

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

The Legislative Services Office, Research and Legislation, has received the enclosed rules of
the Department of Insurance:

IDAPA 18.08.01 - Adoption of the International Fire Code - Proposed Rule (Docket No.
18-0801-2001).

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 10/09/2020. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/06/2020.

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

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



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 Drafting Attorney - Elizabeth Bowen

DATE: September 22, 2020

SUBJECT: Department of Insurance

IDAPA 18.08.01 - Adoption of the International Fire Code - Proposed Rule (Docket No. 18-0801-2001)

Summary and Stated Reasons for the Rule

This rule modifies the International Fire Code regarding requirements for food trucks. Under the rule, the state shall delegate to local jurisdictions the authority to require food truck permits and inspections of a food truck's fuel gas system. Such permits and inspections shall not be required on a statewide level.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. There is no anticipated negative fiscal impact on the state general fund.

Statutory Authority

This rulemaking appears to be within the Department's authority under Sections 41-211 and 41-254, Idaho Code.

cc: Department of Insurance
Pamela Murray

*** PLEASE NOTE ***

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

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.08.01 – ADOPTION OF THE INTERNATIONAL FIRE CODE

DOCKET NO. 18-0801-2001

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 41-254, 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 16, 2020.

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 State Fire Marshal adopts the International Fire Code (IFC) then adjusts, via negotiated rulemaking, provisions of the IFC that we wish to exempt Idaho from enforcing at least at the state level. Under the 2018 fire code (IFC) that will go into effect on January 1, 2021, there was a new section added regulating food trucks. Two sub sections require additional inconveniences on the part of the food truck owner and additional money to the entrepreneur. Section 319.2, International Fire Code, states that permits shall be required as set forth in Section 105.6, International Fire Code. This rulemaking seeks to change the language so that permits be required “if required by the local jurisdiction.”

The SFM is unaware of any company that provides this inspection and certification in Idaho. This rulemaking will leave it to the individual jurisdictions to determine inspection and enforcement feasibility.

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 June 3, 2020 Idaho Administrative Bulletin, [Vol. 20-6, pages 183-184](#). A public meeting was held June 17, 2020.

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 Knute Sandahl at knute.sandahl@doi.idaho.gov or (208) 334-4377. 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 23, 2020.

Dated this 23rd day of July, 2020.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720, Boise, ID 83720-0043
Phone: (208) 334-4250 / Fax: (208) 334-4398

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 18-0801-2001
(Only Those Sections With Amendments Are Shown.)

021. MOBILE FOOD PREPARATION VEHICLES, SECTION 319, INTERNATIONAL FIRE CODE.

01. Permit Required. To Section 319.2, International Fire Code, add permissive language: “IF REQUIRED BY A LOCAL JURISDICTION, permits may be required as set forth in Section 105.6.” ()

02. Fuel Gas Systems. To Section 319.10.3, International Fire Code, add permissive language: “IF REQUIRED BY THE LOCAL JURISDICTION, LP-gas containers installed on the vehicle and fuel-gas piping systems may be inspected annually by an approved inspection agency or a company that is registered with the U.S. Department of Transportation to requalify LP-gas cylinders, ... Upon satisfactory inspection, the approved inspection agency shall affix a tag on the fuel gas system or within the vehicle indicating the name of the inspection agency and the date of satisfactory inspection, OR PROVIDE DOCUMENTATION OF INSPECTION UPON REQUEST OF THE LOCAL JURISDICTION.” ()

02+2. CHAPTER 5 FIRE SERVICE FEATURES.

Make the following changes within Chapter 5 of the International Fire Code; (3-20-14)

- 01. Section 501.** (4-7-11)
 - a.** To section 501.3 after the phrase, Construction documents for proposed, add the word “driveways.” (4-7-11)
 - b.** To section 501.4 after the phrase, When fire apparatus access roads, add the word “driveways.” (4-7-11)
- 02. Section 502.** (3-29-17)
 - a.** To section 502, add the following word “DRIVEWAY.” (3-29-17)
 - b.** To section 502, add the words “FIRE STATION.” (3-29-17)
- 03. Section 503.** (4-7-11)
 - a.** To section 503 add the words, “AND DRIVEWAYS” to the section heading. (4-7-11)
 - b.** To section 503.1.1 add the following sentence, “Driveways need to be provided and maintained in accordance with Sections 503.1.1 through 503.13.” (3-29-17)
 - c.** To section 503.6 delete the sentence, “The installation of security gates across a fire apparatus access road shall be approved by the fire chief.” (4-7-11)
 - d.** Add the following section, “503.7 Driveways. Need be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet (45720mm) from a fire apparatus access road. Driveways will provide a minimum unobstructed width of 12 feet (3658mm) and a minimum unobstructed height of 13 feet 6 inches (4115mm). Driveways in excess of 150 feet (45720mm) in length need to be provided with turnarounds. Driveways in excess of 200 feet (60960mm) in length and less than 20 feet (6096mm) in width may require turnouts in addition to turnarounds.” (4-7-11)
 - e.** Add the following section, “503.7.1 Limits. A driveway cannot serve in excess of five single family dwellings.” (4-7-11)

f. Add the following section, “503.7.2 Turnarounds. Driveway turnarounds need to have an inside turning radius of not less than 30 feet (9144mm) and an outside turning radius of not less than 45 feet (13716mm). Driveways that connect with an access road or roads at more than one point may be considered as having a turnaround if all changes of direction meet the radius requirements for driveway turnarounds.” (4-7-11)

g. Add the following section, “503.7.3 Turnouts. Where line of sight along a driveway is obstructed by a man-made or natural feature, turnouts need to be located as may be needed by the fire code official to provide for safe passage of vehicles. Driveway turnouts will be of an all-weather road surface at least 10 feet (3048mm) wide and 30 feet (9144mm) long.” (4-7-11)

h. Add the following section, “503.7.4 Bridge Load Limits. Vehicle load limits will be posted at both entrances to bridges on driveways and private roads. Design loads for bridges will be established by the fire code official.” (4-7-11)

i. Add the following section, “503.7.5 Address markers. All buildings need to have a permanently posted address, which will be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the address needs to be posted at the beginning of construction and maintained thereafter. The address need be visible and legible from the road on which the road on which the address is located. Address signs along one-way roads will be visible from both the intended direction of travel and the opposite direction. Where multiple address’s are required at a single driveway, they need to be mounted on a single post, and additional signs will be posted at locations where driveways divide.” (4-7-11)

j. Add the following section, “503.7.6 Grade. The gradient for driveways cannot exceed 10 percent unless approved by the fire code official.” (4-7-11)

k. Add the following section, “503.7.7 Security Gates. Where security gates are installed, they need to have an approved means of emergency operation. The security gates and emergency operation will be maintained operational at all times.” (4-7-11)

l. Add the following section, “503.7.8 Surface. Driveways need to be designed and maintained to support the imposed loads of local responding fire apparatus and will be surfaced as to provide all weather driving capabilities.” (4-7-11)

04. Section 507. To section 507.2 Type of water supply, delete the existing language and add the following, “A water supply will consist of water delivered by fire apparatus, reservoirs, pressure tanks, elevated tanks, water mains or other sources approved by the fire code official capable of providing the needed fire flow. Exception. The water supply prescribed by this code needs to apply to structures served by a municipal fire department or a fire protection district and within ten miles (16093m) of a responding fire station.” (4-7-11)

0223. -- 026. (RESERVED)