

Dear Senators PATRICK, Guthrie, Ward-Engelking, and  
Representatives BARBIERI, Clow, Smith:

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

IDAPA 07.04.01 - Rules Governing Safety Inspections - General - Proposed Rule (Docket No.  
07-0401-1701);

IDAPA 07.04.02 - Safety Rules for Elevators, Escalators, and Moving Walks - Proposed Rule  
(Docket No. 07-0402-1701);

IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning  
Systems, Division of Building Safety - Proposed Rule (Docket No. 07-0701-1701);

IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning  
Systems, Division of Building Safety - Proposed Rule (Docket No. 07-0701-1702);

IDAPA 07.09.01 - Safety and Health Rules for Places of Public Employment - Proposed Rule  
(Docket No. 07-0901-1701) (Chapter Repeal);

IDAPA 07.10.01 - Rules Governing the Damage Prevention Board, Division of Building Safety -  
Temporary and Proposed Rule (Docket No. 07-1001-1701).

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 10/02/2017. 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 10/30/2017.

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:** Principal Legislative Research Analyst - Ryan Bush

**DATE:** September 13, 2017

**SUBJECT:** Division of Building Safety

IDAPA 07.04.01 - Rules Governing Safety Inspections - General - Proposed Rule (Docket No. 07-0401-1701)

IDAPA 07.04.02 - Safety Rules for Elevators, Escalators, and Moving Walks - Proposed Rule (Docket No. 07-0402-1701)

IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety - Proposed Rule (Docket No. 07-0701-1701)

IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety - Proposed Rule (Docket No. 07-0701-1702)

IDAPA 07.09.01 - Safety and Health Rules for Places of Public Employment - Proposed Rule (Docket No. 07-0901-1701) (Chapter Repeal)

IDAPA 07.10.01 - Rules Governing the Damage Prevention Board, Division of Building Safety - Temporary and Proposed Rule (Docket No. 07-1001-1701)

**(1) 07.04.01 - Rules Governing Safety Inspections - General - Proposed Rule (Docket No. 07-0401-1701)**

The Division of Building safety submits notice of proposed rulemaking at IDAPA 07.04.01 - Rules Governing Safety Inspections - General. The Division states that this rulemaking amends outdated statutory provisions, updates certain adopted safety standards, eliminates unnecessary references to certain programs and updates certain requirements for public employers to ensure a safe workplace. The requirements for safe workplaces for public employers include safety devices, posted warnings, training, minimum construction standards and annual inspections.

The Division states that negotiated rulemaking was conducted and that Notice of Intent to Promulgate Rules was published in the April 2017 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 67-2601A, Idaho Code.

Mike Nugent, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

**(2) 07.04.02 - Safety Rules for Elevators, Escalators, and Moving Walks - Proposed Rule (Docket No. 07-0402-1701)**

The Division of Building safety submits notice of proposed rulemaking at IDAPA 07.04.02 - Safety Rules for Elevators, Escalators, and Moving Walks. This rulemaking updates the incorporation by reference of all safety codes governing the installation and inspection of elevators, escalators, moving walks and other conveyances to the most recent editions.

The Division states that negotiated rulemaking was conducted and that Notice of Intent to Promulgate Rules was published in the April 2017 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 39-8605, Idaho Code.

**(3) 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety - Proposed Rule (Docket No. 07-0701-1701)**

The Division of Building safety submits notice of proposed rulemaking at IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety. This rulemaking updates the incorporation by reference of the International Residential Code for one and two-family dwellings. Specifically, a provision on outdoor air ducts is removed.

The Division states that negotiated rulemaking was not conducted because the rule is simple in nature. 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 54-5005, Idaho Code.

**(4) 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety - Proposed Rule (Docket No. 07-0701-1702)**

The Division of Building safety submits notice of proposed rulemaking at IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety. This rulemaking requires that commercial and residential mechanical inspectors be certified by a professional certifying body approved by the Idaho Heating, Ventilation and Air Conditioning Board.

The Division states that negotiated rulemaking was not conducted because the rule is simple in nature. 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 54-5005, Idaho Code.

**(5) 07.09.01 - Safety and Health Rules for Places of Public Employment - Proposed Rule (Docket No. 07-0901-1701) (Chapter Repeal)**

The Division of Building safety submits notice of proposed rulemaking at IDAPA 07.09.01 - Safety and Health Rules for Places of Public Employment. This rulemaking repeals the chapter of rules on Safety and Health Rules for Places of Public Employment in its entirety. The Division states that applicable rules from this chapter will be updated and incorporated into a different chapter of the IDAPA code (07.04.01).

The Division states that negotiated rulemaking was conducted and that Notice of Intent to Promulgate Rules was published in the April 2017 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 67-2601A, Idaho Code.

**(6) 07.10.01 - Rules Governing the Damage Prevention Board, Division of Building Safety - Temporary and Proposed Rule (Docket No. 07-1001-1701)**

The Division of Building safety submits notice of temporary and proposed rulemaking at IDAPA 07.10.01 - Rules Governing the Damage Prevention Board, Division of Building Safety. This rulemaking accomplishes the following:

1. Defines the terms "hand digging" and "soft digging";
2. Adopts training and educational materials and programs;
3. Provides for improvement of technology and communications by stakeholders;
4. Establishes processes for filing claims and complaints related to damaged facilities and excavator downtime; and
5. Establishes civil penalties for various offenses.

The Division states that negotiated rulemaking was conducted and that Notice of Intent to Promulgate Rules was published in the March 2017 edition of the Idaho Administrative Bulletin. The Division further states that a temporary rule is justified because the Idaho Damage Prevention Board needed to implement an effective damage prevention program that ensures safe practices and the protection of underground facilities while meeting federal requirements. 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 55-2203, Idaho Code.

cc: Division of Building Safety  
Patrick Grace

**IDAPA 07 – DIVISION OF BUILDING SAFETY**  
**07.04.01 – RULES GOVERNING SAFETY INSPECTIONS – GENERAL**  
**DOCKET NO. 07-0401-1701**  
**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 Section 67-2601A, 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 September 20, 2017.

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:

Many of the statutory references, as well as certain provisions related to other programs and authorities in the current rules are very outdated, and do not apply. Additionally, statutory authority to administer the safety program for state facilities was transferred solely to the Division in 2015. Accordingly, other applicable rules related to the inspections thereof, which were previously administered by the Idaho Industrial Commission, have been updated. This rule amends outdated statutory provisions, and updates the adopted safety standards applicable to the safety inspections the Division conducts on state-owned buildings, or those it may conduct for a political subdivision. It also eliminates unnecessary references to programs that are no longer administered through this particular Division safety program such as elevators and boilers. Finally, the rulemaking updates certain requirements for public employers to ensure a safe workplace, as well as the annual inspection process the Division currently engages in when inspecting state facilities.

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

**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: N/A

**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 April 5, 2017 Idaho Administrative Bulletin, [Vol. 17-4, pages 20 through 21](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Gary Barnes, Industrial Safety Program Manager, Division of Building Safety at (208) 332-8974.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 27, 2017.

DATED this 4th day of August, 2017.

Ron Whitney, Deputy Administrator  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-7150  
Fax: (877) 810-2840

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0401-1701**  
**(Only Those Sections With Amendments Are Shown.)**

**000. LEGAL AUTHORITY.**

These rules are promulgated pursuant to the authority granted the administrator of the Division of Building Safety by Sections ~~39-4104, 39-4130, and 39-4131~~ 67-2601A and 67-2311 through 67-2318, Idaho Code. (7-1-97)(    )

**001. TITLE AND SCOPE.**

These rules shall be cited as IDAPA 07.04.01, “Rules Governing Safety Inspections - General.” These rules prescribe the criteria for enforcement of Sections ~~39-4130, 39-4131, 67-2601A and 67-2311, 67-2312, 67-2313, 67-2314, 67-2316, 67-2317, 72-720, 72-721, 72-722, and 72-723~~ through 67-2318, Idaho Code. (7-1-97)(    )

**002. WRITTEN INTERPRETATIONS.**

This agency has no written interpretations of this chapter *in the form of legal memoranda*. (7-1-97)(    )

**003. ADMINISTRATIVE APPEALS.**

There are no provisions for administrative appeal of these rules. (7-1-97)

**004. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.**

The principal place of business of the Damage Prevention Board is at the Division of Building Safety office located at 1090 E. Watertower Street, Suite 150, Meridian, ID 83642. The Damage Prevention Board may also be contacted at 1250 Ironwood Drive, Suite 220, Coeur d’Alene, Idaho 83814, and at 2055 Garrett Way, Building 1, Suite 4, Pocatello, ID 83201. All locations are open from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday and legal holidays. The telephone number of the office is (208) 334-3950. The facsimile number of the office is 1-877-810-2840. The Division’s website is <http://dbs.idaho.gov>. (    )

**005. PUBLIC RECORDS ACT COMPLIANCE.**

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. (    )

**006. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference into these rules. (    )

**~~007.~~ -- 010. (RESERVED)**

**011. SAFETY INSPECTIONS.**

~~**01. Safety and Occupational Health Inspections.** (7-1-97)~~

~~**a.** Safety advisors for the Division of Building Safety, Bureau of Logging and Industrial Safety, Industrial Safety Section, will make periodic inspections in places of employment covered by Sections 39-4130 and 39-4131, Idaho Code, to ascertain whether there exists any violation of any law of this state relating to safety or sanitary conditions or practices, or whether there is a violation of any safety standards adopted by the Industrial Commission of the state of Idaho. (7-1-97)~~

**b01. Safety Advisors.** Safety advisors for the Division of Building Safety, Bureau of Logging and Industrial Safety, Industrial Safety Section, will shall make periodic inspections of public buildings covered by Sections 67-2311, ~~67-2312, 67-2313, 67-2314, 67-2316, and 67-2317~~ through 67-2318, and 67-2601A, Idaho Code, and the immediate environs thereof, for the purpose of ascertaining unsafe or hazardous conditions not only to the state’s employees but to inmates therein, attendants thereat, and to the general public. (7-1-97)(    )

~~**e.** Safety Advisors for the Division of Building Safety, Bureau of Logging and Industrial Safety, Industrial Safety Section, will make periodic inspections of employment covered by Sections 72-720, 72-721, 72-722,~~

~~and 72-723, Idaho Code, in support of the Industrial Commission of the state of Idaho to ascertain whether there exists any violation of any law of this state relating to safety or sanitary conditions or practices, or whether there is a violation of any safety standards adopted by the Industrial Commission of the state of Idaho. (7-1-97)~~

**402. Inspection Standards.** Safety and occupational health inspections shall be conducted using ~~IDAPA 17-10.01, “Safety and Health Rules for Places of Public Employment,”~~ and as the primary standards, the rules contained herein; Idaho Code, ~~as the primary standards applicable; and applicable provisions, as determined by the division, of 29 CFR 1910, Occupational Safety and Health Standards, and 29 CFR 1926, Safety and Health Regulations for Construction,~~ with the following standards used as a basis for appraisals of other hazards: ~~Uniform the International Building Code (UIBC) as adopted by the Building Code Board, and as amended and in effect pursuant to IDAPA 07.03.01; Uniform the International Fire Code (UIFC), as adopted by the Department of Insurance, and as amended and in effect pursuant to IDAPA 18.01.50; Uniform the Mechanical Codes (UMC), as adopted by the Idaho Heating, Ventilation and Air Conditioning Board, and as amended and in effect pursuant to IDAPA 07.07.01; Uniform the Idaho State Plumbing Code (UIPC), as adopted by the Idaho Plumbing Board, and as amended and in effect pursuant to IDAPA 07.02.06; the National Electric Code (NEC), as adopted by the Idaho Electrical Board, and as amended and in effect pursuant to IDAPA 07.01.06; the most current edition of the Life Safety Code; the most current standards of the American National Standards Institute (ANSI); the most current standards of the National Fire Protection Association (NFPA); the most current standards of the Consumer Product Safety Commission (CPSC); the most current standards of the National Institute for Occupational Safety and Health (NIOSH); 29 CFR 1910, General Industry Standards; 29 CFR 1926, Construction Standards;~~ nationally recognized industry standards; and other nationally recognized standards and codes. (7-1-97)( )

~~**02. Elevator Inspections.** (7-1-97)~~

~~**a.** Safety Advisors for the Division of Building Safety, Bureau of Logging and Industrial Safety, Industrial Safety Section, will witness the testing of elevators and related installations. (7-1-97)~~

~~**b.** The inspection and testing of elevators and related installations shall be conducted in accordance with the provisions of Title 39, Chapter 86, Idaho Code; ANSI A17.1 Safety Code for Elevators and Escalators; ANSI A17.1 Handbook; ANSI A17.2.1 Inspector’s Manual for Electric Elevators; ANSI A17.2.2 Inspector’s Manual for Hydraulic Elevators; ANSI A17.2.3 Inspector’s Manual for Escalators and Moving Walks; ANSI A17.3 Existing Elevators and Escalators; ANSI A117.1 Accessible and Usable Building and Facilities; the Uniform Building Code; and the National Electric Code. (7-1-97)~~

~~**03. Boiler and Pressure Vessel Inspections.** (7-1-97)~~

~~**a.** Boiler and pressure vessel inspections will be conducted by boiler and pressure vessel inspectors who work for an insurance company authorized to write insurance in Idaho, who are currently certified by the National Board of Boiler and Pressure Vessel Inspectors, and have a current Idaho Commission. (7-1-97)~~

~~**b.** The inspection of boilers and pressure vessels shall be conducted in accordance with the provisions of IDAPA 17-06.01, “Boiler and Pressure Vessel Safety Rules – General Requirements”; National Board Inspection Code; and the ASME Boiler and Pressure Vessel Code. (7-1-97)~~

**012. REQUIREMENTS.**

**01. Safe Workplace.** Every public employer shall furnish a place of employment free from recognized hazards which may cause serious injury or death to employees. Recognized hazards are those addressed by codes adopted by the state. ( )

**02. Safety Devices.** Every public employer shall furnish and use appropriate safety devices and safeguards, and shall adopt and use practices, means, methods, operations, and processes which are adequate to render the place of employment safe and free of occupational health hazards. ( )

**03. Posted Warnings.** Every public employer shall post warning signs in areas where employees are exposed to injury hazards and shall ensure that employees comply with the posted warnings. ( )

**04. Training and Equipment.** No public employer shall require an employee to go or be in any place of employment which is unsafe unless that employee has the appropriate training, is properly equipped, and is authorized to go or be in such place. ( )

**05. Minimum Construction Standards.** No public employer, owner, or lessee of any real property shall construct or cause to be constructed any place of employment which does not meet the minimum safety requirements identified by codes adopted by the state, or other nationally recognized codes and standards as listed in Section 007 of these rules. ( )

**06. Training.** ( )

**a.** It shall be the responsibility of the public employer to establish and ensure a safe and healthful working environment, and to establish an accident-prevention program and training program to improve the skill and competency of all employees in the area of safety and occupational health. ( )

**b.** Such training shall include on-the-job instruction in the safe use of powered materials-handling equipment, machine tool operations, use of hazardous/toxic materials, and operation of utility systems prior to assignment to jobs involving such exposures. ( )

**013. ADMINISTRATION.**

**01. Annual Inspections.** All safety inspections of places of public employment conducted pursuant to these rules shall be performed by personnel of the Division of Building Safety, Industrial Safety Section, on an annual basis in accordance with Section 67-2313, Idaho Code. Such inspection shall be conducted in accordance with the standards and codes set forth herein. ( )

**02. Public Employer Responses.** An employer shall respond within twenty (20) days of receipt of any inspection report containing findings. The response shall be made to the Division of Building Safety, Industrial Safety Section, 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. If additional time is needed to respond, the administrator is authorized to grant an extension when a written request is received from the agency. ( )

**03. Inapplicability of Penalties.** Any provisions contained in the Occupational Safety and Health Administration regulations, including but not limited to 29 CFR 1910 and 29 CFR 1926, which relate to or provide for civil penalties for violations of the standards contained therein, shall not apply and shall not be enforced by the Division of Building Safety in the administration of the state's safety and occupational health program. ( )

**0124. -- 999. (RESERVED)**



## IDAPA 07 – DIVISION OF BUILDING SAFETY

### 07.04.02 – SAFETY RULES FOR ELEVATORS, ESCALATORS, AND MOVING WALKS

DOCKET NO. 07-0402-1701

#### 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 Section 39-8605, 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 September 20, 2017.

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:

Adoption of the most recent editions of the codes enables the companies installing elevators and other conveyances and the building owners and operators the ability to use the most current and safest products and technology in their buildings. This rulemaking adopts updates and the most recent editions of the safety codes governing the installation and inspection of elevators, escalators, moving walks, and other conveyances in the state of Idaho.

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

**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: N/A

**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 April 5, 2017 Idaho Administrative Bulletin, [Vol. 17-4, pages 22 through 23](#).

**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:

Adoption of the most recent editions of the codes enables the companies installing elevators and other conveyances and the building owners and operators the ability to use the most current and safest products and technology in their buildings. This rulemaking adopts and incorporates by reference updates and the most recent editions of the safety codes below:

- ANSI/ASME A17.1 2016, Safety Code for Elevators and Escalators.
- ANSI/ASME A17.2 2014 Guide for Inspection of Elevators, Escalators, and Moving Walks.
- ANSI/ASME A17.3 2015 Safety Code for Existing Elevators and Escalators.
- ANSI/ASME A17.5 2014 Elevator and Escalator Electrical Equipment.
- ANSI/ASME A17.7 2012 Performance-based Safety Code for Elevators and Escalators.
- ICC/ANSI A117.1 2009 Accessible and Usable Buildings and Facilities.
- ANSI/ASME A18.1 2014 Safety Standards for Platform Lifts and Chairlifts.
- ASME QE-1 2013 Standard for the Qualification of Elevator Inspectors.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Gary Barnes at (208) 332-8974.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 27, 2017.

DATED this 3rd day of August, 2017.

Ron Whitney, Deputy Administrator  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-7150  
Fax: (877) 810-2840

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0402-1701**  
**(Only Those Sections With Amendments Are Shown.)**

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

**01. Documents.** The following codes, amendments, and updates are hereby adopted and incorporated by reference into these rules for all conveyances subject to this chapter. (4-2-08)

**a.** ANSI/ASME A17.1 201~~06~~, Safety Code for Elevators and Escalators with the following exceptions: (3-29-12)( )

**i.** Compliance with section 2.8.3.3.2 shall require that the means for disconnecting the main power as required by this section to be within sight of controller for all conveyances with an elevator machine room or control room. (3-29-10)( )

**ii.** Compliance with section 8.11.2.1.5(c) Car and Counterweight Buffer testing shall be conducted at slow speed in accordance with Item 5.9.2.1(a) in ANSI/ASME A17.2 20~~07~~14. (3-29-12)( )

**iii.** Compliance with Section 2.2.2.5, which requires a sump pump or drain in the elevator pit, shall be optional. If a sump pump or drain is installed, it shall meet the requirements of this section. A sump with a cover shall be provided in each elevator pit. (3-29-12)

**b.** ANSI/ASME A17.2 20~~07~~14 Guide for Inspection of Elevators, Escalators, and Moving Walks. (3-29-10)( )

**c.** ANSI/ASME A17.3 20~~08~~15 Safety Code for Existing Elevators and Escalators. (3-29-10)( )

**d.** ANSI/ASME A17.4 1999 Guide for Emergency Personnel. (4-2-08)

**e.** ANSI/ASME A17.5 20~~0~~14 Elevator and Escalator Electrical Equipment. (5-8-09)( )

**f.** ANSI/ASME A17.6 2010 Standard for Elevator Suspension, and Governor Systems. (3-29-12)

**g.** ANSI/ASME A17.7 20~~07~~12 Performance-based Safety Code for Elevators and Escalators. (3-29-12)( )

**h.** ICC/ANSI A117.1 200~~39~~ Accessible and Usable Buildings and Facilities. (4-2-08)( )

**i.** ANSI/ASME A18.1 20~~08~~14 Safety Standards for Platform Lifts and Chairlifts. (3-29-10)( )

**j.** ASME QE-1 201~~03~~ Standard for the Qualification of Elevator Inspectors. (3-29-12)( )

**02. Copies.** Copies of the codes, amendments, and updates listed in Subsection 004.01 of these rules are available for review at the Division of Building Safety offices located at 1090 E. Watertower St., Suite 150, Meridian, Idaho 83642; 1250 Ironwood Dr., Suite 220, Coeur d'Alene, Idaho 83814; and 2055 Garrett Way, Building 1, Suite 74, Pocatello, Idaho 83201. (3-29-12)( )

## **INCORPORATION BY REFERENCE SYNOPSIS**

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

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

**DIVISION OF BUILDING SAFETY**  
**IDAPA 07.04.02 - Safety Rules for Elevators, Escalators, and Moving Walks**  
**Proposed Rulemaking - Docket No. 07-0402-1701**

Over the past five to ten years since the elevator safety codes identified in these rules were adopted, there have been many changes and updates to the codes and standards which govern the safe installation and operation of elevators, escalators, and other conveyances. Accordingly, the Division, in collaboration with the affected industry, has decided to adopt the newest codes for application to all elevators and conveyances in the state. The codes and standards incorporated into this rulemaking reflect the most recent editions and updates to the elevator codes, and generally implement improvements in technology and procedures to ensure the safe installation and operation of elevators and other conveyances for use in Idaho. Copies of indexes identifying important changes to the various codes adopted by this rulemaking are attached to this summary. More detailed information about any change to the involved codes may be available upon request to the Division of Building Safety.

# ASME A17.1-2016/CSA B44-16 SUMMARY OF CHANGES

Following approval by the ASME A17 Elevator and Escalator Committee, and after public review, ASME A17.1-2016/CSA B44-16 was approved by the American National Standards Institute on July 25, 2016. It was issued on November 30, 2016, and is effective as of May 30, 2017.

ASME A17.1-2016/CSA B44-16 incorporates the revisions and editorial changes made since the previously published edition. Revisions are identified by a margin note, (16). Changes made to correct errors, as well as other new editorial changes, are identified by (ED). The following is a summary of the latest revisions and changes:

<i>Page</i>	<i>Location</i>	<i>Change</i>
viii–xii	ASME Foreword	Revised
xxi–xxiii	ASME Preface	Revised
xxiv	CSA Preface	Revised
2–17	Section 1.3	(1) Definitions of <i>backup rollers</i> , <i>counterweight displacement detection device</i> , <i>elastomeric buffer</i> , <i>seismic detection device</i> , and <i>sound engineering practice</i> added (2) Definitions of <i>bumper</i> , <i>controller motor</i> , <i>traction machine</i> , and <i>unlocking zone</i> revised (3) Definitions of <i>displacement switch</i> ; <i>driving machine</i> , <i>traction climbing</i> ; <i>elevator</i> , <i>wind turbine tower</i> ; <i>guide rope fixes</i> ; <i>operation</i> , <i>automatic call</i> ; <i>operation</i> , <i>automatic send</i> ; <i>platform landing</i> ; <i>seismic switch</i> ; <i>tail line</i> ; and <i>travel path</i> deleted
25	2.4.2.2	Revised
	Table 2.4.2.2	Title revised
	2.4.6.1.1	Subparagraph (c)(2) revised
26	2.4.8	Subparagraph (d)(2) revised
27	2.5.1.5.3	Subparagraph (a) revised
32, 33	2.7.5.3.3	Revised
	2.7.5.4	Subparagraph (a)(1) revised
	2.7.6.3.2	Subparagraphs (e) and (f) added
	2.7.6.4.1	Subparagraph (b) revised
36	2.8.3.3.4	First paragraph revised
40	2.11.6.1	Revised
47	2.11.19.3	Second sentence corrected by errata
	2.12.1	First paragraph added

<i>Page</i>	<i>Location</i>	<i>Change</i>
50–52	2.12.6.2.3	Revised
	2.12.6.2.5	Revised
	2.12.7.2	Revised in its entirety
	2.12.7.3.3	Subparagraphs (c) and (e) revised
	2.13.2.1.1	Revised
	2.13.2.2.1	Revised
56	2.13.3.4.10	Subparagraphs (a) and (c) editorially revised
58, 59	2.14.1.5.1	Subparagraphs (e) and (f) revised
	2.14.1.7.1	First sentence revised
	2.14.1.7.2	Revised
62	2.14.4.2.4	Subparagraphs (a) and (b) revised
64	2.14.5.7	Phrasing corrected by errata
	2.14.5.7.1	Revised
	2.14.5.7.3	Revised
	2.14.5.7.4	In subpara. (b)(2)(-a), “sufficient” corrected by errata to “insufficient”
	2.14.5.8	First sentence revised
65, 66	2.14.5.10	Revised and redesignated as 2.14.6.4
	2.14.6.1.1	Revised
	2.14.6.4	Former 2.14.5.10 revised and redesignated as 2.14.6.4
68	2.15.6.3	Revised
	2.15.7.2	Revised
79	Table 2.18.2.1	Under “SI Units,” first two entries in third column revised
80	2.18.5.3	Last paragraph revised
	2.18.6.2	Last sentence revised
84–86	2.20.2.2.1	Subparagraph (d) revised
	2.20.3	Second paragraph revised
	2.20.8.1	First paragraph and subparas. (d)(2) and (f) revised
	2.20.8.2	Subparagraph (c) revised
	2.20.8.3	Subparagraph (c) revised
93	2.22.1.1	First paragraph revised, and 2.22.1.1.4 through 2.22.1.1.6 added
	2.22.2	In first paragraph, last sentence added
94	2.22.4.5	Revised
96	2.22.5	Added

<i>Page</i>	<i>Location</i>	<i>Change</i>
108, 109	2.24.8.6	Revised
	2.25.2.1.2	First paragraph revised
	2.25.3.2	Third paragraph revised
111	2.25.4.1.8	Subparagraph (a) revised
116	2.26.2.5	Subparagraph (b) revised
118	2.26.4.2	Note added
	2.26.4.3.1	Note added
121, 122	2.26.7	Revised
	2.26.8.2	Second paragraph revised
	2.26.9.3.2	Subparagraph (b) revised
126	2.27.2.4.4	Revised in its entirety
127	2.27.3.1.6	Subparagraphs (c) and (d) revised
129–131	2.27.3.2.1	Note added
	2.27.3.2.2	Note (2) added
	2.27.3.2.4	Subparagraph (c) revised
	2.27.3.3.1	Subparagraph (c) revised
132	2.27.3.3.7	Second paragraph revised
133	2.27.3.3.8	Revised
136	2.27.11.1.5	Subparagraph (a) editorially revised
140, 141	2.29.1.1	Revised
	2.29.1.2	Revised in its entirety
	2.29.1.3	Subparagraph (i) revised
144	3.6.3	Subparagraph (c) added
154	3.22.1.2.1	Revised
	3.22.1.2.2	Revised
157–159	3.26.8	Revised
	3.27.2	Revised
	3.27.4	Revised
160–167	Section 4.1	Revised in its entirety
	4.2.2.3	Revised
	4.2.2.4	Revised
176	5.1.11.4	Revised
182, 183	5.2.1.13	Revised
	5.2.1.14	(1) Former subpara. (f) deleted, and remaining subparagraphs redesignated (2) Subparagraphs (k) and (l) [formerly subparas. (l) and (m), respectively] revised

<i>Page</i>	<i>Location</i>	<i>Change</i>
		(3) Subparagraph (m) added
	5.2.1.15.2	Revised
	5.2.1.22	Revised
185	5.2.2.5	Revised
186	5.3.1.7.1	Revised
187, 188	5.3.1.7.2	Revised
	5.3.1.8.2	Subparagraph (d) added
	5.3.1.8.3	New 5.3.1.8.3 added, and former 5.3.1.8.3 redesignated as 5.3.1.8.4
190	5.3.1.14.1	Revised
193	5.3.1.19	Revised in its entirety
201	5.6.1.4	Revised
205	5.7.1.2	Revised
	5.7.2	Revised in its entirety
	5.7.3.2	Revised
	5.7.4.2	Revised
	5.7.4.3	Added
207	5.7.10.4.1	Revised
	5.7.13.1	Revised
	5.7.13.2	(1) First paragraph revised (2) Former 5.7.13.2.2 deleted, and former 5.7.13.2.3 redesignated as 5.7.13.2.2
208	5.7.16	Revised in its entirety
	5.7.17	Revised
	5.7.18.1.2	Revised
209, 210	5.7.18.1.3	Added
	5.7.18.1.4	Added
	5.7.18.3	Revised
	5.7.19	Revised in its entirety
211	5.7.22	Revised
214	5.9.14.3	Subparagraph (d) revised
215	5.9.26	Revised in its entirety
	5.9.27	Revised
220	Section 5.11	Revised
227	6.1.3.10.1	Revised
	6.1.3.10.2	Editorially revised
228	6.1.5.3.2	Revised
230	6.1.6.3.4	Revised

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232	6.1.6.7	Revised
234	6.1.7.4.3	Revised
239	6.2.3.11.1	Revised
	6.2.3.11.2	Editorially revised
240	6.2.5.3.1	Subparagraph (d)(5) added
243, 244	6.2.6.8	New 6.2.6.8 added, and subsequent paragraphs redesignated
245	6.2.7.4.3	Revised
246	7.1.4.3.1	Editorially revised
247	7.1.4.3.2	Editorially revised
	7.1.7.10	Revised
249, 250	7.1.12.1.1	Revised
	7.1.12.1.3	Revised
252	7.2.3.2	Revised
253	7.2.6.3.1	Subparagraph (d) revised
	7.2.6.3.2	Subparagraph (c) revised
254	7.2.6.5	Subparagraph (b) revised
	7.2.6.8.1	Subparagraph (b) revised
256	7.2.12.31	New 7.2.12.31 added, and former 7.2.12.31 through 7.2.12.38 redesignated as 7.2.12.32 through 7.2.12.39, respectively
	7.2.12.40	Added
258	7.3.11.10	Added
	7.4.2.2	Former subpara. (c) deleted, and subsequent subparagraphs redesignated
260	7.4.6.1.4	Revised
261	7.4.13.2.5	Revised
262	7.4.14	(1) Requirement 7.4.14.6 revised (2) Requirement 7.4.14.7 and Note added
	7.5.1.1.1	Revised
264	7.5.4.3	Revised
266, 267	7.5.12.1.3	New 7.5.12.1.3 added, and former 7.5.12.1.3 through 7.5.12.1.23 redesignated as 7.5.12.1.4 through 7.5.12.1.24, respectively
	7.5.12.1.25	Added
	7.5.12.2.6	Revised
268	7.5.12.2.34	Added



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271, 272	7.9.2.4	New 7.9.2.4 added, and former 7.9.2.4 through 7.9.2.20 redesignated as 7.9.2.5 through 7.9.2.21, respectively
	7.9.2.7	Revised
	7.9.2.8	Revised
	Section 7.11	Deleted
273, 274	8.1.2	In Note, new subparas. (q) and (r) added, and existing subparagraphs redesignated
	8.1.3	In Note, new subparas. (g) and (h) added, and subsequent subparagraphs redesignated
	8.1.4	In Note, subpara. (e) added
277	8.2.2.4	Revised
278	8.2.3.1	Revised
293	Section 8.3	Subparagraph (a)(7) added
297, 298	8.3.3.4.2	Subparagraphs (a) and (b) revised
301	8.3.11.3	Revised
	8.3.11.4	Revised
302, 303	8.3.13	Added
	8.3.13.5	Editorially revised
	8.3.13.7.3	Editorially revised
304	Section 8.4	(1) Subparagraphs (a)(1), (a)(3), and (b) revised (2) Subparagraph (d) added
305, 306	8.4.2.3.3	Revised
	8.4.2.3.4	Revised
	8.4.3.1.5	Added
	8.4.4.1	Requirement 8.4.4.1.2 deleted
310	Fig. 8.4.8.2-3	"One intermediate tie bracket" callout arrow revised
314	Fig. 8.4.8.2-7	"One intermediate tie bracket" callout arrow revised
315	Fig. 8.4.8.2-8	Under "(Imperial Units)," unit of measure for $W_a$ 1 revised
316	8.4.8.6.1	Subparagraph (h) deleted
317, 318	Table 8.4.8.7	Nomenclature and Notes editorially revised
319–324	8.4.9.1	First sentence revised
	8.4.10	Revised in its entirety
329–333	8.4.14.1	First line and Note (2) of subpara. (a), and Note (2) of subpara. (b) revised

<i>Page</i>	<i>Location</i>	<i>Change</i>
	8.4.14.1.1	Subparagraph (a) and Note (2) revised
	8.4.14.1.2	Second paragraph revised
	Section 8.5	Revised in its entirety
334	8.6.1.2.1	Subparagraph (f) deleted
	8.6.1.2.2	(1) Subparagraph (b)(5) added (2) New subparas. (c)(1) and (c)(3) added, and existing subparagraphs redesignated
336, 337	8.6.1.7.5	Added
	8.6.2.4	Revised
	8.6.3.2.1	Note deleted
	8.6.3.4.3	Revised
338	8.6.3.6	Revised in its entirety
	8.6.3.8	Subparagraph (b) revised
	8.6.3.9	Revised
339	8.6.3.15	Added
340	8.6.4.4	Revised in its entirety
341	8.6.4.13.2	Last sentence added
342	8.6.4.19.2	Subparagraph (a) revised
	8.6.4.19.8	Last sentence added
343	8.6.4.19.11	Revised
	8.6.4.19.12	Subparagraph (b) revised
	8.6.4.19.15	Last sentence added
	8.6.4.19.17	Added
345	8.6.4.20.11	Revised
346	8.6.4.22.1	First sentence revised
	8.6.4.22.2	First sentence revised
347	8.6.5.14.3	Subparagraphs (d) and (e) revised
	8.6.5.14.6	Last sentence added
	8.6.5.14.8	Added
	8.6.5.16.1	Last sentence revised
	8.6.5.16.2	Revised
348	8.6.5.16.3	First sentence revised
	8.6.6.1	Revised
	8.6.6.1.1	First sentence revised
349	8.6.7.9	Revised
	8.6.7.9.5	First sentence revised
352	8.6.8.15.1	Revised

<i>Page</i>	<i>Location</i>	<i>Change</i>
353	8.6.8.15.23	Revised
	8.6.8.15.24	Revised
355	8.6.11.6.1	Subparagraph (a) revised
356, 357	8.6.11.10.3	Subparagraph (e) revised
	8.6.11.11	First sentence revised
	8.6.11.15	Added
	8.7.1.3	Last sentence added
358	8.7.2.2	Revised
359	8.7.2.10.1	Subparagraphs (a), (b), and (c) revised
360–362	8.7.2.11.1	Revised
	8.7.2.11.3	Revised
	8.7.2.14.1	Revised
	8.7.2.14.2	Subparagraph (i) revised
	8.7.2.14.5	Added
	8.7.2.15.2	Subparagraph (e) revised
	8.7.2.16.1	Subparagraph (g) revised
	8.7.2.16.4	Subparagraphs (a) and (g) revised
363–365	8.7.2.17.2	Subparagraphs (b)(4), (b)(10), and (c)(2) revised
	8.7.2.19	Last paragraph added
	8.7.2.21.1	Revised
	8.7.2.21.3	Revised
	8.7.2.21.4	Revised
	8.7.2.25.1	Subparagraphs (a) and (c) revised
366	8.7.2.27.5	Subparagraph (f)(6) revised
367	8.7.2.28	Subparagraph (a) revised
	8.7.3.2	Revised
369	8.7.3.22.1	Subparagraph (c) revised
	8.7.3.22.2	Subparagraph (c) revised
370	8.7.3.27	First sentence revised
371	8.7.3.31.6	Subparagraph (f)(6) revised
372	8.7.3.31.8	Subparagraph (a) revised
375	8.7.6.1.18	Added
376	8.7.6.2.17	Added
	8.8.1	Subparagraph (b) revised
	8.8.2	Revised
377	8.9.3	Last paragraph added

<i>Page</i>	<i>Location</i>	<i>Change</i>
378–383	8.10.1.7	Added
	8.10.2.2.1	Subparagraph (m) revised, and subpara. (y) added
	8.10.2.2.2	Subparagraphs (cc)(3)(-c)(-2) and (rr) revised
	8.10.2.2.3	(1) Subparagraphs (d), (d)(1), (d)(2), (s), (t), (dd), (ff)(3), and (ff)(4) revised (2) Subparagraph (ll) added
	8.10.2.2.5	Subparagraphs (c) and (f) revised
384	8.10.2.2.9	Revised
	8.10.2.3.2	Subparagraph (a) revised
385	8.10.3.2.1	(1) Subparagraphs (m) and (q) revised (2) Subparagraph (y) added
386	8.10.3.2.2	Subparagraphs (a), (b), (c), (f), (g), (i), (l), (m), (p) through (s), (cc), (dd), (ff), and (gg) revised
387, 388	8.10.3.2.3	(1) Subparagraphs (d), (d)(1), (d)(3), (d)(4), (e), (g), (j), (k), (m), (o), (ff)(3), and (ff)(4) revised (2) Subparagraph (d)(5) deleted (3) Subparagraph (kk) added
	8.10.3.2.4	(1) Subparagraphs (a), (b), and (c) revised (2) Subparagraph (o) added
	8.10.3.2.5	(1) Subparagraphs (d), (f), (i) through (l), and (o) revised (2) Subparagraph (v) added
389–393	8.10.3.3.2	Subparagraph (a) revised
	8.10.4.1.1	(1) Subparagraphs (i)(1)(-h), (r), and (t)(6) revised (2) Subparagraph (u) added
	8.10.4.1.2	Subparagraphs (m) and (x) revised
	8.10.4.2.2	Subparagraph (a) revised, and subpara. (j) added
394	8.10.5.16	Added
396, 397	8.11.1.9	Added
	8.11.2.1.1	(1) Subparagraphs (d) and (m) revised (2) Subparagraph (y) added
	8.11.2.1.2	Subparagraph (nn) revised
	8.11.2.1.3	Subparagraphs (l), (dd), and (qq) revised
399	8.11.3.1.6	Revised
401	8.11.5.16	Added
403–409	Section 9.1	Updated to reflect new and revised references

<i>Page</i>	<i>Location</i>	<i>Change</i>
410, 411	Section 9.2	Updated to reflect new and revised references
415	Fig. B-1	Cross-reference to 2.12.1 added
430	Fig. G-1	Revised
452	Table N-1	Revised
478	Nonmandatory Appendix T	Deleted
479	Table U-1	“Best engineering practice (BEP)” revised to “sound engineering practice (SEP)”
482	Nonmandatory Appendix W	Deleted
483	Table X-1	Item 28 revised
485	Table X-3	Item 21 revised
490	Nonmandatory Appendix Z	Added

**SPECIAL NOTE:**

The interpretations to ASME A17.1 issued from July 2012 through October 2015 follow the last page of this edition as a separate supplement, Interpretations No. 33.

# ASME A17.2-2014 SUMMARY OF CHANGES

Following approval by the ASME A17 Elevator and Escalator Committee and ASME, and after public review, ASME A17.2-2014 was approved by the American National Standards Institute on December 16, 2014.

The 2014 edition of ASME A17.2 includes the following revisions that are identified by a margin note, (14). Changes made to correct errors, as well as other new editorial changes, are identified by (ED).

<i>Page</i>	<i>Location</i>	<i>Change</i>
x–xii	Foreword	Updated
xviii	Preface	Form and Arrangement revised
1	1	Note (2) added
5	1.1.1	Note added
	1.1.4.3	Added
	1.1.4.4	Added
	1.2.1	Note added
6	1.2.4.3	Added
	1.2.4.4	Added
	1.3.4.3	Added
7	1.3.4.4	Added
	1.4.4.3	Added
	1.4.4.4	Added
8	1.5.4.3	Added
	1.5.4.4	Added
	1.6.4.3	Added
9	1.6.4.4	Added
	1.7.1	Note added
	1.7.4.3	Added
	1.7.4.4	Added
10	1.8.4.3	Added
	1.8.4.4	Added
	1.9.4.3	Added
	1.9.4.4	Added
	1.10.1	Note added
12	1.10.4.3	Added
	1.10.4.4	Added



<i>Page</i>	<i>Location</i>	<i>Change</i>
13	1.11.4.3	Added
	1.11.4.4	Added
	1.12.1	Note added
14	1.12.4.3	Added
	1.12.4.4	Added
	1.13.1.1	Note added
15	1.13.4.3	Added
	1.13.4.4	Added
	1.14.4.3	Added
	1.14.4.4	Added
	1.15.4.3	Added
	1.15.4.4	Added
	1.16.3	Note added
	1.16.4.3	Added
16	1.16.4.4	Added
	1.17.4.3	Added
17	1.17.4.4	Added
	1.18.4.3	Added
18	1.18.4.4	Added
	1.19.4.3	Added
	1.19.4.4	Added
	2.1.4	Note added
19	2.1.4.3	Added
	2.1.4.4	Added
	2.2.3	Note added
	2.2.4.3	Added
	2.2.4.4	Added
	2.3.4.3	Added
20	2.3.4.4	Added
	2.4.4.3	Added
21	2.4.4.4	Added
	2.5.4.3	Added
	2.5.4.4	Added
22	2.6.4.3	Added
	2.6.4.4	Added
	2.7.4.3	Added
	2.7.4.4	Added



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23	2.8.4.3	Added
	2.8.4.4	Added
	2.9.4.3	Added
	2.9.4.4	Added
	2.10.4.3	Added
	2.10.4.4	Added
25	2.11.4.3	Added
	2.11.4.4	Added
26	2.12.4.3	Added
	2.12.4.4	Added
30	2.13.4.3	Added
31	2.13.4.4	Added
	2.14.4.3	Added
	2.14.4.4	Added
	2.15.4.3	Added
32	2.16.4.3	Added
	2.17.3	Second paragraph added
33	2.17.4.3	Added
	2.18.4.3	Added
34	2.19.4.3	Added
35	2.20.4.3	Added
	2.20.4.4	Added
36	2.21.4.3	Added
	2.22.4.3	Added
37	2.23.4.3	Added
	2.24.4.3	Added
38	2.25.4.3	Added
	2.26.4.3	Added
	2.26.4.4	Added
	2.27.4.3	Added
	2.27.4.4	Added
39	2.28.2	Revised in its entirety
	2.28.3.2	Added
	2.28.4.2	Added
40	2.28.4.3	Added
41	2.29.2(c)(1)	Revised





<i>Page</i>	<i>Location</i>	<i>Change</i>
45	2.29.4.3	Added
	2.29.4.4	Added
46	2.30.4.4	Added
	2.31.4.4	Added
47	2.32.4.4	Added
48	2.33.4.4	Added
	2.34.4.4	Added
49	2.35.4.4	Added
	2.36.4.4	Added
50	2.37.4.4	Added
	2.39.4.4	Added
51	2.40.4.3	Added
	2.40.4.4	Added
52	2.42.4.3	Added
	2.42.4.4	Added
	2.43	Added
53	Table 2.43.3.1	Added
54	Part 3	Note added
	3.1.4.3	Added
	3.1.4.4	Added
	3.2.4.3	Added
	3.2.4.4	Added
55	3.3.1	(1) Title revised (2) Note added
	3.3.2	Editorially revised; redesignated as 3.3.3 and new 3.3.2 added
	3.3.3	Editorially revised; redesignated as 3.3.4
	3.3.4.3	Added
	3.3.4.4	Added
	3.4.1	(1) Title revised (2) Note added
57	3.4.4.3	Added
	3.4.4.4	Added
	3.5	(1) Revised in its entirety (2) Note added
58	3.5.4.3	Added
	3.5.4.4	Added
	3.6.1.2	Note added



<i>Page</i>	<i>Location</i>	<i>Change</i>
59	3.7.4.3	Added
	3.7.4.4	Added
	3.8.1	(1) Title revised (2) Note added
60	3.8.4.3	Added
	3.8.4.4	Added
	3.9.4.3	Added
	3.9.4.4	Added
61	3.10.4.3	Added
	3.10.4.4	Added
	3.11.4.3	Added
	3.11.4.4	Added
62	3.12.4.3	Added
	3.12.4.4	Added
	3.13.4.3	Added
	3.13.4.4	Added
	3.14.4.3	Added
	3.14.4.4	Added
64	3.15.4.3	Added
	3.15.4.4	Added
65	3.16.4.3	Added
	3.16.4.4	Added
67	3.17.4.3	Added
	3.17.4.4	Added
	3.18.4.3	Added
	3.18.4.4	Added
68	3.19.4.3	Added
	3.19.4.4	Added
	3.20.4.3	Added
	3.20.4.4	Added
69	3.21.4.3	Added
	3.21.4.4	Added
71	3.22.4.3	Added
	3.22.4.4	Added
	3.23	(1) Title revised (2) Note added



<i>Page</i>	<i>Location</i>	<i>Change</i>
72	3.23.1(c)(1)(c)	Revised
	3.23.1(c)(4)	Added
	3.23.2.1	Added
	3.23.4.1	References updated
74	Fig. 3.23.3	Added
75	3.23.4.2	References updated
	3.23.4.3	Added
	3.23.4.4	Added
	3.24.4.3	Added
	3.25.4.3	Added
76	3.26.4.3	Added
	3.27.4.3	Added
77	3.28.4.3	Added
78	3.29.4.3	Added
	3.30.4.4	Added
	3.31.4.4	Added
79	3.32.4.4	Added
	3.33.4.4	Added
80	3.34.3.2	Added
	3.34.4.2	References updated
	3.34.4.3	Added
81	4.1.4.3	Added
	4.1.4.4	Added
82	4.2.4.3	Added
	4.2.4.4	Added
83	4.3.4.3	Added
	4.3.4.4	Added
	4.4.4.3	Added
	4.4.4.4	Added
84	4.5.4.3	Added
	4.5.4.4	Added
	4.6.4.3	Added
	4.6.4.4	Added
85	4.8.4.3	Added
	4.8.4.4	Added
87	5.1.1	Note added



<i>Page</i>	<i>Location</i>	<i>Change</i>
88	5.1.4.3	Added
	5.1.4.4	Added
	5.2.1.1	Note added
89	5.2.3.1(b)(3)	Added
	5.2.3.2(b)(3)	Added
90	5.2.4.3	Added
	5.2.4.4	Added
	5.3.1.1	Notes (1) and (2) added
	5.3.4.3	Added
91	5.4.4.3	Added
	5.4.4.4	Added
	5.5.4.3	Added
	5.5.4.4	Added
92	5.6.4.3	Added
	5.6.4.4	Added
	5.7.1	Last paragraph revised
	5.7.3	Revised
	5.7.4.3	Added
	5.7.4.4	Added
	5.8.4.3	Added
93	5.8.4.4	Added
94	5.9.1.1	Note added
	5.9.4.3	Added
95	5.10.1.1	Note added
	5.10.4.1	References revised
	5.11.4.4	Added
96	5.12.1.1	Note added
	5.12.4.4	Added
	5.13.4.4	Added
97	5.14.4.4	Added
98	5.15.4.4	Added
	5.16.4.3	Added
	5.16.4.4	Added
	6.1.4.3	Added
100	6.1.4.4	Added
101	6.3.4.3	Added
105	6.3.4.4	Added



<i>Page</i>	<i>Location</i>	<i>Change</i>
109	6.4.4	Note added
	6.4.4.3	Added
	6.4.4.4	Added
188	Mandatory Appendix II	Foreword and Preface revised
189	II-1.4.1	Title and subparagraph (a) revised
	II-1.4.2	References updated
190	II-1.7.1	(1) Title revised (2) Subparagraph (d) added
	II-1.7.2	References updated
209–250	Nonmandatory Appendix A	Updated
293–307	Nonmandatory Appendix B	Acceptance checklist for 2013 Edition added
310–369	Nonmandatory Appendix D	Added
370–374	Nonmandatory Appendix E	Added
375–388	Nonmandatory Appendix F	Added
389	Nonmandatory Appendix G	Added



# ASME A17.3-2015 SUMMARY OF CHANGES

Following approval by the ASME A17 Elevator and Escalator Committee, and after public review, ASME A17.3-2015 was approved by the American National Standards Institute on April 17, 2015. It was issued on August 28, 2015, and is effective as of February 28, 2016.

The 2015 edition of ASME A17.3 includes revisions that are identified by a margin note, (15). The following is a summary of the latest revisions and changes:

<i>Page</i>	<i>Location</i>	<i>Change</i>
xiii–xv	Preface	(1) A17 CD-ROM paragraph deleted (2) Last sentence in Published Interpretations paragraph deleted (3) Correspondence With the A17 Committee section revised
18	Table 1.6(a)	NBCC row added
19	Table 1.6(b)	(1) Updated (2) NRCC row added
25, 26	2.7.3	Subparagraph (c) added
38	3.10.11	Added
	3.10.12	Added
43	4.7.7	Revised
46	5.3.2	(1) Subparagraph (a) revised (2) Subparagraphs (b) and (c) added
47	5.3.4	Revised
	5.3.5	Revised
	5.3.12	Added



<i>Page</i>	<i>Location</i>	<i>Change</i>
63	9.6.3	(1) Subparagraphs (a) and (b) revised (2) Subparagraph (c) added
	9.6.5	Revised
	9.6.12	Added
	9.6.13	Added

**SPECIAL NOTE:**

The interpretations to ASME A17.3 issued between January 2011 and March 2015 follow the last page of this edition as a separate supplement, Interpretations No. 9.



# Preface

This is the fifth edition of CSA B44.1/ASME A17.5, *Elevator and escalator electrical equipment*. It supersedes the previous editions published in 2011, 2004, 1996, and 1991.

The purpose of this Standard is to reduce the risk of injury to persons and damage to property from fire and electrical shock. To this end, it is a safety Standard for the design and construction of equipment to be used in conformity with the rules of the applicable elevator and electrical codes (i.e., ASME A17.1/CSA B44 and CSA C22.1, *Canadian Electrical Code, Part I*, or ANSI/NFPA 70).

This Standard arose from the need to have identical Canadian and U.S. requirements for this equipment, thereby enabling manufacturers to have their products certified by an approved testing laboratory in Canada or the United States and to have the certification ratified for acceptance in either country.

In 1986, an ad hoc committee on the certification of electrical equipment consisting of jurisdictional authorities, representatives of Canadian and U.S. testing laboratories, and Canadian and U.S. manufacturers began to develop a draft for submission to the ASME A17 Standards Committee on Elevators and Escalators and the CSA Technical Committee on the Elevator Safety Code. Its initial investigation consisted of a review of the industrial control Standards CSA C22.2 No. 14 and UL 508. These Standards could not be used as such, due to the differences in the application of industrial control equipment and elevator equipment. It was recognized that industrial control equipment normally operates continuously for a low number of operations (about 3000/year) and at full-load current. In contrast, elevator control equipment operates intermittently for a high number of operations (about 500 000/year), and at up to 200 to 250% of full-load current in order to accelerate a mass. Further, elevator equipment is usually protected by either a locked machine room or a hoistway. The applicable portions of CSA C22.2 No. 14 and UL 508 were then reviewed and adapted to elevator equipment. (Grateful acknowledgement is made to Underwriters Laboratories Inc. for the use of UL 508.) Where there were differences between the UL and CSA Group Standards, the more stringent requirements were used.

This Standard has been approved by the CSA Technical Committee on the Elevator Safety Code and the ASME A17 Standards Committee on Elevators and Escalators. It is the intent of these committees to maintain a single harmonized Standard by coordinating their procedures for revising and interpreting this Standard. To this end, interpretations and revisions of this Standard will not be issued without the approval of both committees.

Changes to this edition include:

- (a) addition of Clause 2.3, Definitions;
- (b) addition of Clause 5.3;
- (c) update to Clause 6.4.2;
- (d) updates to Clause 7.1, Requirements for enclosures;
- (e) addition of Clause 7.2;
- (f) update to Clause 12.2, and addition of Clauses 12.4 and 12.5;
- (g) updates to Clauses 19.2.1, 19.2.2, and 19.2.3;
- (h) update to Clauses 20.8 and 20.11;
- (i) addition of Clauses 20.22, 20.23, and 20.24; and
- (j) updates to Table 18.

This Standard was prepared by the CSA B44.1/ASME A17.5 Joint Committee on Elevator and Escalator Electrical Equipment, under the jurisdiction of the CSA Technical Committee on the Elevator Safety Code, the CSA Strategic Steering Committee on Mechanical and Industrial Equipment Safety, and the ASME A17 Standards Committee on Elevators and Escalators, and has been formally approved by the CSA Technical Committee and the ASME A17 Standards Committee. It was approved as an American National Standard by the American National Standards Institute (ANSI) on July 2, 2014.

## ASME Notes:

- (1) *This standard was developed under procedures accredited as meeting the criteria for American National Standards and it is an American National Standard. The Standards Committee that approved the code or standard was balanced to assure that individuals from competent and concerned interests have had an opportunity to participate. The proposed Standard was made available for public review and comment that provides an opportunity for additional public input from industry, academia, regulatory agencies, and the public-at-large.*





- (2) ASME does not “approve,” “rate,” or “endorse” any item, construction, proprietary device, or activity.
- (3) ASME does not take any position with respect to the validity of any patent rights asserted in connection with any items mentioned in this document, and does not undertake to insure anyone utilizing a standard against liability for infringement of any applicable letters patent, nor assume any such liability. Users of a standard are expressly advised that determination of the validity of any such patent rights, and the risk of infringement of such rights, is entirely their own responsibility.
- (4) Participation by federal agency representative(s) or person(s) affiliated with industry is not to be interpreted as government or industry endorsement of this standard.
- (5) ASME accepts responsibility for only those interpretations of this document issued in accordance with the established ASME procedures and policies, which precludes the issuance of interpretations by individuals.
- (6) ASME issues written replies to inquiries concerning interpretation of technical aspects of this Standard. All inquiries regarding this Standard, including requests for interpretations, should be addressed to:

Secretary, A17 Standards Committee  
 The American Society of Mechanical Engineers  
 Two Park Avenue  
 New York, NY 10016-5990

A request for interpretation should be clear and unambiguous. The request should

- cite the applicable edition of the Standard for which the interpretation is being requested.
- phrase the question as a request for an interpretation of a specific requirement suitable for general understanding and use, not as a request for an approval of a proprietary design or situation. The inquirer may also include any plans or drawings, which are necessary to explain the question; however, they should not contain proprietary names or information.

ASME procedures provide for reconsideration of any interpretation when or if additional information that might affect an interpretation is available. Further, persons aggrieved by an interpretation may appeal to the cognizant ASME Committee.

Interpretations are published on the ASME Web site under the Committee Pages at <http://cstools.asme.org/> as they are issued.

#### CSA Group Notes:

- (1) Use of the singular does not exclude the plural (and vice versa) when the sense allows.
- (2) Although the intended primary application of this Standard is stated in its Scope, it is important to note that it remains the responsibility of the users of the Standard to judge its suitability for their particular purpose.
- (3) This publication was developed by consensus, which is defined by CSA Policy governing standardization — Code of good practice for standardization as “substantial agreement. Consensus implies much more than a simple majority, but not necessarily unanimity”. It is consistent with this definition that a member may be included in the Technical Committee list and yet not be in full agreement with all clauses of this publication.
- (4) To submit a request for interpretation of this Standard, please send the following information to [inquiries@csagroup.org](mailto:inquiries@csagroup.org) and include “Request for interpretation” in the subject line:
  - (a) define the problem, making reference to the specific clause, and, where appropriate, include an illustrative sketch;
  - (b) provide an explanation of circumstances surrounding the actual field condition; and
  - (c) where possible, phrase the request in such a way that a specific “yes” or “no” answer will address the issue.
 Committee interpretations are processed in accordance with the CSA Directives and guidelines governing standardization and are available on the Current Standards Activities page at [standardsactivities.csa.ca](http://standardsactivities.csa.ca).
- (5) This Standard is subject to review five years from the date of publication. Suggestions for its improvement will be referred to the appropriate committee. To submit a proposal for change, please send the following information to [inquiries@csagroup.org](mailto:inquiries@csagroup.org) and include “Proposal for change” in the subject line:
  - (a) Standard designation (number);
  - (b) relevant clause, table, and/or figure number;
  - (c) wording of the proposed change; and
  - (d) rationale for the change.
- (6) Attention is drawn to the possibility that some of the elements of this Standard may be the subject of patent rights. CSA Group is not to be held responsible for identifying any or all such patent rights. Users of this Standard are expressly advised that determination of the validity of any such patent rights is entirely their own responsibility.



# ASME QEI-1–2013 SUMMARY OF CHANGES

Following approval by the ASME QEI Committee and ASME, and after public review, ASME QEI-1–2013 was approved by the American National Standards Institute on September 27, 2013.

ASME QEI-1–2013 includes editorial changes, revisions, and corrections introduced in ASME QEI-1–2010 as well as the following changes identified by a margin note, (13).

<i>Page</i>	<i>Location</i>	<i>Change</i>
x	Preface	Revised
1, 2	1.1.2	Revised
	1.1.3	(1) Deleted (2) Original paras. 1.1.4 and 1.1.5 redesignated as new paras. 1.1.3 and 1.1.4, respectively
	Section 1.2	(1) Terms <i>accredited certifying organization</i> and <i>current edition</i> revised (2) Terms <i>Certificate of Accreditation</i> , <i>certification manual</i> , <i>certification program</i> , and <i>QEI logo</i> deleted
	1.3(f)	Revised
	1.3(l)	Added
3	Section 1.4	(1) Title revised (2) New first paragraph added (3) Second paragraph revised (4) Last paragraph deleted
	1.4(o)	Added
	1.5.1	First paragraph added
	1.5.2	(1) Title revised (2) Subparagraph (c)(2) revised (3) Subparagraph (c)(3) added (4) Subparagraph (d) redesignated as subparagraph (e), and new subparagraph (d) added
	Section 1.6	Revised
	Section 1.7	Deleted
5	2.1(o)	Revised
	2.1(p)	Revised
9	Part 4	Revised in its entirety
11	A-3	Revised
	A-4(c)	Added



<i>Page</i>	<i>Location</i>	<i>Change</i>
	A-5	(1) Redesignated as A-6 (2) New A-5 added
12	A-6	Redesignated as A-7
	A-7	Redesignated as A-8
	A-8	Redesignated as A-9
	A-9	(1) Redesignated as A-11 (2) New A-10 added
14	Nonmandatory Appendix C	QEI logo deleted from Front of Sample Certification Card
15	Nonmandatory Appendix D	Title and paragraph revised
16	Nonmandatory Appendix E	Revised in its entirety
18	Nonmandatory Appendix F	(1) Title revised (2) Mandatory language removed
20	Nonmandatory Appendix G	(1) Subtitle revised (2) Mandatory language removed

**SPECIAL NOTE:**

The interpretations to QEI-1 are included in this edition as a separate section for the user's convenience.



## IDAPA 07 – DIVISION OF BUILDING SAFETY

### 07.07.01 – RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS, DIVISION OF BUILDING SAFETY

DOCKET NO. 07-0701-1701

#### 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 54-5001 and 54-5005, 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 September 20, 2017.

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 current edition of the International Residential Code requires mechanical ventilation and details how to design the systems to achieve the required flowrate of air as expressed in cubic feet per minute (CFM). This is based on the number of bedrooms and square footage of the dwelling. The existing administrative rule provision does not improve or help administer this requirement beyond that which is already contained in the code itself. Accordingly, the code amendment in the rules is not needed. This rulemaking deletes an amendment to a mechanical provision (section M1502.4.2) of the International Residential Code related to System Design that is no longer necessary.

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

**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: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is simple in nature. The International Residential Code (IRC) currently adopted for the State of Idaho already contains provisions related to designing mechanical systems to achieve the required flowrate of air in residences. This rulemaking merely deletes an unnecessary amendment to the IRC that is already adequately covered elsewhere therein. Additionally, the proposed rulemaking was discussed at several HVAC board meetings over the course of the last year, without opposition from mechanical contractors or the public.

**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:

This rulemaking deletes an amendment to a mechanical provision (section M1502.4.2) of the International Residential Code related to System Design that is no longer necessary.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact John Nielsen at (208) 332-7112.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 27, 2017.

DATED this 11th day of August, 2017.

Ron Whitney, Deputy Administrator  
Division of Building Safety  
Phone: (208) 332-7150 / Fax: (877) 810-2840

1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83642

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0701-1701**  
**(Only Those Sections With Amendments Are Shown.)**

**006. ADOPTION AND INCORPORATION BY REFERENCE OF PART V (MECHANICAL) AND PART VI (FUEL GAS) OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE (1)- AND TWO (2)- FAMILY DWELLINGS, 2012 EDITION.**

**01. Part V (Mechanical) and Part VI (Fuel Gas) of the International Residential Code for One (1)- and Two (2)-Family Dwellings.** The 2012 Edition, including appendixes “A, B, C, and D,” (herein IRC) is adopted and incorporated by reference with the following amendments: (3-20-14)

**a.** Where differences occur between the IRC and Title 54, Chapter 50, Idaho Code, and IDAPA 07, Title 07, Chapter 01, the provisions in Idaho Code and IDAPA rules shall apply. (4-7-11)

**b.** All references to the International Plumbing Code (IPC) shall be construed as referring to the Idaho State Plumbing Code (ISPC) as adopted and amended by the Idaho State Plumbing Board. (3-20-14)

**c.** All references to the International Code Council Electrical Code (ICC EC) shall be construed as referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board. (4-7-11)

**d.** Add the following as section M1201.3 and section G2402.4 (201.4): Alternative materials, design and methods of construction equipment. The provisions of this part of the code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the authority having jurisdiction finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code. Compliance with the specific performance-based provisions of this part of the code in lieu of specific requirements of this code shall also be permitted as an alternate. (4-4-13)

**e.** Add the following as section M1201.3.1 and section G2402.4.1 (201.4.1): Tests. Whenever there is insufficient evidence of compliance with the provisions of this part of the code, or evidence that a material or method does not conform to the requirements of this part of the code, or in order to substantiate claims for alternative materials or methods, the authority having jurisdiction shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the authority having jurisdiction shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the authority having jurisdiction for the period required for retention of public records. (4-4-13)

**f.** Add the following as section M1203.1: Carbon monoxide alarms. For new construction, an approved carbon monoxide alarm shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages. (4-4-13)

**g.** Add the following as section M1203.2: Where required in existing dwellings. Where work requiring a permit occurs in existing dwellings that have attached garages or in existing dwellings within which fuel-fired appliances exist, carbon monoxide alarms shall be provided in accordance with Subsection 006.01.f. of these rules. (4-4-13)

**h.** Add the following as section M1203.3: Alarm requirements. Single station carbon monoxide alarms shall be listed as complying with UL 2034 and shall be installed in accordance with this code and the manufacturer’s installation instructions. (4-4-13)

**i.** Section M1502.4.1 Material and size. Add the following exception: Dryer duct may be constructed of 0.013 (30 gauge) or equivalent if prefabricated 0.016 (28 gauge) ducts and fittings are not available. (3-20-14)

**j.** Delete Section M1502.4.2 Duct Installation and replace with the following: Exhaust ducts shall be supported at four (4) foot (1,219 mm) intervals and secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Ducts shall not be joined with screws or similar fasteners that protrude into the inside of the duct. (3-20-14)

~~**k.** Section M1507.3.1 System Design. Add the following to the end of the section: Outdoor air shall be ducted predominantly horizontal to avoid chimney effect. Outdoor air ducts will contain an accessible back draft damper and be designed to have an open cross section of twenty (20) square inches per one thousand (1,000) square feet of conditioned space. (3-20-14)~~

~~**k.** Table M1601.1.1 (2) Gauges of Metal Ducts and Plenums Used for Heating or Cooling. Add the following exception: Round duct, enclosed rectangular ducts and fittings less than fourteen (14) inches may be constructed of 0.013 (30 gauge) or equivalent if prefabricated 0.016 (28 gauge) ducts and fittings are not available. (3-20-14)~~

~~**l.** Section G2417.4 (406.4). Change the last sentence to: Mechanical gauges used to measure test pressure shall have a range such that the highest end of the scale is not greater than two (2) times the test pressure nor lower than one and one-half (1.5) times the test pressure. (4-7-11)~~

~~**m.** Section G2417.4.1 (406.4.1). Test Pressure. Not less than twenty (20) psig (one hundred forty (140) kPa gauge) test pressure shall be required for systems with a maximum working pressure up to ten (10) inches water column. For systems with a maximum working pressure between ten (10) inches water column and ten (10) psig (seventy (70) kPa gauge), not less than sixty (60) psig (four hundred twenty (420) kPa gauge) test pressure shall be required. For systems over ten (10) psig (seventy (70) kPa gauge) working pressure, minimum test pressure shall be no less than six (6) times working pressure. (4-7-11)~~

~~**n.** Section G2417.4.2 (406.4.2). The test duration shall not be less than twenty (20) minutes. (4-7-11)~~

~~**o.** Add a new section G2427.4.1.2 as follows: Testing. All plastic pipe within a dwelling used for venting flue gases shall be tested at five (5) psi for fifteen (15) minutes. (4-4-13)~~

**02. Availability of the International Residential Code for One (1)- and Two (2)-Family Dwellings.**  
The 2012 Edition 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. (3-20-14)

## **INCORPORATION BY REFERENCE SYNOPSIS**

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

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

**DIVISION OF BUILDIGN SAFETY**  
**IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air**  
**Conditioning Systems, Division of Building Safety**  
**Proposed Rulemaking - Docket No. 07-0701-1701**

Specific mechanical provisions in the International Residential Code (IRC) are adopted by the HVAC Board which apply to the installation of HVAC systems in the State of Idaho. The current edition of the IRC already addresses mechanical ventilation and details how to design the systems to achieve the required flowrate of air as expressed in cubic feet per minute (CFM). This is based on the number of bedrooms and square footage of the dwelling. The existing administrative rule provision involved in this rulemaking does not improve or help administer this requirement beyond that which is already contained in the code itself. Accordingly, this particular amendment related to system design no longer needs to be incorporated into the IDAPA HVAC rules.

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

### **07.07.01 – RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS, DIVISION OF BUILDING SAFETY**

**DOCKET NO. 07-0701-1702**

#### **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 54-5005 and 54-5021, 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 September 20, 2017.

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:

Section 54-5021, Idaho Code, requires that HVAC inspectors are to be appropriately certified for the type of HVAC work that they are inspecting in accordance with administrative rule. This rulemaking identifies two entities currently available that certify mechanical inspectors, and allows the HVAC Board the flexibility to approve any other professional certifying body.

This rule specifies that all mechanical inspectors in Idaho employed by the state or a local government shall hold an inspector certification as either a commercial or residential mechanical inspector, as required depending on the type of mechanical work being inspected. It also provides that mechanical inspectors shall obtain such certification from the International Association of Plumbing and Mechanical Officials (IAPMO), the International Code Council (ICC), or another professional certifying body as approved by the HVAC Board.

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

**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: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is simple in nature. Idaho Code requires that HVAC inspectors be certified as commercial or residential mechanical inspectors. The large majority of mechanical inspectors with the Division and local jurisdictions attain certification through two organizations – International Code Council (ICC), and the International Association of Plumbing and Mechanical Officials (IAPMO). This rulemaking would only establish in rule what is largely occurring already among mechanical inspectors. Additionally, the proposed rulemaking was discussed at numerous HVAC board meetings over the course of several years, without opposition from mechanical inspectors or the public.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact John Nielsen at (208) 332-7112.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 27, 2017.

DATED this 11th day of August, 2017.

Ron Whitney, Deputy Administrator  
Division of Building Safety  
Phone: (208) 332-7150 / Fax: (877) 810-2840

1090 E. Watertower Street, Suite 150  
P. O. Box 83720  
Meridian, ID 83642



**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0701-1702**  
**(Only Those Sections With Amendments Are Shown.)**

**061. INSPECTOR QUALIFICATIONS.**

In accordance with Section 54-5021, Idaho Code, all mechanical inspectors in Idaho employed by the state or a local government shall hold an inspector certification as a commercial or residential mechanical inspector, as required depending on the type of mechanical work being inspected. Mechanical inspectors shall obtain the requisite certification from either the International Association of Plumbing and Mechanical Officials (IAPMO), the International Code Council (ICC), or other professional certifying body as approved by the board. ( )

~~061~~. -- 069. (RESERVED)

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

### **07.09.01 – SAFETY AND HEALTH RULES FOR PLACES OF PUBLIC EMPLOYMENT**

#### **DOCKET NO. 07-0901-1701 (CHAPTER REPEAL)**

#### **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 Section 67-2601A, 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 September 20, 2017.

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 rules of the Division of Building Safety, Safety and Health Rules for Places of Public Employment, IDAPA 07, Title 09, Chapter 01, are being repealed in their entirety. Statutory authority to administer the safety and health program for state facilities was transferred solely to the Division in 2015. Consequently, applicable rules contained herein this chapter will be updated and incorporated into a different chapter of the IDAPA code (07.04.01), which is already administered by the Division. As a result, this chapter of the rules is unnecessary.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted in an open, public meeting on May 2, 2017. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 5, 2017 Idaho Administrative Bulletin, [Vol. 17-4, pages 24 through 25](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Gary Barnes, Industrial Safety Program Manager, Division of Building Safety at (208) 332-8974.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 27, 2017.

DATED this 11th day of August, 2017.

Ron Whitney, Deputy Administrator  
Division of Building Safety  
Phone: (208) 332-7150 / Fax: (877) 810-2840

1090 E. Watertower Street, Suite 150  
P. O. Box 83720  
Meridian, ID 83642

**IDAPA 07.09.01 IS BEING REPEALED IN ITS ENTIRETY**

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

### **07.10.01 – RULES GOVERNING THE DAMAGE PREVENTION BOARD, DIVISION OF BUILDING SAFETY**

**DOCKET NO. 07-1001-1701**

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

**EFFECTIVE DATE:** The effective date of the temporary rule is September 1, 2017.

**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 55-2203, 55-2208 and 55-2211, 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 September 20, 2017.

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:

During the 2016 session, the Idaho Legislature established the Damage Prevention Board and amended the statutory scheme in Title 55, Chapter 22, Idaho Code, related to the prevention of damage of underground facilities throughout the state. Several statutory sections within Title 55, Chapter 22, Idaho Code, require the Board to adopt rules governing various aspects of the Board's authority to regulate safe practices, and the conduct of those involved in the industry in order to prevent damage to underground facilities. These statutory Sections include 55-2203, 55-2208 and 55-2211. The rules required pursuant to these statutes relate to the adoption of training programs, improving technology and facility owners' internal performance measures, the adoption of processes for filing claims and complaints related to damaged facilities and excavator downtime, and the establishment of civil penalties for violations of the Damage Prevention Board statutes and rules.

This rulemaking provides several definitions of key terms including "hand digging" and "soft digging;" it establishes the adoption process and accessibility of educational and training materials for use by stakeholders; as well as processes for the review of the adequacy of facility owners' ability to locate their facilities, and reviewing technology to improve communication and locating capabilities. The rulemaking also establishes procedural requirements for filing complaints and claims related to underground facility damage or excavator downtime. Finally, it establishes the civil penalties that may be imposed for certain violations of the statutes and rules.

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

The 2016 Legislature amended Title 55, Chapter 22, Idaho Code related to the prevention of damage to underground facilities throughout the state. Several statutory sections within Title 55, Chapter 22, Idaho Code, require the Board to adopt rules governing various aspects of the industry to ensure safe practices and the protection of underground facilities. Because the statutes require much of the detail about administering the program to be set forth in rule, it is difficult for the Board to actually implement an effective damage prevention program. Additionally, the Pipeline and Hazardous Materials Safety Administration (PHMSA) within the U.S. Department of Transportation conducts an annual evaluation of the State's excavation and underground damage prevention program to determine if it meets federal requirements.

In 2016, PHMSA found that the State of Idaho's program was inadequate largely due to the State's inability to enforce safe practices related to the protection of underground facilities, including the imposition of penalties and other sanctions. Establishing the authorities and policies provided in this rulemaking will be a critical step toward obtaining approval from PHMSA when it performs its 2017 evaluation of the State's program. In the absence of a state-approved program, PHMSA exercises jurisdiction over all pipelines and hazardous materials facilities, which is not preferred by those within the industry.

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

**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 state General Fund. It is expected that there will be a positive impact on the Damage Prevention Board dedicated fund as civil penalties are collected; however that may be offset by a negative impact to the Division as a result of the need to perform investigative activities in response to complaints received. Civil penalties will only adversely affect those stakeholders who do not comply with legal requirements. A positive and necessary economic result will be the reduction of underground facility damages throughout the State of Idaho, as well as reinforcement of public safety through the protection of life and property. The fiscal impact to the various stakeholders providing such assurance may be significant - up to hundreds of thousands of dollars spent in some cases on additional staffing and supporting resources to effectively reduce damage to underground facilities. Such expenses to facilities owners are expected to be offset by the reduction of actual damages when the damage prevention program begins to operate effectively.

**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 1, 2017 Idaho Administrative Bulletin, [Vol. 17-3, pages 20 through 21](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Ron Whitney, Deputy Administrator, at (208) 332-7150.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 27, 2017.

DATED this 9th day of August, 2017.

Ron Whitney, Deputy Administrator  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-7150  
Fax: (877) 810-2840

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 07-1001-1701  
(Only Those Sections With Amendments Are Shown.)**

**007. DEFINITIONS.**

**01. Hand Digging.** Any excavation involving non-mechanized tools or equipment that when used properly will not damage underground facilities. Hand digging includes but is not limited to hand shovel digging, manual post hole digging, vacuum excavation, or soft digging. (9-1-17)T

**02. Soft Digging.** Any excavation using tools or equipment that utilize air or water pressure as the direct means to break up soil or earth for removal by vacuum excavation. (9-1-17)T

**~~0078.~~ FUNDING OF BOARD ACTIVITIES.**

Each owner of an underground facility shall pay a fee of ten cents (\$.10) each time such owner receives notice from a one-number notification service as required by Section 55-2205, Idaho Code. The fee assessed upon the underground facility owner shall be collected by the one-number notification service, and shall be payable to the board in accord with the following schedule: (3-24-17)

**01. Fee Assessed.** The fee shall be assessed on an underground facility owner for each notification issued by the one-number notification service to the underground facility owner, with the one-number notification service required to submit a summary of the number of notices issued in a given month to the board no later than fifteen (15) days following the end of the month in which the notices were issued. (3-24-17)

**02. Payment Submission.** The one-number notification service shall submit payment to the board for all payments received from underground facility owners no later than seventy (70) days following the end of the month in which the notices were issued to the facility owners. In those cases where the payment from the underground utility owner is received after the seventy-day (70) period, the one-number service shall include late payments in its next payment to the board. (3-24-17)

**03. Notices Issued.** The one-number notification service shall also submit a detailed list of notices issued, including the facility owner's contact information, for which payment has not been received within the seventy (70) day period following the end of the month in which the notices were issued. Such list shall be updated on a monthly basis to reflect the status of all past-due payments due from underground utility owners that have not been received. (3-24-17)

**04. Civil Penalties.** Underground facility owners failing to submit payment to the one-number notification service in a timely manner shall be subject to the imposition of civil penalties and other remedies referenced in Title 55, Chapter 22, Idaho Code. (3-24-17)

**~~0089.~~ AUDIT OF ONE-NUMBER SERVICE RECORDS.**

The board shall have the right to review and audit the payment records of any one-number notification service relating to the collection of the ten cent (\$.10) fee imposed on underground facility owners. In the event the board wishes to conduct a review and/or audit of a one-number notification service, the board shall provide no less than a five (5) business day advance notice of the intended action. The board may delegate any responsibilities contained herein this chapter to the Division of Building Safety. (3-24-17)

**~~00910.~~ -- ~~999014.~~(RESERVED)**

**015. EDUCATIONAL AND TRAINING MATERIALS.**

**01. Approval of Training and Educational Programs.** The Damage Prevention Board shall approve and provide public notice through the Division of Building Safety acceptable training courses or programs and educational materials on relevant underground facility damage prevention topics pertaining to safe excavation, locating and marking of facilities, determining facility damage, emergency procedures, excavator downtime, pre-marking of intended excavation areas, and appropriate procedures when encountering unmarked facilities. (9-1-17)T

**02. Scope of Training and Educational Programs.** Such training programs and educational materials shall relate to various aspects of underground facility damage prevention, and shall contain practices, information, and standards generally accepted and recognized among stakeholders in Idaho. (9-1-17)T

**03. Accessibility of Training and Educational Programs.** The Division of Building Safety shall maintain a database of approved educational materials and training programs, and periodically update such as may be required by the board. The Division of Building Safety shall cause such educational materials and the identity of such training programs to be placed on its website so that interested persons may view it online. (9-1-17)T

**04. Purposes of Training and Educational Programs.** Such programs may be used for general

educational use by stakeholders or for remedial training that may be ordered by the board or the administrator pursuant to Section 55-2211, Idaho Code. Should completion of a training course by a stakeholder be required as a result of a violation of this chapter in accordance with Section 55-2211, Idaho Code, The Division of Building Safety shall record and maintain validation of successful completion of any such required training for two (2) years from date of completion. (9-1-17)T

**016. ADEQUACY OF FACILITY OWNERS LOCATING UNDERGROUND FACILITIES.**

The board shall review all stakeholder complaints of violations related to underground facility line locating, as well as generally accepted practices and procedures related to locating. Stakeholders shall take remedial actions to improve line-locating performance and shall monitor and report performance improvements to the board. (9-1-17)T

**017. IMPROVEMENT OF TECHNOLOGY AND COMMUNICATIONS BY STAKEHOLDERS.**

**01. Adoption of Technology and Communications Materials.** On an annual basis the board shall review and adopt any available technology and communications materials which promote effective underground facility locating. The board shall make available any such appropriate technology and communications materials as it may determine to all stakeholders on the Division of Building Safety website at <http://dbs.idaho.gov>. (9-1-17)T

**02. Availability of Technology and Communications Materials.** The board may request that stakeholders provide it with information or data related to procedures, methods, or technologies utilized by such stakeholders to enhance communications among other stakeholders, or that enhances underground facility locating capabilities, or enhances the stakeholder's ability to gather and analyze data related to underground facility damage. The board shall review such technologies, methods, or materials adopted by stakeholders to ensure that such use is adequate, as well as to provide stakeholders with best practices. The Division of Building Safety shall maintain an approved database of such referenced stakeholder data for public viewing and analysis on its website. (9-1-17)T

**018. DAMAGE PREVENTION COMPLAINTS.**

**01. Complaint Forms.** Persons may submit written complaints to the administrator regarding an alleged violation of Title 55, Chapter 22, Idaho Code, on such forms as required by the Division of Building Safety. Forms are available at the Division of Building Safety offices 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. They may also be accessed electronically on the Division of Building Safety's website at <http://dbs.idaho.gov/>. Notice of the complaint shall be served concurrently on the alleged violator by the person submitting the complaint. Verifiable proof of such notification of a complaint provided to the alleged violator shall also be provided to the administrator. (9-1-17)T

**02. Contents.** Complaints shall include the name and address of the complainant and the alleged violator, the date and location of the alleged violation, as well as a complete description of the nature of the violation alleged, including whether it resulted in damage to an underground facility or an excavator downtime event. Complainants may also provide additional documentation in support of a complaint. Complaints shall be accompanied by a sworn declaration from the complainant declaring that the information contained therein is true and accurate. The administrator may request additional information or documents in support of the complaint. Complaint forms shall be subject to Title 74, Chapter 1, Idaho Code. (9-1-17)T

**03. Complaint Procedures and Timelines.** The following timelines and procedure shall govern the process of filing and administering complaints related to violations of Title 55, Chapter 22, Idaho Code, and the rules of the Damage Prevention Board. (9-1-17)T

**a. Initial Filing.** Complaints shall be filed with the administrator not later than thirty (30) days from the date of the alleged violation giving rise to the complaint or from the date the violation should have reasonably been discovered by the complainant, whichever is later. (9-1-17)T

**b. Response.** The administrator shall notify the alleged violator of the complaint and request a response and any additional information from the alleged violator as may be necessary. The alleged violator may provide a response to the administrator within thirty (30) days from the date they are notified of the complaint by the administrator. (9-1-17)T

c. Recommendation. Within thirty (30) days of receipt of the response, or if no response is received, within fifteen (15) days from the deadline for filing a response, the administrator shall notify the complainant and the alleged violator of his recommended course of action. The administrator may extend the period of time in which to determine a recommended course of action, and so notify the parties, if he determines it is necessary to further review or investigate the complaint. (9-1-17)T

d. Contest. In accordance with Section 55-2211, Idaho Code, the alleged violator shall have the right to contest the imposition of a civil penalty before the damage prevention board. Notice of such contest shall be provided by the alleged violator not more than thirty (30) days after receipt of the administrator's recommended course of action. Recommendations of the administrator regarding complaints may be reviewed by the board at its next regularly scheduled meeting. (9-1-17)T

**019. CLAIMS AND REPORTS OF DAMAGE OR EXCAVATOR DOWNTIME.**

01. Claims. Claims for the cost of repairs for damaged underground facilities shall be enforced by the affected underground facility owner in accordance with procedures as may be established by the facility owner, and in accordance with applicable law. Underground facility owners shall provide notice to excavator contractors of such procedures, along with sufficient information supporting the basis for the amount of a claim within six (6) months from the date of the event giving rise to the claim or from the date the event should have reasonably been discovered by the underground facility owner, whichever is later. (9-1-17)T

02. Reports. Underground facility owners and excavators who observe, suffer or cause damage to an underground facility or observe, suffer or cause excavator downtime related to a failure of one (1) or more stakeholders to comply with applicable damage prevention statutes or regulations shall report such information to the board on forms or by such method adopted for such by the board. Forms are 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. They may also be accessed electronically on the Division's website at <http://dbs.idaho.gov/>. (9-1-17)T

**020. CIVIL PENALTIES.**

The Idaho Damage Prevention Board is authorized under Section 55-2203(17), Idaho Code, to establish by administrative rule the fines to be paid for civil penalties issued for violations of Title 55, Chapter 22, Idaho Code. To the extent authorized by Section 55-2211, Idaho Code, the acts described in this section shall subject the violator to a civil penalty of not more than one thousand dollars (\$1,000) for a second offense and a civil penalty of not more than five thousand dollars (\$5,000) for each offense that occurs thereafter within eighteen (18) months from an earlier violation, and where facility damage has occurred. (9-1-17)T

01. Violations of Title 55, Chapter 22, Idaho Code. The following acts shall subject a person to civil penalties: (9-1-17)T

a. Pre-marking Excavation Site. Any person who fails to adequately pre-mark onsite the path of proposed excavation as reasonably required under the circumstances in accordance with Section 55-2205(1)(b), Idaho Code, shall be subject to a civil penalty. (9-1-17)T

b. Notice of Excavation. Any person who fails to provide notice of the scheduled commencement of excavation to any underground facility owner through a one-number notification service, or directly to a facility owner, as applicable within the prescribed time as required by Section 55-2205(1)(c), Idaho Code, shall be subject to a civil penalty. (9-1-17)T

c. One-Number Notification to Facility Owner. A one-number notification service that fails to provide notice of a scheduled excavation upon notification from an excavator shall be subject to a civil penalty. (9-1-17)T

d. Failure to Locate or Mark. An underground facility owner who fails to locate or mark its underground facilities in accordance with Section 55-2205(2), Idaho Code, or within the prescribed time provided therein shall be subject to a civil penalty. (9-1-17)T

e. Failure to Wait for Locate or Maintain Markings. An excavator who commences excavation prior

to waiting the time prescribed by Section 55-2205(2), Idaho Code, for all known facilities to be located and marked, or an excavator who fails to maintain the markings of underground facilities previously so marked subsequent to the commencement of excavation in accordance with Section 55-2205(2), Idaho Code, shall be subject to a civil penalty. (9-1-17)T

**f.** Failure to Cease Excavation or Report Unidentified Facilities. An excavator who does not cease excavation in the immediate vicinity upon the discovery of underground facilities therein, whether such facilities be active or abandoned, which were not previously identified or located with reasonable accuracy, or does not notify the owner or operator of the facilities, or a one-number notification service in accordance with Section 55-2205(4), Idaho Code, shall be subject to a civil penalty. (9-1-17)T

**g.** Failure to Identify Facilities in Contract Documents. Project owners who fail to indicate in bid or contract documents the existence of underground facilities known by the owner to be located within the proposed area of excavation in accordance with Section 55-2207, Idaho Code, shall be subject to a civil penalty. (9-1-17)T

**h.** Precautions to Avoid Damage. An excavator who does not engage in any of the activities required by Section 55-2207(2), Idaho Code, or use reasonable care to avoid damage to underground facilities shall be subject to a civil penalty. (9-1-17)T

**i.** Reporting of Damage to Facility. An excavator who fails to report to a facility owner and a one-number notification service any contact or damage to an underground facility caused by such excavator in the course of excavation, or fails to alert an appropriate authority upon an actual breach of a facility which causes the release of gas or hazardous liquids as required by Section 55-2208(1), Idaho Code, shall be subject to a civil penalty. (9-1-17)T

**j.** Reporting to the Board. An excavator or underground facility owner who observes, suffers or causes damage to an underground facility or excavator downtime related to the failure of one (1) or more stakeholders to comply with the damage prevention regulations and fails to report such information to the board as required by Section 55-2208(5), Idaho Code, shall be subject to a civil penalty. (9-1-17)T

**k.** Failure to Participate. Any person who fails to participate or cooperate with a one-number notification service as required by Section 55-2206, Idaho Code, shall be subject to a civil penalty. (9-1-17)T

**02.** Second Offense. For the purpose of this section, a second offense shall be deemed to be any violation of Title 55, Chapter 22, Idaho Code, for which a civil penalty may be imposed in accordance with this section which occurs within eighteen (18) months of a previous violation of any provision. (9-1-17)T

**03.** Multiple Violations. Each day that a violation of Title 55, Chapter 22, Idaho Code, occurs for which a civil penalty may be imposed as provided herein shall constitute a separate offense. (9-1-17)T

**04.** Judicial Review. Any party aggrieved by the final action of the Idaho Damage Prevention Board shall be entitled to a judicial review thereof in accordance with the provisions of Title 67, Chapter 52, Idaho Code. (9-1-17)T

**021. -- 999. (RESERVED)**