have one (1) hot soft line and one (1) cold soft line and one (1) cold hard line. Exterior cold hose bibbs intended for irrigation purposes must be piped with hard water. (3-25-13)

**1721.** **Table 6-8 Sizing of Residential Softeners.** Amend Footnote 3 to read: Over four (4) bathroom groups, softeners shall be sized according to the manufacturer’s standards. (3-25-13)

**22.** **Table 7-1 Materials for Drain, Waste, Vent Pipe and Fittings.** Add the following to Table 7-1:

<u>Material</u>	<u>Underground Drain, Waste, Vent Pipe and Fittings</u>	<u>Above ground Drain, Waste, Vent Pipe and Fittings</u>	<u>Building Sewer Pipe &amp; Fittings</u>	<u>Referenced Standard(s) Pipe</u>	<u>Referenced Standard(s) Fittings</u>
<u>PE (Polyethylene)</u>			<u>X<sup>2</sup></u>	<u>ASTM F714</u>	<u>ASTM D2683, ASTM D3261, ASTM F1055, ASTM F2206</u>

<sup>2</sup>PE piping and fittings used for building sewers shall be installed per manufactures installation instructions and IS 26-2006 Idaho State Plumbing Code. ( )

**1823.** **Table 7-3 Drainage Fixture Unit Valves (DFU).** Change fixture unit loading value for clothes washers, domestic for private to two (2) fixture units. (3-25-13)

**1924.** **Section 703.1.** Add the following at the end of section 703.1: No portion of the drainage or vent system installed underground, underground under concrete or below a basement or cellar shall be less than two (2) inches in diameter. (3-25-13)



**245.** Section 703.2 and 710.5. Add Exception. In single family dwellings, one (1) fixture unit may be allowed for each gallon per minute of flow from a pump or a sump ejector. (3-15-02)

**246.** Section 704.2. Two inch (2") and smaller double sanitary tees may be used for back to back or side by side fixture trap arms without increasing the barrel size. (4-6-05)

**227.** Section 704.3. Delete. (5-3-03)

**238.** Table 7-5. Change fixture unit loading value for one and a half (1 1/2) inch horizontal drainage to two (2) fixture units. (7-1-98)

**249.** Section 707.0 Cleanouts. Add the following: A clean out shall be installed for double sanitary tees two (2) inches (50 mm) or less in diameter that receive the discharge from fixture connections. Exception in Section 707.4 shall not apply. (3-25-13)

**2530.** Section 707.4 Cleanouts. A full-sized accessible cleanout shall be installed in the vertical immediately above the floor or at the base of each waste or soil stack. A full-size cleanout extending to or above finished grade line shall be installed at the junction of the building drain and the building sewer (ref.: Section 719.1). Cleanouts shall be installed at fifty (50) foot intervals in horizontal drain lines two (2) inches or smaller. (3-15-02)

**2631.** Section 710.9. Add: Exception: One (1) pump shall be permitted for "public use" occupancies provided that such tank receives the discharge of not more than one (1) water closet and ten (10) fixture units. (3-25-13)

**2732.** Section 712.1 Media. In the first sentence, delete the phrase "except that plastic pipe shall not be tested with air." (3-25-13)

**2833.** Section 717.0 Size of Building Sewers. Add the following to the end of section 717.0: Exception: The building drain and building sewer is not less than four (4) inches extending from its connection with the city or private sewer system and shall run full size to inside the foundation or building lines. (3-25-13)

**2934.** Section 801.2.3. Add: Food preparation sinks, pot sinks, scullery sinks, dishwashing sinks, silverware sinks, commercial dishwashing machines, silverware-washing machines, steam kettles, potato peelers, ice cream dipper wells, and other similar equipment and fixtures must be indirectly connected to the drainage system by means of an air gap. The piping from the equipment to the receptor must not be smaller than the drain on the unit, but it must not be smaller than one (1) inch (twenty-five and four tenths (25.4) mm). (5-3-03)

**305.** Section 801.4. Connections from Water Distribution System. Provisions must be made for the discharge of the water softener to terminate in an approved location. The drain line for a water softener must be three-fourths (3/4) inch minimum. A washer box with a dual outlet is an approved location as long as it is on the same floor or one (1) floor below the softener unit and the water softener drain line is a minimum three-fourths (3/4) inch. (3-25-13)

**316.** Section 807.4. A domestic dishwashing machine may be installed without the use of an airgap if the drain hose is looped to the bottom side of the counter top and secured properly. (3-15-02)

**327.** Section 906.1. Delete the existing provision and replace with the following: (4-2-08)

a. Roof venting. When conventional roof venting is utilized, each vent pipe or stack shall extend through its flashing and shall terminate vertically not less than six (6) inches (one hundred fifty-two (152) mm) above the roof nor less than one (1) foot (three hundred five (305) mm) from any vertical surface. (4-2-08)

b. Sidewall venting. When sidewall venting is utilized, the vent shall extend flush with the eaves/gable end, shall turn down using a ninety (90) degree ell, and shall terminate as close to the roof peak as possible. The vent end must be properly screened. Sidewall venting is acceptable on new or remodel construction on cabins, log homes, and residential or commercial buildings. (4-2-08)

- c. Sidewall venting must meet the intent of Section 906.2 of the ISPC. (3-25-13)
- 338. Section 908. Exception - Vertical Wet Venting.** A horizontal wet vent may be created provided it is created in a vertical position and all other requirements of Section 908 of the ISPC are met. (3-25-13)
- 349. Section 909.0.** Add: Parameters for the limited use of Air Admittance Valves (A.A.V.). (4-2-08)
- a. An A.A.V. may be used only in residential buildings. (4-2-08)
- b. In remodels, an A.A.V. may be used with island fixtures or remotely located sinks such as in bar, kitchen, or laundry tray locations. An A.A.V. shall not be used in bathroom groups. (4-2-08)
- c. In new construction, an A.A.V. may be used on island fixture sinks. (4-2-08)
- d. Each A.A.V. may be used to vent only one (1) floor. (4-2-08)
- e. Each A.A.V. must be readily accessible. (4-2-08)
- f. The cross-sectional area of venting must remain the same and must meet the largest required building drain. (4-2-08)
- g. An A.A.V. shall only be installed in accordance with the manufacturer's installation standards as per ASSE 1051. (4-2-08)
- h. An A.A.V. may not be used in an attic, crawl space, outside installation, or in connection with chemical or acid waste systems. (4-2-08)
- 3540. Section 1002.3.** Trap arms may not exceed one hundred eighty (180) degrees of horizontal turn without the use of a cleanout. (3-15-02)
- 3641. Section 1007.0 Trap Seal Protection.** Delete section 1007.0 and replace with the following: Floor drains or similar traps directly connected to the drainage system and subject to infrequent use shall be protected with a trap seal primer or other approved trap seal protection device, except where not deemed necessary for safety or sanitation by the Authority Having Jurisdiction. Trap seal primers shall be accessible for maintenance. (3-25-13)
- 3742. Section 1016.1 Where Required.** Add the following to the end of section 1016.1: Floor drains installed in residential garages shall be permitted to use the interceptor as the fixture trap. (3-25-13)
- 3843. 1601.0 Gray Water Systems - General.** Add to this section the following paragraph: (G) Plumbing for a gray water system from any fixture up to, but not to include the exterior irrigation system tank shall be inspected by the Authority Having Jurisdiction. The Idaho Department of Environmental Quality (IDEQ) shall have jurisdiction to inspect and approve the installation of the exterior irrigation system tank and all piping therefrom to the point of disposal in accordance with IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules." Gray water system location and design criteria requirements related to irrigation and leaching shall be determined in accordance with the requirements as established by the IDEQ. (3-25-13)

## **IDAPA 07 - DIVISION OF BUILDING SAFETY**

### **07.03.01 - RULES OF BUILDING SAFETY**

#### **DOCKET NO. 07-0301-1401**

#### **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. The action is authorized pursuant to Sections 39-4107 and 39-4109, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2014.

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Energy code requirements related to the tightness of building envelopes has resulted in poor indoor air quality. The Board and collaborative group recognized this problem last year when reviewing the adoption of new editions of the building codes and decided to delete the requirement for mechanical ventilation pending the acquisition of more data related to the problem. The industry and code groups have concluded upon reviewing the available data, that mechanical ventilation should be required on all dwellings where the air changes average less than five (5) changes per hour. The average new home tested in the past year comes in at 3.5 air changes per hour. This rulemaking amends several provisions of the 2012 International Residential Code (IRC). It reinstates an exemption for building permits for fences not over seven (7) feet in height. It expands on the amendments to a table which establishes residential exterior wall fire resistance ratings and fire separation distances. Finally, it amends a provision requiring residential mechanical ventilation to ensure the exchange of air within the dwelling, and creates an exception for such mechanical ventilation where the air infiltration of a home is already greater than an established amount (five (5) air changes per hour when tested with a blower door).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**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 resulting from this rulemaking:

There will be no fiscal impact to the general fund or to dedicated funds. Adoption of this docket will result in a cost increase in the cost of new homes, which is estimated at \$200 to \$400 per home.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 4, 2014 Idaho Administrative Bulletin, [Vol. 14-6, pages 48 and 49](#).

**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:

Revisions are being made to the already incorporated by reference International Residential Code, 2012 edition, in Subsection 004.02 as described above.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

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 October 22, 2014.

DATED this 29th Day of August, 2014.

Steve Keys, Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83542  
Phone: (208) 332-8986  
Fax: (877) 810-2840

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0301-1401**  
**(Only those Sections being amended are shown.)**

**004. ADOPTION AND INCORPORATION BY REFERENCE.**

Under the provisions of Section 39-4109, Idaho Code, the codes enumerated in this Section are hereby adopted and incorporated by reference into IDAPA 07.03.01, "Rules of Building Safety," Division of Building Safety. Pursuant to Section 39-4109, Idaho Code, the effective date of any edition of the codes adopted in this Section, or any amendments identified thereto, shall be January 1 of the succeeding year following legislative approval of the rulemaking establishing the edition or amendment. Copies of these documents may be reviewed at the office of the Division of Building Safety. The referenced codes may be obtained from International Code Council, 5360 Workman Mill Road, Whittier, California 90601-2298 or the International Code Council at <http://www.iccsafe.org>. (3-20-14)

**01. International Building Code.** 2012 Edition with the following amendments: (4-4-13)

**a.** Delete section 305.2.3 and replace with the following: Twelve (12) or fewer children in a dwelling unit. A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. (3-20-14)

**b.** Delete section 308.6.4 and replace with the following: Persons receiving care in a dwelling unit. A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving day care or having five (5) or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. (3-20-14)

**c.** Delete section 310.5 and replace with the following: Residential Group R-3. Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4, E or I, including: (3-20-14)

i. Buildings that do not contain more than two (2) dwelling units; (3-20-14)

ii. Boarding houses (nontransient) with sixteen (16) or fewer occupants; (3-20-14)

iii. Boarding houses (transient) with ten (10) or fewer occupants; (3-20-14)

iv. Care facilities that provide accommodations for five (5) or fewer persons receiving care; (3-20-14)

v. Congregate living facilities (nontransient) with sixteen (16) or fewer occupants; (3-20-14)

vi. Congregate living facilities (transient) with ten (10) or fewer occupants; or (3-20-14)

vii. Dwelling units providing day care for twelve (12) or fewer children. (3-20-14)

**d.** Delete section 310.5.1 and replace with the following: Care facilities within a dwelling. Care facilities for twelve (12) or fewer children receiving day care or for five (5) or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code. (3-20-14)

**e.** Delete footnote (f) contained under Table 2902.1 Minimum Number of Required Plumbing Fixtures, and replace with the following: Drinking fountains are not required for an occupant load of thirty (30) or fewer. (4-4-13)

**f.** Delete footnote (g) contained under Table 2902.1 Minimum Number of Required Plumbing Fixtures and replace with the following: For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required. (3-20-14)

**02. International Residential Code.** 2012 Edition with the following amendments: (3-20-14)

**a.** Delete exception No. 1 contained under IRC section R101.2 - Scope. (3-20-14)

**b.** Delete exception No. 2 contained under IRC section R101.2 - Scope, and replace with the following: Owner-occupied lodging houses with three (3) or fewer guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-family Dwellings. Such occupancies shall be required to install smoke alarms and carbon monoxide alarms in accordance with sections R314 and R315 respectively of the International Residential Code for One- and Two-family Dwellings. (3-20-14)

~~**e.** Delete item No. 2 contained under the "Building" subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: Fences not over six (6) feet (one thousand, eight hundred twenty-nine (1,829) mm) high may be exempted from the requirement for a building permit in the absence of any other applicable land use regulations governing the installation, height, type or other aspect. (4-7-11)~~

~~**d.c.** Delete item No. 7 contained under the "Building" subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: Prefabricated swimming pools that are not greater than four (4) feet (one thousand, two hundred nineteen (1219) mm) deep. (4-7-11)~~

~~**e.d.** Add the following item No. 11 at the end of the "Building" subsection of IRC section R105.2 - Work exempt from permit: Flag poles. (3-20-14)~~

~~**f.e.** Delete IRC section R109.1.3 and replace with the following: Floodplain inspections. For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, the building official is authorized to require submission of documentation of the elevation of the lowest floor, including basement, required in section R322. (3-29-10)~~

~~**f.f.** IRC Table R302.1(1) Exterior Walls -- delete *the figures contained in the last column of the Table R302.1(1) under the heading Minimum Fire Separation Distance for the "Walls" and "Projections" elements,* and replace with the following:~~

<del><b>Minimum Fire Separation Distance</b></del>	
<del>Walls (fire-resistance rated):</del>	<del>&lt; Three (3) Feet</del>
<del>Walls (not fire-resistance rated):</del>	<del>≥ Three (3) Feet</del>
<del>Projections (fire-resistance rated):</del>	<del>&lt; Three (3) Feet</del>
<del>Projections (not fire-resistance rated):</del>	<del>≥ Three (3) Feet</del>

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

<u>EXTERIOR WALL ELEMENT</u>		<u>MINIMUM FIRE-RESISTANCE RATING</u>	<u>MINIMUM FIRE SEPARATION DISTANCE</u>
<u>Walls</u>	<u>Fire-resistance rated</u>	<u>1 hour-tested in accordance with ASTM E 119 or UL263 with exposure from both sides</u>	<u>&lt; 3 feet</u>
	<u>Not fire-resistance rated</u>	<u>0 hours</u>	<u>≥ 3 feet</u>
<u>Projections</u>	<u>Fire-resistance rated</u>	<u>1 hour on the underside</u>	<u>≥ 2 feet to &lt; 3 feet</u>
	<u>Not fire-resistance rated</u>	<u>0 hours</u>	<u>≥ 3 feet</u>
<u>Openings in Walls</u>	<u>Not allowed</u>	<u>N/A</u>	<u>&lt; 3 feet</u>
	<u>25% maximum of wall area</u>	<u>0 hours</u>	<u>≥ 3 feet to &lt; 5 feet</u>
	<u>Unlimited</u>	<u>0 hours</u>	<u>5 feet</u>
<u>Penetrations</u>	<u>All</u>	<u>Comply with Section R302.4</u>	<u>&lt; 3 feet</u>
		<u>None required</u>	<u>≥ 3 feet</u>

For SI: 1 foot = 304.8 mm.  
N/A = Not Applicable

(3-20-14)( )

**g.** Delete the exception contained under IRC section R302.2 -- Townhouses, and replace with the following: Exception: A common one-hour or two-hour fire resistance rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against the exterior walls and the underside of the roof sheathing. Penetrations of electrical outlet boxes shall be in accordance with section R302.4. (3-29-10)

**h.** Delete IRC section R303.4 and replace with the following: R303.4 Mechanical Ventilation. Dwelling units shall be provided with whole-house mechanical ventilation in accordance with Section M1507.3

Exception: Where the air infiltration rate of a dwelling unit is equal to 5 air changes per hour or greater when tested with a blower door at a pressure of 0.2 inch w.c. (50 pa) in accordance with Section N1102.4.1.2.

(3-20-14)( )

**i.** Delete the exception contained under IRC section R313.1 -- Townhouse automatic fire sprinkler systems, and replace with the following: Exception: Automatic residential fire sprinkler systems shall not be required in townhouses where a two-hour fire-resistance rated wall is installed between dwelling units or when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed. (3-29-10)

**j.** Delete IRC section R313.2. (3-29-10)

**k.** Add the following to IRC section R315.3 - Where required in existing dwellings: 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; and 2. Installation, alteration or repairs of noncombustion plumbing or mechanical systems are exempt from the requirements of this section. (3-20-14)

**l.** Delete IRC section R322.1.10. (3-29-10)

**m.** Delete IRC section R322.2.2 subparagraph 2.2, and replace with the following: The total net area of

all openings shall be at least one (1) square inch (645 mm<sup>2</sup>) for each square foot (0.093 m<sup>2</sup>) of enclosed area, or the opening shall be designed and the construction documents shall include a statement that the design and installation of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing the automatic entry and exit of floodwaters. (3-20-14)

**01.** Delete IRC section R501.3 and its exceptions. (3-20-14)

**02.** Delete IRC section R602.10 and replace with the following: 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 designated and constructed in accordance with section R301.1. (3-20-14)

**03.** Delete section N1102.4.3 and replace with the following: Fireplaces. New wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air. (4-4-13)

**04.** Chapter 11 [RE] Energy Efficiency - The following sections and tables of chapter 11 shall be amended in accordance with the requirements contained below in Subsection 004.04 of these rules which correspond to the appropriate section: (3-20-14)

- i. Table N1102.1.1 (Table R402.1.1) - Insulation and Fenestration Requirements by Component; (3-20-14)
- ii. Table N1102.1.3 (Table R402.1.3 - Equivalent U-Factors; (3-20-14)
- iii. Table N1102.2.6 (Table R402.2.6) - Steel-Frame Ceiling, Wall and Floor Insulation (R-Value); (3-20-14)
- iv. Section N1102.4.1 (R402.4.1) Building Thermal Envelope; (3-20-14)
- v. Section N1102.4.1.1 (R402.4.1.1) - Insulation; (3-20-14)
- vi. Table N1102.4.1.1 (Table R402.4.1.1) - Air Barrier and Insulation Installation; (3-20-14)
- vii. Section N1102.4.1.2 (R402.4.1.2) Testing Option; (3-20-14)
- viii. Add Section N1102.4.1.3 (R402.4.1.3) - Visual Inspection Option; (3-20-14)
- ix. Add Section N1102.6 (R402.6) - Residential Log Home Thermal Envelope; (3-20-14)
- x. Add Table N1102.6 (Table R402.6) - Log Home Prescriptive Thermal Envelope Requirements by Component; and (3-20-14)
- xi. Section N1104.1 (R404.1) - Lighting Equipment. (3-20-14)

**03.** **International Existing Building Code.** 2012 Edition. (4-4-13)

**04.** **International Energy Conservation Code.** 2012 Edition with the following amendments. (3-20-14)

**a.** Delete the values contained in Table R402.1.1 (Table N1102.1.1) for climate zone “5 and Marine 4” and climate zone “6” and replace with the following: (3-20-14)

**Table R402.1.1**  
**INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT**

Climate Zone	Fenestration U- Factor	Skylight U-factor	Glazed Fenestration SHGC	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value	Floor R-Value	Basement Wall R-Value	Slab R-Value	Crawlspace Wall R-Value
5 and Marine 4	0.35	0.60	NR	38	20 or 13+5 <sup>h</sup>	13/17	30 <sup>g</sup>	10/13	10, 2 ft	10/13
6	0.35	0.60	NR	49	20 or 13+5 <sup>h</sup>	15/19	30 <sup>g</sup>	15/19	10, 4 ft	10/13

(3-20-14)

b. Add the following footnote to the title of Table 402.1.1 - Insulation and Fenestration Requirements by Component: <sup>k</sup> For residential log home building thermal envelope construction requirements see section 402.6. (4-7-11)

c. Delete the values contained in Table R402.1.3 (Table N1102.1.3) for climate zone “5 and Marine 4” and climate zone “6” and replace with the following:

**Table R402.1.3**  
**EQUIVALENT U-FACTORS**

Climate Zone	Fenestration U-factor	Skylight U-factor	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value	Floor R-Value	Basement Wall R-Value	Crawlspace Wall R-Value
5 and Marine 4	0.35	0.60	0.030	0.057	0.082	0.033	0.059	0.065
6	0.35	0.60	0.026	0.057	0.060	0.033	0.050	0.065

(3-20-14)

d. Delete Table R402.2.6 (Table N1102.2.6) and replace with the following:

**TABLE R402.2.6**  
**STEEL-FRAME CEILING, WALL AND FLOOR INSULATION**  
**(R-VALUE)**

WOOD FRAME R-VALUE REQUIREMENT	COLD-FORMED STEEL EQUIVALENT R-VALUE <sup>a</sup>
<b>Steel Truss Ceilings</b>	
R-30	R-38 or R-30 + 3 or R-26 + 5
R-38	R-49 or R-38 +3
a. Cavity insulation R-value is listed first, followed by continuous insulation R-value. b. Insulation exceeding the height of the framing shall cover the framing.	



<b>WOOD FRAME R-VALUE REQUIREMENT</b>	<b>COLD-FORMED STEEL EQUIVALENT R-VALUE<sup>a</sup></b>
R-49	R-38 + 5
<b>Steel Joist Ceilings</b>	
R-30	R-38 in 2 x 4 or 2 x 6 or 2 x 8 R-49 in any framing
R-38	R-49 in 2 x 4 or 2 x 6 or 2 x 8 or 2 x 10
<b>Steel-Framed Wall</b>	
R-13	R-13 + 5 or R-15 + 4 or R-21 + 3 or R-0 + 10
R-19	R-13 + 9 or R-19 + 8 or R-25 + 7
R-21	R-13 + 10 or R-19 + 9 or R-25 + 8
<b>Steel Joist Floor</b>	
R-13	R-19 in 2 x 6 R-19 + 6 in 2 x 8 or 2 x 10
R-19	R-19 + 6 in 2 x 6 R-19 + 12 in 2 x 8 or 2 x 10
a. Cavity insulation R-value is listed first, followed by continuous insulation R-value. b. Insulation exceeding the height of the framing shall cover the framing.	

(3-20-14)

**e.** Delete section 402.4.1 (N1102.4.1) and replace with the following: Building thermal envelope. The building thermal envelope shall comply with sections R402.1.1 and either section R402.4.1.2 or R402.4.1.3. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. (3-20-14)

**f.** Delete section 402.4.1.1 (N1102.4.1.1) and replace with the following: Installation. The components of the building thermal envelope as listed in Table R402.4.1.1 shall be installed in accordance with the manufacturer’s instructions and the criteria listed in Table R402.4.1.1, as applicable to the method of construction. (3-20-14)

**g.** Delete the criteria requirement for the “Fireplace” component of Table R402.4.1.1 (Table N1102.4.1.1) - Air Barrier and Insulation Installation, and replace with the following: An air barrier shall be installed on fireplace walls. (3-20-14)

**h.** Delete section 402.4.1.2 (N1102.4.1.2) and replace with the following: Testing option, Building envelope tightness and insulation installation shall be considered acceptable when tested air leakage is less than seven (7) 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. During testing: (3-20-14)

- i. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed; (3-20-14)
- ii. Dampers shall be closed, but not sealed, including exhaust, intake, makeup air, backdraft and flue dampers; (3-20-14)
- iii. Interior doors shall be open; (3-20-14)
- iv. Exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed; (3-20-14)

- v. Heating and cooling system(s) shall be turned off; (3-20-14)
- vi. HVAC ducts shall not be sealed; and (3-20-14)
- vii. Supply and return registers shall not be sealed. (3-20-14)
- i.** Add the following as section 402.4.1.3 (N1102.4.1.3): Visual inspection option, Building envelope tightness and insulation installation shall be considered acceptable when the items listed in Table 402.4.1.1, applicable to the method of construction, are field verified. Where required by code official an approved party independent from the installer of the insulation shall inspect the air barrier and insulation. (3-20-14)
- j.** Delete section 402.4.3 and replace with the following: Fireplaces. New wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air. (4-4-13)
- k.** Add the following section: R402.6 (N1102.6) Residential Log Home Thermal Envelope. Residential log home construction shall comply with sections 401 (General), 402.4 (Air Leakage), 402.5 (Maximum Fenestration U-Factor and SHGC), 403.1 (Controls), 403.2.2 (Sealing), 403.2.3 (Building Cavities), sections 403.3 through 403.9 (referred to as the mandatory provisions), Section 404 (Electrical Power and Lighting Systems), and either Subparagraph 004.04.b.i., ii., or iii. as follows: (3-20-14)
  - i. Sections 402.2 through 402.3, 403.2.1, 404.1 and Table 402.6; (4-7-11)
  - ii. Section 405 Simulated Performance Alternative (Performance); or (4-7-11)
  - iii. REScheck (U.S. Department of Energy Building Codes Program). (4-7-11)
- l.** Add Table R402.6 (Table N1102.6) Log Home Prescriptive Thermal Envelope Requirements By Component to be used only in accordance with Subparagraph 004.04.b.i. above to appear as follows:

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

For SI: 1 foot = 304.8 mm.

CLIMATE ZONE	FENESTRATION U-FACTOR <sup>a</sup>	SKYLIGHT U-FACTOR	GLAZED FENESTRATION SHGC	CEILING R-VALUE	Min. Average LOG Size in inches	FLOOR R-VALUE	BASEMENT WALL R-VALUE <sup>d</sup>	SLAB R-VALUE & DEPTH <sup>b</sup>	CRAWL SPACE WALL R-VALUE <sup>d</sup>
5, 6 - High efficiency equipment path <sup>c</sup>	0.32	0.60	NR	49	5	30	15/19	10, 4 ft.	10/13
5	0.32	0.60	NR	49	8	30	10/13	10, 2 ft.	10/13
6	0.30	0.60	NR	49	8	30	15/19	10, 4 ft.	10/13

- a. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- b. R-5 shall be added to the required slab edge R-values for heated slabs.
- c. 90% AFUE natural gas or propane, 84% AFUE oil, or 15 SEER heat pump heating equipment (zonal electric resistance heating equipment such as electric base board electric resistance heating equipment as the sole source for heating is considered compliant with the high efficiency equipment path).
- 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.

(3-20-14)

**m.** Delete section R404.1 (N1104.1) and replace with the following: Lighting equipment (Mandatory). A minimum of fifty percent (50%) of the lamps in permanently installed lighting fixtures shall be high-efficacy lamps or a minimum of fifty percent (50%) of the permanently installed lighting fixtures shall contain only high efficacy lamps. (3-20-14)

**05. References to Other Codes.** Where any provisions of the codes that are adopted in this Section make reference to other construction and safety-related model codes or standards which have not been adopted by the involved authority having jurisdiction, to the extent possible, such reference should be construed as pertaining to the equivalent code or standard that has been duly adopted by such jurisdiction. (3-29-10)

## **IDAPA 07 - DIVISION OF BUILDING SAFETY**

### **07.03.01 - RULES OF BUILDING SAFETY**

**DOCKET NO. 07-0301-1402**

#### **NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is October 1, 2014.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 39-4107 and 39-4109, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2014.

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

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This amendment of the 2012 edition of the International Residential Code is the result of negotiated rulemaking and the deliberations of a collaborative group within the building industry, local building officials, code development officials, board members, and other interested stakeholders that occurred in 2013. This amendment corrects an error to the same rulemaking submitted last year to the 2014 legislative session. This amendment correctly establishes the maximum guestroom amount at five (5) rooms, instead of three (3) which was submitted last year in error. The amendment will allow owner-occupied lodging house occupancies (bed and breakfasts) with five (5) or fewer guestrooms to be constructed or remodeled in accordance with the residential code instead of the commercial building code, and allow such to be operated without the installation of fire sprinklers. Smoke and carbon monoxide alarms are still required to be installed pursuant to another provision of the residential code. This is expected to be a cost saving to owners of such occupancies who reside in them, relieving them from having to install fire sprinklers and comply with other requirements of the commercial building code if they are remodeled. This rulemaking would amend the International Residential Code to allow owner-occupied lodging house occupancies (bed and breakfasts) with five (5) or fewer guestrooms to be constructed or remodeled in accordance with the residential code instead of the commercial building code. It also would allow such bed and breakfasts to be operated without the installation of fire sprinklers.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Because this rulemaking just corrects an error from a rulemaking from the previous year (2014 legislative session), it is necessary to make the rule effective as soon as possible to confer a benefit to building contractors and operators of owner-occupied lodging houses (bed and breakfasts).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**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:

There will be no fiscal impact to the general fund. Amendment to the code would result in decreases in cost to operators of owner-occupied lodging houses (bed and breakfast property) as a result of the elimination of fire sprinkler requirements in those with five (5) or fewer guestrooms. No significant additional costs of conformance with the newer edition of the code were brought forward in discussions before the Board.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rulemaking was negotiated and submitted as a rulemaking in a previous legislative session (2014). Due to a textual error in that rulemaking, it is being corrected and re-submitted this year; however it was not re-negotiated this year.

**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:

Revisions are being made to the already incorporated by reference International Residential Code, 2012 edition, in Subsection 004.02 as described above.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

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 October 22, 2014.

DATED this 29th Day of August, 2014.

Steve Keys, Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83542  
Phone: (208) 332-8986  
Fax: (877) 810-2840

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 07-0301-1402  
(Only those Sections being amended are shown.)**

**004. ADOPTION AND INCORPORATION BY REFERENCE.**

Under the provisions of Section 39-4109, Idaho Code, the codes enumerated in this Section are hereby adopted and incorporated by reference into IDAPA 07.03.01, "Rules of Building Safety," Division of Building Safety. Pursuant to Section 39-4109, Idaho Code, the effective date of any edition of the codes adopted in this Section, or any amendments identified thereto, shall be January 1 of the succeeding year following legislative approval of the rulemaking establishing the edition or amendment. Copies of these documents may be reviewed at the office of the Division of Building Safety. The referenced codes may be obtained from International Code Council, 5360 Workman Mill Road, Whittier, California 90601-2298 or the International Code Council at <http://www.iccsafe.org>. (3-20-14)

**01. International Building Code.** 2012 Edition with the following amendments: (4-4-13)

**a.** Delete section 305.2.3 and replace with the following: Twelve (12) or fewer children in a dwelling unit. A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. (3-20-14)

**b.** Delete section 308.6.4 and replace with the following: Persons receiving care in a dwelling unit. A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving day care or having five (5) or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. (3-20-14)

**c.** Delete section 310.5 and replace with the following: Residential Group R-3. Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4, E or I, including: (3-20-14)

- i. Buildings that do not contain more than two (2) dwelling units; (3-20-14)
  - ii. Boarding houses (nontransient) with sixteen (16) or fewer occupants; (3-20-14)
  - iii. Boarding houses (transient) with ten (10) or fewer occupants; (3-20-14)
  - iv. Care facilities that provide accommodations for five (5) or fewer persons receiving care; (3-20-14)
  - v. Congregate living facilities (nontransient) with sixteen (16) or fewer occupants; (3-20-14)
  - vi. Congregate living facilities (transient) with ten (10) or fewer occupants; or (3-20-14)
  - vii. Dwelling units providing day care for twelve (12) or fewer children. (3-20-14)
- d.** Delete section 310.5.1 and replace with the following: Care facilities within a dwelling. Care facilities for twelve (12) or fewer children receiving day care or for five (5) or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code. (3-20-14)
- e.** Delete footnote (f) contained under Table 2902.1 Minimum Number of Required Plumbing Fixtures, and replace with the following: Drinking fountains are not required for an occupant load of thirty (30) or fewer. (4-4-13)
- f.** Delete footnote (g) contained under Table 2902.1 Minimum Number of Required Plumbing Fixtures and replace with the following: For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required. (3-20-14)
- 02. International Residential Code.** 2012 Edition with the following amendments: (3-20-14)
- a.** Delete exception No. 1 contained under IRC section R101.2 - Scope. (3-20-14)
  - b.** Delete exception No. 2 contained under IRC section R101.2 - Scope, and replace with the following: Owner-occupied lodging houses with ~~three~~ five (35) or fewer guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-family Dwellings. ~~Such occupancies shall be required to install smoke alarms and carbon monoxide alarms in accordance with sections R314 and R315 respectively of the International Residential Code for One- and Two-family Dwellings.~~ (3-20-14)(10-1-14)T
  - c.** Delete item No. 2 contained under the “Building” subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: Fences not over six (6) feet (one thousand, eight hundred twenty-nine (1,829) mm) high may be exempted from the requirement for a building permit in the absence of any other applicable land use regulations governing the installation, height, type or other aspect. (4-7-11)
  - d.** Delete item No. 7 contained under the “Building” subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: Prefabricated swimming pools that are not greater than four (4) feet (one thousand, two hundred nineteen (1219) mm) deep. (4-7-11)
  - e.** Add the following item No. 11 at the end of the “Building” subsection of IRC section R105.2 - Work exempt from permit: Flag poles. (3-20-14)
  - f.** Delete IRC section R109.1.3 and replace with the following: Floodplain inspections. For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, the building official is authorized to require submission of documentation of the elevation of the lowest floor, including basement, required in section R322. (3-29-10)
  - g.** IRC Table R302.1 Exterior Walls -- delete the figures contained in the last column of the table under the heading Minimum Fire Separation Distance for the “Walls” and “Projections” elements, and replace with

the following:

<b>Minimum Fire Separation Distance</b>	
Walls (fire-resistance rated):	< Three (3) Feet
Walls (not fire-resistance rated):	≥ Three (3) Feet
Projections (fire-resistance rated):	< Three (3) Feet
Projections (not fire-resistance rated):	≥ Three (3) Feet

(3-20-14)

**h.** Delete the exception contained under IRC section R302.2 -- Townhouses, and replace with the following: Exception: A common one-hour or two-hour fire resistance rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against the exterior walls and the underside of the roof sheathing. Penetrations of electrical outlet boxes shall be in accordance with section R302.4. (3-29-10)

**i.** Delete IRC section R303.4. (3-20-14)

**j.** Delete the exception contained under IRC section R313.1 -- Townhouse automatic fire sprinkler systems, and replace with the following: Exception: Automatic residential fire sprinkler systems shall not be required in townhouses where a two-hour fire-resistance rated wall is installed between dwelling units or when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed. (3-29-10)

**k.** Delete IRC section R313.2. (3-29-10)

**l.** Add the following to IRC section R315.3 - Where required in existing dwellings: 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; and 2. Installation, alteration or repairs of noncombustion plumbing or mechanical systems are exempt from the requirements of this section. (3-20-14)

**m.** Delete IRC section R322.1.10. (3-29-10)

**n.** Delete IRC section R322.2.2 subparagraph 2.2, and replace with the following: The total net area of all openings shall be at least one (1) square inch (645 mm<sup>2</sup>) for each square foot (0.093 m<sup>2</sup>) of enclosed area, or the opening shall be designed and the construction documents shall include a statement that the design and installation of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing the automatic entry and exit of floodwaters. (3-20-14)

**o.** Delete IRC section R501.3 and its exceptions. (3-20-14)

**p.** Delete IRC section R602.10 and replace with the following: 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 designated and constructed in accordance with section R301.1. (3-20-14)

**q.** Delete section N1102.4.3 and replace with the following: Fireplaces. New wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air. (4-4-13)

**r.** Chapter 11 [RE] Energy Efficiency - The following sections and tables of chapter 11 shall be amended in accordance with the requirements contained below in Subsection 004.04 of these rules which correspond

- to the appropriate section: (3-20-14)
- i. Table N1102.1.1 (Table R402.1.1) - Insulation and Fenestration Requirements by Component; (3-20-14)
  - ii. Table N1102.1.3 (Table R402.1.3 - Equivalent U-Factors; (3-20-14)
  - iii. Table N1102.2.6 (Table R402.2.6) - Steel-Frame Ceiling, Wall and Floor Insulation (R-Value); (3-20-14)
  - iv. Section N1102.4.1 (R402.4.1) Building Thermal Envelope; (3-20-14)
  - v. Section N1102.4.1.1 (R402.4.1.1) - Insulation; (3-20-14)
  - vi. Table N1102.4.1.1 (Table R402.4.1.1) - Air Barrier and Insulation Installation; (3-20-14)
  - vii. Section N1102.4.1.2 (R402.4.1.2) Testing Option; (3-20-14)
  - viii. Add Section N1102.4.1.3 (R402.4.1.3) - Visual Inspection Option; (3-20-14)
  - ix. Add Section N1102.6 (R402.6) - Residential Log Home Thermal Envelope; (3-20-14)
  - x. Add Table N1102.6 (Table R402.6) - Log Home Prescriptive Thermal Envelope Requirements by Component; and (3-20-14)
  - xi. Section N1104.1 (R404.1) - Lighting Equipment. (3-20-14)
- 03. International Existing Building Code.** 2012 Edition. (4-4-13)
- 04. International Energy Conservation Code.** 2012 Edition with the following amendments. (3-20-14)
- a. Delete the values contained in Table R402.1.1 (Table N1102.1.1) for climate zone “5 and Marine 4” and climate zone “6” and replace with the following: (3-20-14)

**Table R402.1.1**  
**INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT**

Climate Zone	Fenestration U- Factor	Skylight U-factor	Glazed Fenestration SHGC	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value	Floor R-Value	Basement Wall R-Value	Slab R-Value	Crawlspace Wall R-Value
5 and Marine 4	0.35	0.60	NR	38	20 or 13+5 <sup>h</sup>	13/17	30 <sup>g</sup>	10/13	10, 2 ft	10/13
6	0.35	0.60	NR	49	20 or 13+5 <sup>h</sup>	15/19	30 <sup>g</sup>	15/19	10, 4 ft	10/13

(3-20-14)

- b. Add the following footnote to the title of Table 402.1.1 - Insulation and Fenestration Requirements by Component: <sup>k</sup> For residential log home building thermal envelope construction requirements see section 402.6. (4-7-11)

- c. Delete the values contained in Table R402.1.3 (Table N1102.1.3) for climate zone “5 and Marine 4”



and climate zone “6” and replace with the following:

**Table R402.1.3**  
**EQUIVALENT U-FACTORS**

Climate Zone	Fenestration U-factor	Skylight U-factor	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value	Floor R-Value	Basement Wall R-Value	Crawlspace Wall R-Value
5 and Marine 4	0.35	0.60	0.030	0.057	0.082	0.033	0.059	0.065
6	0.35	0.60	0.026	0.057	0.060	0.033	0.050	0.065

(3-20-14)

- d. Delete Table R402.2.6 (Table N1102.2.6) and replace with the following:

**TABLE R402.2.6**  
**STEEL-FRAME CEILING, WALL AND FLOOR INSULATION**  
**(R-VALUE)**

WOOD FRAME R-VALUE REQUIREMENT	COLD-FORMED STEEL EQUIVALENT R-VALUE <sup>a</sup>
<b>Steel Truss Ceilings</b>	
R-30	R-38 or R-30 + 3 or R-26 + 5
R-38	R-49 or R-38 +3
R-49	R-38 + 5
<b>Steel Joist Ceilings</b>	
R-30	R-38 in 2 x 4 or 2 x 6 or 2 x 8 R-49 in any framing
R-38	R-49 in 2 x 4 or 2 x 6 or 2 x 8 or 2 x 10
<b>Steel-Framed Wall</b>	
R-13	R-13 + 5 or R-15 + 4 or R-21 + 3 or R-0 + 10
R-19	R-13 + 9 or R-19 + 8 or R-25 + 7
R-21	R-13 + 10 or R-19 + 9 or R-25 + 8
<b>Steel Joist Floor</b>	
R-13	R-19 in 2 x 6 R-19 + 6 in 2 x 8 or 2 x 10
R-19	R-19 + 6 in 2 x 6 R-19 + 12 in 2 x 8 or 2 x 10
a. Cavity insulation R-value is listed first, followed by continuous insulation R-value. b. Insulation exceeding the height of the framing shall cover the framing.	

(3-20-14)

**e.** Delete section 402.4.1 (N1102.4.1) and replace with the following: Building thermal envelope. The building thermal envelope shall comply with sections R402.1.1 and either section R402.4.1.2 or R402.4.1.3. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. (3-20-14)

**f.** Delete section 402.4.1.1 (N1102.4.1.1) and replace with the following: Installation. The components of the building thermal envelope as listed in Table R402.4.1.1 shall be installed in accordance with the manufacturer's instructions and the criteria listed in Table R402.4.1.1, as applicable to the method of construction. (3-20-14)

**g.** Delete the criteria requirement for the "Fireplace" component of Table R402.4.1.1 (Table N1102.4.1.1) - Air Barrier and Insulation Installation, and replace with the following: An air barrier shall be installed on fireplace walls. (3-20-14)

**h.** Delete section 402.4.1.2 (N1102.4.1.2) and replace with the following: Testing option, Building envelope tightness and insulation installation shall be considered acceptable when tested air leakage is less than seven (7) 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. During testing: (3-20-14)

- i. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed; (3-20-14)
- ii. Dampers shall be closed, but not sealed, including exhaust, intake, makeup air, backdraft and flue dampers; (3-20-14)
- iii. Interior doors shall be open; (3-20-14)
- iv. Exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed; (3-20-14)
- v. Heating and cooling system(s) shall be turned off; (3-20-14)
- vi. HVAC ducts shall not be sealed; and (3-20-14)
- vii. Supply and return registers shall not be sealed. (3-20-14)

**i.** Add the following as section 402.4.1.3 (N1102.4.1.3): Visual inspection option, Building envelope tightness and insulation installation shall be considered acceptable when the items listed in Table 402.4.1.1, applicable to the method of construction, are field verified. Where required by code official an approved party independent from the installer of the insulation shall inspect the air barrier and insulation. (3-20-14)

**j.** Delete section 402.4.3 and replace with the following: Fireplaces. New wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air. (4-4-13)

**k.** Add the following section: R402.6 (N1102.6) Residential Log Home Thermal Envelope. Residential log home construction shall comply with sections 401 (General), 402.4 (Air Leakage), 402.5 (Maximum Fenestration U-Factor and SHGC), 403.1 (Controls), 403.2.2 (Sealing), 403.2.3 (Building Cavities), sections 403.3 through 403.9 (referred to as the mandatory provisions), Section 404 (Electrical Power and Lighting Systems), and either Subparagraph 004.04.b.i., ii., or iii. as follows: (3-20-14)

- i. Sections 402.2 through 402.3, 403.2.1, 404.1 and Table 402.6; (4-7-11)
- ii. Section 405 Simulated Performance Alternative (Performance); or (4-7-11)
- iii. REScheck (U.S. Department of Energy Building Codes Program). (4-7-11)

**l.** Add Table R402.6 (Table N1102.6) Log Home Prescriptive Thermal Envelope Requirements By Component to be used only in accordance with Subparagraph 004.04.b.i. above to appear as follows:

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

For SI: 1 foot = 304.8 mm.

CLIMATE ZONE	FENESTRATION U-FACTOR <sup>a</sup>	SKYLIGHT U-FACTOR	GLAZED FENESTRATION SHGC	CEILING R-VALUE	Min. Average LOG Size in inches	FLOOR R-VALUE	BASEMENT WALL R-VALUE <sup>d</sup>	SLAB R-VALUE & DEPTH <sup>b</sup>	CRAWL SPACE WALL R-VALUE <sup>d</sup>
5, 6 - High efficiency equipment path <sup>c</sup>	0.32	0.60	NR	49	5	30	15/19	10, 4 ft.	10/13
5	0.32	0.60	NR	49	8	30	10/13	10, 2 ft.	10/13
6	0.30	0.60	NR	49	8	30	15/19	10, 4 ft.	10/13

- a. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- b. R-5 shall be added to the required slab edge R-values for heated slabs.
- c. 90% AFUE natural gas or propane, 84% AFUE oil, or 15 SEER heat pump heating equipment (zonal electric resistance heating equipment such as electric base board electric resistance heating equipment as the sole source for heating is considered compliant with the high efficiency equipment path).
- 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.

(3-20-14)

**m.** Delete section R404.1 (N1104.1) and replace with the following: Lighting equipment (Mandatory). A minimum of fifty percent (50%) of the lamps in permanently installed lighting fixtures shall be high-efficacy lamps or a minimum of fifty percent (50%) of the permanently installed lighting fixtures shall contain only high efficacy lamps. (3-20-14)

**05. References to Other Codes.** Where any provisions of the codes that are adopted in this Section make reference to other construction and safety-related model codes or standards which have not been adopted by the involved authority having jurisdiction, to the extent possible, such reference should be construed as pertaining to the equivalent code or standard that has been duly adopted by such jurisdiction. (3-29-10)