

Dear Senators PATRICK, Souza, Ward-Engelking, and  
Representatives DIXON, Furniss, Berch:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the  
Division of Occupational and Professional Licenses - Building Safety, Division of:  
IDAPA 24.39.10 - Rules of the Idaho Electrical Board (ZBR Chapter Rewrite, Fee Rule) - Proposed  
Rule (Docket No. 24-3910-2201);  
IDAPA 24.39.30 - Rules of Building Safety (Building Code Rules) (ZBR Chapter Rewrite, Fee Rule)  
- Proposed Rule (Docket No. 24-3930-2201).

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 10/03/2022. 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 10/31/2022.

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

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



**Terri Kondeff**  
Director

# Legislative Services Office

## Idaho State Legislature

*Serving Idaho's Citizen Legislature*

### MEMORANDUM

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

**FROM:** Principal Legislative Drafting Attorney - Ryan Bush

**DATE:** September 14, 2022

**SUBJECT:** Division of Occupational and Professional Licenses - Building Safety, Division of IDAPA 24.39.10 - Rules of the Idaho Electrical Board (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule (Docket No. 24-3910-2201)

IDAPA 24.39.30 - Rules of Building Safety (Building Code Rules) (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule (Docket No. 24-3930-2201)

#### **(1) IDAPA 24.39.10 - Rules of the Idaho Electrical Board**

##### **Summary and Stated Reasons for the Rule**

The Division of Occupational and Professional Licenses submits notice of a proposed rulemaking at IDAPA 24.39.10 - Rules of the Idaho Electrical Board (ZBR Chapter Rewrite, Fee Rule). The proposed chapter rewrite is being done pursuant to the Governor's Zero-Based Regulation executive order. The Division states that this rulemaking streamlines and simplifies the rule language and updates the rules to comply with governing statutes. Specifically, this chapter rewrite provides for licensure and registration; practice standards; permits and inspections and their corresponding fees; civil penalties; and adoption of the National Electrical Code with amendments.

##### **Negotiated Rulemaking / Fiscal Impact**

Negotiated rulemaking was conducted, and notice was published in the May edition of the Idaho Administrative Bulletin. Public hearings on this rulemaking were held on September 12 and September 14. There is no fiscal impact anticipated with this rulemaking.

##### **Statutory Authority**

The proposed rulemaking appears to be within the statutory authority granted to the Division in Sections 54-1005, 54-1006, 67-2604, and 67-2614, Idaho Code.

#### **(2) IDAPA 24.39.30 - Rules of Building Safety (Building Code Rules)**

##### **Summary and Stated Reasons for the Rule**

The Division of Occupational and Professional Licenses submits notice of a proposed rulemaking at IDAPA 24.39.30 - Rules of Building Safety (Building Code Rules) (ZBR Chapter Rewrite, Fee Rule). The

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

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legislature.idaho.gov

proposed chapter rewrite is being done pursuant to the Governor's Zero-Based Regulation executive order. The Division states that this rulemaking streamlines and simplifies the rule language and updates the rules to comply with governing statutes. Specifically, this chapter rewrite provides for permits and plan reviews and their corresponding fees and for adoption of international codes with amendments.

### **Negotiated Rulemaking / Fiscal Impact**

Negotiated rulemaking was conducted, and notice was published in the May edition of the Idaho Administrative Bulletin. A public hearing on this rulemaking was held on September 13, and another will be held on November 15. There is no fiscal impact anticipated with this rulemaking.

### **Statutory Authority**

The proposed rulemaking appears to be within the statutory authority granted to the Division in Sections 39-4107 and 67-2604, Idaho Code.

cc: Division of Occupational and Professional Licenses - Building Safety, Division of  
Tim Frost

### **\*\*\* PLEASE NOTE \*\*\***

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

**IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES**

**24.39.10 – RULES OF THE IDAHO ELECTRICAL BOARD**

**DOCKET NO. 24-3910-2201 (ZBR CHAPTER REWRITE, FEE RULE)**

**NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-2604, Idaho Code, and Sections 54-1001, 54-1005, 54-1006, 54-1007, 54-1009, 54-1018, 67-2614, 67-9406 and 67-9409, Idaho Code.

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

***MEETINGS SET FOR PUBLIC PARTICIPATION  
IN PERSON, TELEPHONE, AND WEB CONFERENCING***

<b>24.39.10 – Rules of the Idaho Electrical Board</b>	
<b>Monday, September 12, 2022</b>	<b>Wednesday, September 14, 2022</b>
<b>DOPL Board Conference Room Chinden Campus – Building #4 11341 W Chinden Blvd Boise ID 83714 <i>Scheduled time is 2:00 p.m. (MT) for all meetings</i></b>	

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

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

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

The fees for electrical permits and inspections as designated in IDAPA 24.39.10.500 of this proposed rule are authorized in Section 54-1005, Idaho Code. None of the fees are being changed as a result of this rulemaking and since being previously reviewed by the Idaho legislature.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted under docket 24-ZBRR-2201. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the May 4, 2022, Idaho Administrative Bulletin, [Vol. 22-5, pages 73-77](#).

**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:

Per Idaho Code 54-1001, the Board adopted the 2020 National Electrical Code with amendments.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tim Frost, Deputy Administrator at (208) 577-2491.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 5, 2022.

DATED this 1st day of September, 2022.

Tim Frost  
Deputy Administrator  
11341 W. Chinden Blvd., Bldg. #4  
Boise, ID 83714  
Phone: (208) 577-2491  
Email: [tim.frost@dopl.idaho.gov](mailto:tim.frost@dopl.idaho.gov)  
Website: <https://dopl.idaho.gov/>

**THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-3910-2201**  
**(Zero Based Regulation (ZBR) Chapter Rewrite)**

**24.39.10 – RULES OF THE IDAHO ELECTRICAL BOARD**

**000. LEGAL AUTHORITY.**

The rules are promulgated pursuant to Sections 54-1001, 54-1005, 54-1006, 54-1007, 54-1009, 54-1018, 67-2604, 67-2614, 67-9406 and 67-9409, Idaho Code. ( )

**001. SCOPE.**

The rules prescribe criteria and fees for issuance of licenses, electrical permits, and inspections of electrical installations, civil penalties, and adoption and amendment of the National Electrical Code. ( )

**002. DEFINITIONS.**

**01. Associated Buildings.** All buildings, structures, and fixtures used for domestic purposes and in connection with the primary or secondary residence, such as garages, sheds, barns, or shops. ( )

**02. Person.** Includes an individual, company, firm, partnership, corporation, association or other organization. ( )

**003. – 099. (RESERVED)**

**100. LICENSURE AND REGISTRATION.**

**01. Journeyman.** An applicant must pass an examination designated by the Board and either (a) submit evidence of a minimum of six thousand (6,000) hours of work experience as an apprentice making electrical

installations in accordance with the requirements of the jurisdiction in which the applicant obtained the experience and satisfactory completion of a four-year sequence of instruction approved by the Idaho Division of Career-Technical Education, or (b) submit proof of sixteen thousand (16,000) hours of electrical experience in accordance with the requirements of the jurisdiction in which the applicant obtained the experience. ( )

**a.** Examination. An applicant may sit for the exam after showing proof of completion of either the approved 4-year sequence of instruction or 16,000 hours of electrical experience. ( )

**b.** Provisional Journeyman License. A provisional journeyman license can be issued to an applicant who has completed the 16,000 hours of electrical experience but has not yet passed the examination. ( )

**c.** Work experience in appliance repair, motor winding, or communications will not count towards the requirements to take the journeyman examination or obtain a provisional journeyman or journeyman license. ( )

**d.** No more than two thousand (2,000) hours of work experience gained while engaged in the practice of a limited electrical installer or trainee may be counted toward the satisfaction of the experience requirements for journeyman licensure. ( )

**02. Master.** A master electrician does not need to also hold a journeyman license. ( )

**03. Limited Electrical Installer.** An applicant must submit evidence of a minimum of four thousand (4,000) hours of work experience in the same limited category in accordance with the requirements of the jurisdiction in which the applicant obtained the experience. ( )

**04. Electrical Contractor and Limited Electrical Contractor.** Applicant or its entity designee must pass an examination designated by the Board and submit an application signed by the applicant or an official representative of the entity making the application and countersigned by the supervising electrician. ( )

**a.** An entity applicant (such as, corporation, partnership, company, firm, or association) must designate in writing an individual to represent it for examination purposes. Any such designee shall be a supervisory employee and may not represent any other applicant for a contractor's license. ( )

**b.** In the event the working relationship between a contractor and its designee terminates, the contractor will notify the Division in writing within ten (10) days of the date of termination. The contractor may not purchase permits or make electrical installations unless another duly qualified designee passes the contractor's examination on behalf of the contractor. ( )

**05. Continuing Education.**

**a.** To renew, journeymen and master electricians must provide proof of completion, during the prior three-year license cycle, of twenty-four (24) hours of continuing education instruction consisting of eight (8) hours of code update covering changes included in the latest edition of the National Electrical Code and sixteen (16) hours of any combination of code-update training, code-related training, or industry-related training. ( )

**b.** To renew, an apprentice who has completed the education (if applicable) and experience requirements but has not passed the journeyman examination within two (2) years of completion of the education (if applicable) and experience requirements must provide proof of completion of twenty-four (24) hours of continuing education instruction consisting of eight (8) hours of NFPA 70E training and sixteen (16) hours of code update training, code-related training, or industry-related training. ( )

**101.–199. (RESERVED)**

**200. PRACTICE STANDARDS.**

**01. Electrical Contracting Work.** Contracting work includes electrical maintenance or repair work, in addition to new electrical installations, unless such work is expressly exempted by Section 54-1016, Idaho Code.

( )

**02. Contractor Scope.** A contractor's allowable scope of work is the same as the scope of its licensed employee. ( )

**03. Supervision.** ( )

**a.** The master, journeyman, or limited electrical installer shall be designated the supervising electrician; must be available during working hours to carry out the duties of supervising, as set forth herein; and will be responsible for supervision of electrical installations made by said contractor as provided by Section 54-1010, Idaho Code. ( )

**i.** A master electrician, journeyman, or limited electrical installer is not qualified for one (1) year as the supervising electrician if his contractor license was revoked. ( )

**ii.** An individual contractor may act as his own supervising master, journeyman, or limited electrical installer upon the condition that he holds an active master, journeyman, or limited electrical installer license. ( )

**b.** The employing contractor or limited electrical contractor must ensure each apprentice, trainee, and provisional journeyman performs electrical work only under the constant on-the-job supervision and training of a master, journeyman, or installer. ( )

**c.** Journeyman-to-Apprentice Ratio. One (1) journeyman shall not supervise more than four (4) apprentices performing electrical work on one- and two-family dwelling units. One (1) journeyman shall not supervise and train more than two (2) apprentices performing electrical work on all other types of electrical installations. ( )

**i.** The journeyman-to-apprentice ratio may be adjusted on a case-by-case basis by a showing by an electrical contractor of special circumstances that are peculiar to the work done by that electrical contractor and that allow for effective supervision and training by each journeyman electrician. An electrical contractor must obtain permission from the Division to adjust the journeyman-to-apprentice ratio. Failure to comply with this requirement will be grounds for suspension or revocation of the electrical contractor's license. ( )

**d.** A journeyman who is an employee of a company, corporation, firm, or association with a facility account may sign as supervising electrician for that facility account in addition to signing as supervising journeyman for his own contractor's license so long as the journeyman is listed as the owner. ( )

**04. Temporary Installations Connected Prior to Inspection.** Only a licensed electrical contractor may have a power supply company connect and energize a temporary service for construction prior to an inspection being performed. Any contractor energizing a temporary service prior to inspection shall assume full responsibility for the installation of the temporary service. A power supply company may only connect and energize a temporary service upon receipt of a copy of an electrical permit and if the power supply company deems the connection and energization necessary to preserve life or property. The contractor shall request the Division conduct an inspection on the next business day after the temporary service is energized. ( )

**05. Limited Electrical Installations.** A limited electrical installer must be employed by an electrical contractor or limited electrical contractor in the same restricted category and may only countersign a limited electrical contractor's license application as supervising limited electrical installer for work within the same restricted category. Limited electrical installations must comply with the National Electrical Code, as amended herein. The following categories of electrical installations constitute limited electrical installations, the practice of which shall require an electrical contractor or limited electrical contractor license and supervision by a journeyman, master electrician, or limited electrical installer: ( )

**a.** Elevator, Dumbwaiter, Escalator, or Moving-Walk Electrical. An elevator electrical limited licensee is only authorized to install, maintain, repair, and replace equipment, controls, and wiring beyond the disconnect switch in the machine room of the elevator and pertaining directly to the operation and control thereof when located in the elevator shaft and machine room. ( )

**b.** Sign Electrical. A sign electrical limited licensee is only authorized to install, maintain, repair, and replace equipment, controls, and wiring on the secondary side of sign disconnecting means; provided the disconnecting means is located on the sign or within sight therefrom. ( )

**c.** Manufacturing or Assembling Equipment. A licensed limited electrical manufacturing or assembling equipment installer is only authorized to install, maintain, repair, and replace equipment, controls, and accessory wiring, integral to the specific equipment, on the load side of the equipment disconnecting means. Electrical service and feeder are to be installed by others. The licensee may also install circuitry in modules or fabricated enclosures for the purpose of connecting the necessary components which individually bear a label from a nationally recognized testing laboratory when such equipment is designed and manufactured for a specific job installation. ( )

**i.** This subsection does not apply to a limited electrical manufacturing or assembling equipment installer installing electrical wiring, equipment, and apparatus in modular buildings as that phrase is defined in Section 39-4105, Idaho Code. Only journeyman electricians and electrical apprentices, employed by an electrical contractor, may perform such installations. ( )

**d.** Limited Energy Electrical. Limited energy systems are defined as fire and security alarm systems, class 2 and class 3 signaling circuits, key card operators, nurse call systems, motor and electrical apparatus controls and other limited energy applications covered by the NEC. Unless exempted by Section 54-1016, Idaho Code, any person who installs, maintains, replaces or repairs electrical wiring and equipment for limited energy systems in facilities other than one (1) or two (2) family dwellings shall be required to have a valid limited energy limited electrical license. ( )

**i.** Limited energy systems do not include, and no license of any type is required for, the installation of landscape sprinkler controls or communication circuits, wires and apparatus that include telephone systems, telegraph facilities, outside wiring for fire and security alarm systems which are used for communication purposes, and central station systems of a similar nature, PBX systems, audio-visual and sound systems, public address and intercom systems, data communication systems, radio and television systems, antenna systems and other similar systems. ( )

**e.** Irrigation Sprinkler Electrical. An irrigation system electrical limited licensee is only authorized to install, maintain, repair and replace equipment, controls and wiring beyond the disconnect switch supplying power to the electric irrigation machine. The irrigation machine is considered to include the hardware, motors and controls of the irrigation machine and underground conductors connecting the control centers on the irrigation machine to the load side of the disconnecting device. Disconnect device to be installed by others. ( )

**f.** Well Driller and Water Pump Installer. A license holder in this category is only authorized to perform the following types of installations: ( )

**i.** Single or three (3) phase water pumps: install, maintain, repair and replace all electrical equipment, wires, and accessories from the pump motor up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. ( )

**ii.** Domestic water pumps, one hundred twenty/two hundred forty (120/240) volt, single phase, sixty (60) amps or less: install, maintain, repair and replace all electrical equipment, wires, and accessories from the pump motor up to and including the disconnecting device. ( )

**iii.** Temporarily connect into a power source to test the installations, provided that all test wiring is removed before the installer leaves the site. ( )

**iv.** Individual residential wastewater pumping units. Install, maintain, repair and replace all electrical equipment, wires, and accessories from the pump motor up to and including the disconnecting device for systems that serve one-family, two-family, or three-family residential installations. ( )

**g.** Refrigeration, Heating, and Air-Conditioning Electrical Installer. A license holder in this category



is only authorized to perform the following types of installations, which installations shall be limited to factory-assembled, packaged units: ( )

i. Heating Units (single phase): install, repair, and maintain all electrical equipment, wires, and accessories from the unit up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. ( )

ii. Refrigeration, Air-Conditioning Equipment and Heat Pumps (single phase): install, repair, and maintain all electrical equipment, wires, and accessories from the unit up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. ( )

iii. Refrigeration, Air-Conditioning and Heating Systems (three (3) phase): install, maintain, and repair all electrical equipment and accessories up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. ( )

h. Outside Wireman. Applicants for this license category shall provide documentation of having completed an electrical lineman apprenticeship program or similar program approved by the U.S. Department of Labor, Office of Apprenticeship. Any person currently licensed in this category is only authorized to perform the following types of installation ( )

i. Overhead distribution and transmission lines in excess of six hundred (600) volts ( )

ii. Underground distribution and transmission lines in excess of six hundred (600) volts. ( )

iii. Substation and switchyard construction in excess of six hundred (600) volts. ( )

i. Solar Photovoltaic. Applicants for this license category shall provide proof of photovoltaic installer certification by the North American Board of Certified Energy Practitioners (NABCEP) or equivalent. Any person licensed in this category is only authorized to perform the following types of installations: ( )

i. Solar Photovoltaic DC Systems: Install, maintain, repair, and replace all electrical equipment, wires, and accessories up to and including the inverter. ( )

ii. Solar Photovoltaic micro-inverter/AC Systems: Install, maintain, repair, and replace all electrical equipment, wires, and accessories up to and including the AC combiner box. ( )

**06. Certification and Approval of Electrical Products and Materials.** All materials, devices, fittings, equipment, apparatus, luminaires, and appliances installed or to be used in installations that are supplied with electric energy must be approved as provided in one (1) of the following methods: ( )

a. Testing Laboratory. Be tested, examined, and certified (Listed) by a Nationally Recognized Testing Laboratory (NRTL). ( )

b. Field Evaluation. Non-listed electrical equipment may be approved for use through a field evaluation process performed in accordance with recognized practices and procedures such as those contained in the 2012 edition of NFPA 791 - Recommended Practice and Procedures for Unlabeled Electrical Equipment Evaluation published by the National Fire Protection Association (NFPA). Such evaluations shall be conducted by: ( )

i. A field evaluation body approved by the authority having jurisdiction. The field evaluation body shall meet minimum recognized standards for competency, such as NFPA 790 - Standard for Competency of Third-Party Field Evaluation Bodies, 2012 edition, published by the National Fire Protection Association (NFPA); or ( )

ii. In the case of industrial machinery only, as defined by NFPA 79 - Electrical Standard for Industrial Machinery, 2012 edition, a field evaluation may be performed by a professional engineer currently licensed to practice electrical engineering by the state of Idaho and who is not involved in the design of the equipment being evaluated or the facility in which the equipment is to be installed. ( )

c. Availability of NFPA Standards. The most recent edition of NFPA 790 - Standard for Competency of Third-Party Field Evaluation Bodies and NFPA 791 - Recommended Practice and Procedures for Unlabeled Electrical Equipment Evaluation published by the National Fire Protection Association (NFPA) are available at the Division. ( )

**201. – 299. (RESERVED)**

**300. CIVIL PENALTIES.**

The acts described in this section subject the violator to a civil penalty not to exceed one thousand dollars (\$1,000) for each separate count or offense. ( )

**01. Statute or Rule.** Failure to comply with any provision of Chapter 10, Title 54, Idaho Code or Board Rule. ( )

**02. Licensure or Registration.** Except as provided by Section 54-1016, Idaho Code, performance of electrical work without an active license or registration as required by Chapter 10, Title 54, Idaho Code. General contractors registered pursuant to Section 54-1016, Idaho Code who submit a bid on a multi-trade construction project which includes a licensed electrical contractor's pricing is not considered as acting or attempting to act as an electrical contractor. ( )

**03. Performance Outside Scope.** Performance of any electrical installation, alteration, or maintenance by a limited electrical contractor, limited electrical installer, or trainee outside the scope of the limited electrical license or registration. ( )

**04. Employees.** Knowing employment of a person who does not hold an active license or registration to perform electrical work. ( )

**05. Supervision.** Working as an apprentice or limited electrical installer trainee without the required journeyman, master, or installer supervision or employing an apprentice or trainee without providing the required supervision. ( )

**06. Fees, Permits, and Inspections.** Failure to obtain a required permit, pay applicable fees, properly post a permit, or request an inspection of any electrical work. ( )

**07. Corrections.** Failure to make corrections in the time allotted in the notice on any electrical work. ( )

**08. Misrepresentation of Fees.** Misrepresentation of the permit or inspection fees to the customer. ( )

**09. Advertising.** Advertising to engage in the business, trade, practice, or work of an electrical contractor as defined in Sections 54-1003A and 54-1010, Idaho Code, without holding a current and valid electrical contractor license issued by the Division or advertising without including the contractor license number in the advertisement. Advertising includes, but is not limited to: newspaper, telephone directory, community flier ads or notices; telephone, television, radio, internet, or door-to-door solicitations. ( )

**10. Order.** Failure to comply with any lawful order of the Board or Division administrator. ( )

**301. – 499. (RESERVED)**

**500. PERMITS AND INSPECTIONS.**

**01. Permits and Inspections.** ( )

a. Permits. All electrical permits shall be purchased before work is commenced. Payment of the total permit fee shall be made prior to a final inspection. ( )

i. No wiring or equipment may be concealed in any manner from access or sight until the work has been inspected and approved for cover by the electrical inspector except for those installations pursuant to Section 54-1005(3), Idaho Code. ( )

b. Completion of Installation. Each installation made by a permit holder or his authorized representative shall request an inspection from the Division. ( )

c. Expiration of Permits. Every permit issued shall expire and become null and void after three hundred sixty-five (365) days from the purchase date. A permit may be renewed for an additional year upon receipt of Division approval and payment of a sixty-five dollar (\$65) renewal fee. ( )

d. Transferring a Permit. A permit may be transferred to another eligible party if such party provides to the Division written authorization signed and notarized by the original permit holder consenting to the transfer itself and assigning all responsibilities and conditions incorporated into the original permit issuance. A permit may be transferred to the owner of the property on which the electrical work is to be performed and for which the permit was issued or such owner’s designated legal agent in cases where such owner has terminated his legal relationship with the electrical contractor who originally obtained the permit. An administrative fee in the amount of forty-five dollars (\$45) for the transfer of the permit shall be assessed by the Division. ( )

**02. Fee Schedule.** ( )

a. Residential Permits. Includes associated buildings with wiring being constructed on each property. ( )

i. New residential construction permits: ( )

<b>New One- Family Dwelling Unit</b>	
Up to 1,500 square feet of living space	\$130
1,501 to 2,500 square feet of living space	\$195
2,501 to 3,500 square feet of living space	\$260
3,501 to 4,500 square feet of living space	\$325
Over 4,500 square feet of living space	\$325 plus \$65 for each additional 1,000 square feet or portion thereof
<b>New Two- and Multi- Family Dwelling Unit</b>	
Two-family dwellings	\$260
Multi-family dwellings	\$130 per building plus \$65 per unit

ii. Existing Dwelling Unit Permit: sixty-five dollars (\$65) per inspection. ( )

b. Other Installations Including Industrial and Commercial Permits. The following fees shall apply to industrial and commercial installations and installations not specifically mentioned elsewhere in this Fee Schedule.

The electrical cost shall be the cost to the owner of all labor charges and all other costs that are incurred to complete the installation of all wiring and equipment installed as part of the system. Factory assembled industrial machinery to be operated by electrical energy shall not be included in calculating these fees. ( )

i. Wiring cost not exceeding ten thousand dollars (\$10,000): sixty dollars (\$60) plus two percent (2%) of total wiring cost. ( )

ii. Wiring cost over ten thousand dollars (\$10,000) but not exceeding one hundred thousand dollars (\$100,000): two hundred sixty dollars (\$260) plus one percent (1%) of wiring cost in excess of ten thousand dollars (\$10,000). ( )

iii. Wiring cost over one hundred thousand dollars (\$100,000): one thousand one hundred sixty dollars (\$1,160) plus one-half of one percent (.5%) of the portion of wiring costs exceeding one hundred thousand dollars (\$100,000). ( )

iv. Small work not exceeding five hundred dollars (\$500) in cost and not involving a change in service connections: ten dollars (\$10). ( )

**03. Requested Inspection Permit.** A sixty-five dollar (\$65) fee per inspection. ( )

**04. Reinspection Fees.** A fee of sixty-five dollars (\$65) per reinspection will be assessed for work not being ready for inspection, inaccurate description of jobsite locations or directions, or failure to respond to notice of correction. ( )

**05. Virtual Inspection Request.** Forty-five dollar (\$45) fee for Contractors and Specialty Contractors requesting a virtual inspection of qualified installations. ( )

**06. Plan Check Fee.** Sixty-five dollar (\$65) minimum for one (1) hour or less. Over one (1) hour: sixty-five dollars (\$65) plus sixty-five dollars (\$65) for each hour, or portion thereof, in excess of one (1) hour. ( )

**501. – 599. (RESERVED)**

**600. IDAHO ELECTRICAL CODE.**

Pursuant to Section 54-1001, Idaho Code, the Board adopts the 2020 National Electrical Code (herein NEC) with the following amendments: ( )

**01. Article 110.3(A) and 110.3(B).** Shall not apply to submersible well pumps installed in swimming and marine areas; provided however, such articles shall apply to all other equipment required in the installation of a submersible well pump in such areas except for the actual submersible well pump itself. ( )

**02. Article 210.8 (A).** Delete reference to 250-volt receptacles. ( )

**03. Article 210.8(A)(7) Sinks.** Delete article 210.8(A)(7) and replace with the following: Sinks - located in areas other than kitchens where receptacles are installed within one and eight tenths (1.8) meters (six (6) feet) of the outside edge of the sink. ( )

**04. Article 210.8(A)(10).** Delete article 210.8(A)(10) Laundry Areas. ( )

**05. Article 210.8 (F).** Delete Article 210.8 (F) for GFCI protection for outdoor outlets. ( )

**06. Article 210.12 Arc-Fault Circuit-Interrupter Protection.** Shall apply in full. Exception: In dwelling units Arc-Fault Circuit-Interrupter Protection shall only apply to all branch circuits and outlets supplying bedrooms. All other locations in dwelling units are exempt from the requirements of Article 210.12. ( )

**07. Article 210.52(E)(3).** Delete article 210.52(E)(3) and replace with the following: Balconies, Decks, and Porches. Balconies, decks, and porches having an overall area of twenty (20) square feet or more that are

accessible from inside the dwelling unit shall have at least one (1) receptacle outlet installed within the perimeter of the balcony, deck, or porch. The receptacle shall not be located more than two (2.0) meters (six and one half (6½) feet) above the balcony, deck, or porch surface. ( )

**08. Article 230.67 Surge Protection.** Delete NEC Article 230.67. ( )

**09. Article 230.85 Emergency Disconnects.** Delete Article 230.85. ( )

**10. Article 314.27(C) Boxes at Ceiling-Suspended (Paddle) Fan Outlets.** Delete second paragraph. ( )

**11. Article 320.23.** Where the height of a crawl space does not exceed one and four tenths (1.4) meters or four and one half (4.5) feet, it shall be permissible to secure NM cables, that run at angles with joist, to the bottom edge of joist. NM cables that run within two and one tenth (2.1) meters or seven (7) feet of crawl space access shall comply with Article 320.23. ( )

**12. Article 334.10(3).** Delete and replace with the following: Other structures permitted to be of Types III, IV, and V construction. Cables shall be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a fifteen (15)-minute finish rating as identified in listings of fire-rated assemblies. For the purpose of this section, cables located in attics and underfloor areas that are not designed to be occupied shall be considered concealed. ( )

**13. Pole Lighting.** Poles used as lighting standards along roadways only (parking areas are not roadways) that are forty (40) feet or less in nominal height and that support no more than four (4) luminaires operating at a nominal voltage of three hundred (300) volts or less to ground, shall not be considered a structure as it is defined as equipment by the NEC. The disconnecting means may be mounted to the pole or elsewhere in accordance with NEC, Article 225.32, exception 3. Special purpose fuseable connectors (model SEC 1791-DF or model SEC 1791-SF) or equivalent shall be installed in a listed handhole (underground) enclosure. The enclosure shall be appropriately grounded and bonded per the requirements of the NEC applicable to Article 230- Services. Overcurrent protection shall be provided by a (fast-acting – minimum - 100K RMS Amps 600 VAC) rated fuse. Wiring within the pole for the luminaires shall be protected by supplementary overcurrent device (time-delay – minimum - 10K RMS Amps 600 VAC) in break-a-way fuse holder accessible from the hand hole. Any poles supporting or incorporating utilization equipment or exceeding the prescribed number of luminaires, or in excess of forty (40) feet, may be considered structures, and an appropriate service disconnecting means shall be required per the NEC. All luminaire- supporting poles shall be appropriately grounded and bonded per the NEC. A service may not need a Watt Hour Meter. ( )

**14. Article 422.5 (A)(7).** Delete Article 422.5 (A)(7) GFCI protection for dwelling unit dishwashers. ( )

**15. Article 480.7(B) Battery Emergency Disconnect.** Delete. ( )

**16. Article 675.8(B).** Compliance with Article 675.8(B) will include the additional requirement that a disconnecting means always be provided at the point of service from the utility no matter where the disconnecting means for the machine is located. ( )

**17. Article 682.10.** Shall not apply to submersible well pumps installed in swimming and marine areas; provided however, such articles shall apply to all other equipment required in the installation of a submersible well pump in such areas except for the actual submersible well pump itself. ( )

**18. Article 682.11.** Add the following exception: This article shall not apply to service equipment that is located on or at the dwelling unit and which is not susceptible to flooding. ( )

**19. Article 682.13.** Add the following exceptions: ( )

**a.** Exception No 1. Wiring methods such as HDPE schedule eighty (80) electrical conduit or its equivalent or greater and clearly marked at a minimum “Caution Electrical” to indicate that it contains electrical

conductors shall be approved. It shall be buried whenever practical, and in accordance with the requirements of the authority having jurisdiction. The use of gray HDPE water pipe rated at two hundred (200) PSI (e.g. SIDR-7 or DR-9) is suitable for use as a chase only when the following conditions are met: ( )

- i. When internal conductors are jacketed submersible pump cable. ( )
- ii. When used in continuous lengths, directly buried, or secured on a shoreline above and below the water line. ( )
- iii. When submersible pump wiring terminations in the body of water according to 682.13 Exception No. 2 are met. ( )

**b.** Exception No. 2. Any listed and approved splices required to be made at the submersible well pump itself, outside of a recognized submersed pump sleeve or housing, when wires are too large to be housed inside such sleeve, shall be covered with a non-metallic, impact resistant material, no less than one quarter (.25) inches thick, such as heavy-duty heat shrink or other equivalent method approved by the authority having jurisdiction. (e.g. install a heat shrink over the sleeve or housing that the submersible well pump is installed in, and then recover (apply heat) the heat shrink over both the HDPE and the water line). At least six (6) inches shall be over the sleeve and at least twelve (12) inches over the HDPE and water line. ( )

**c.** Exception No. 3. Pipe, conduit, PVC well casing, or other electrically unlisted tubing may be used as a chase, but not as a raceway, to protect conductors or cables from physical damage. Conductors or cables within a chase shall be rated for the location. ( )

**20. Article 682.14.** Add the following additional exception: For installations of submersible well pumps installed in public swimming and marine areas, submersible well pumps shall be considered directly connected and shall be anchored in place. Ballast is an acceptable form of anchoring. ( )

**21. Article 682.14(A).** Add the following exception: For installations of submersible well pumps installed in public swimming and marine areas, motor controller circuits such as remotely located stop pushbutton/s, disconnect/s, relay/s or switches shall be permitted as a required disconnecting means. Such circuits shall be identified at a minimum as “Emergency Pump Stop”, or “Emergency Stop” with other obvious indications on the visible side of the enclosure, that it controls a submersible pump in the body of water. ( )

**22. Article 682.15.** Add the following exceptions: ( )

**a.** Exception No. 1. Submersible pumps, and their motor leads, located in bodies of water, and that are rated sixty (60) amperes maximum, two hundred fifty (250) volts maximum of any phase, shall have GFCI or Ground Fault Equipment Protection designed to trip at a maximum of thirty (30) milliamps or less, protected by means selected by a licensed installer, meeting listing or labeling requirements, and inspected by the AHJ prior to submersion in bodies of water. ( )

**b.** Exception No. 2. Installations or repair and replacement of submersible pumps located in bodies of water, that are rated over sixty (60) amperes, and rated at any voltage, shall be evaluated by a qualified designer or experienced licensed contractor, or involve engineering or be engineered, for each specific application, with the goal of public safety. Whenever possible, GFCI or Ground Fault Equipment Protection designed to trip at a maximum of thirty (30) milliamps or less, meeting listing or labeling requirements, shall be installed, and inspected by the AHJ prior to submersion in bodies of water. ( )

**23. Article 690.12 Rapid Shut Down.** Add following Exemptions: ( )

**a.** PV systems not installed on or in buildings, PV output circuits and dc to dc converter output circuits that are installed in metallic raceways or metal clad cables, or installed in enclosed metallic cable trays, or are underground shall not be required to comply with Article 690.12. Detached structures whose sole purpose is to house PV system equipment shall not be considered buildings and thus may have roof mounted PV systems without rapid shutdown equipment according to this exception. ( )

**b.** PV system circuits installed on or in buildings without the presence of a utility supplied power source shall not be required to comply with Article 690.12 where all of the following exist: ( )

i. The minimum distance to bring electric utility power lines or service conductors to the building is one thousand (1,000) feet or greater; ( )

ii. The building has a minimum setback distance of one hundred (100) feet from any building or structure located on adjacent properties; ( )

iii. A lockable service entrance rated AC disconnect is installed outside at a readily accessible location; and ( )

iv. The AC disconnect has a permanent placard or label with the following words or equivalent:

**WARNING**  
**SOLAR PV SYSTEM IS NOT EQUIPPED WITH RAPID SHUTDOWN**

The warning placard or label shall comply with Article 110.21(B). ( )

**24. Article 706.15 Off Grid Systems.** Replace 706.15 with the following. For one-family and two-family dwellings, a disconnecting means or its remote control shall be located at a readily accessible location. ( )

**601. – 999. (RESERVED)**

## PROPOSED RULE COST/BENEFIT ANALYSIS

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

**Department or Agency:** Division of Occupational and Professional Licenses

**Agency Contact:** Tim Frost

**Phone:** 208-577-2491

**Date:** 8/25/2022

**IDAPA, Chapter and Title Number and Chapter Name:**

- 24.39.10, Rules of the Idaho Electrical Board

**Fee Rule Status:** X **Proposed** \_\_\_\_\_ **Temporary**

**Rulemaking Docket Number:** 24-3910-2201

### **STATEMENT OF ECONOMIC IMPACT:**

This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules. The fees rules have been restructured and simplified for ease in reading and understanding.

The fees are designated in the following sections of administrative rule for the respective board:

- 24.39.10.500, Rules of the Idaho Electrical Board



**IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES**

**24.39.30 – RULES OF BUILDING SAFETY (BUILDING CODE RULES)**

**DOCKET NO. 24-3930-2201 (ZBR CHAPTER REWRITE, FEE RULE)**

**NOTICE OF RULEMAKING – PROPOSED RULE**

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

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

***MEETINGS SET FOR PUBLIC PARTICIPATION  
IN PERSON, TELEPHONE, AND WEB CONFERENCING***

<b>24.39.30 – Rules of Building Safety (Building Code Rules)</b>	
<b>Tuesday, September 13, 2022</b>	<b>Tuesday, November 15, 2022</b>
<b>DOPL Board Conference Room Chinden Campus – Building #4 11341 W Chinden Blvd Boise ID 83714 <i>Scheduled time is 9:00 a.m. (MT) for all meetings</i></b>	

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

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

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

The fees for building permits, annual inspections, and plan review as designated in IDAPA 24.39.30.500 of this proposed rule are authorized in Sections 39-4107, 39-4112, and 39-4113, Idaho Code. None of the fees are being changed as a result of this rulemaking and since being previously reviewed by the Idaho legislature.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted under docket 24-ZBRR-2201. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the May 4, 2022, Idaho Administrative Bulletin, [Vol. 22-5, pages 73-77](#).

**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:

Per Idaho Code 39-4109 and 39-4109A, the Board adopts the following building safety codes with amendments as set forth in Rule: 2018 International Building Code, 2021 International Building Code related to mass timber construction, Parts I, II, III, and IX of the 2018 of the International Residential Code, 2018 International Existing Building Code, and 2018 International Energy Conservation Code.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tim Frost, Deputy Administrator at (208) 577-2491.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 15, 2022.

DATED this 1st day of September, 2022.

Tim Frost  
Deputy Administrator  
11341 W. Chinden Blvd., Bldg. #4  
Boise, ID 83714  
Phone: (208) 577-2491  
Email: [tim.frost@dopl.idaho.gov](mailto:tim.frost@dopl.idaho.gov)  
Website: <https://dopl.idaho.gov/>

**THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-3930-2201**  
**(Zero Based Regulation (ZBR) Chapter Rewrite)**

**24.39.30 – RULES OF BUILDING SAFETY (BUILDING CODE RULES)**

**000. LEGAL AUTHORITY.**

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

**001. SCOPE.**

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

**002. DEFINITIONS.**

**01. Listing Agency.** A person, firm, association, partnership or corporation which is in the business of listing or labeling and which maintains a periodic inspection program on current production of listed materials, and which makes available, not less frequently than annually, a published report of such listing in which specific information is included that the product has been tested to nationally approved standards and found safe for use in a specified manner. ( )

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

**a.** Minor alterations shall include, but are not limited to, the following: partition walls constructed within a defined room; relocation of or existing openings or installation of new doors and windows in non-load bearing walls and not in construction meant to compartmentalize fire; window replacement in unaltered existing openings; roof repairs involving installation of less than one hundred (100) square feet of new roof covering; and new suspended ceilings that are not part of a required fire resistive assembly. ( )

**b.** Minor alterations shall not include: work that alters the fire resistive characteristics of the building or fire suppression systems; work that creates new openings in construction meant to compartmentalize fire such as fire walls, fire barriers, fire partitions, smoke barriers, smoke partitions, horizontal assemblies, shaft enclosures, stair enclosures; work that increases the floor area or height of the building; work that changes the structural load path of the building for gravity or horizontal loads; work that reduces the thermal resistant capacity of the building envelop; changes in the occupancy classification of the building or space; increases in the floor loads. ( )

**003. – 199. (RESERVED)**

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

**01. Technical and Educational Information.** Technical and educational information related to integrated design and fundamental commissioning in the form of the American Institute of Architects Integrated Project Delivery Guide; Portland Energy Conservation, Inc. (PECI) Commissioning Guides; ASHRAE Guideline 0-2005-The Commissioning Process; and the Northwest Energy Efficiency Alliance Integrated Design Special Focus on Energy Performance Guide is available on the Division’s website. A building commissioned under the prescriptive approaches defined by any of the above-named national organizations is deemed to have completed the Fundamental Commissioning process. ( )

**02. Commissioning Agents.** The Division has compiled and made available for public examination a list of all known third party building commissioning agents in Idaho and its contiguous states. The Division has ensured that all such commissioning agents appearing on this list have been certified by the Building Commissioning Association (BCA) or other similar certifying entity. ( )

**03. Fundamental Commissioning Requirements. ( )**

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

**b.** The commissioning agent must document the owner’s requirements for each commissioned system in the facility. All HVAC and controls systems, duct work and piping, renewable and alternative technologies, lighting controls and day lighting, waste heat recovery, and any other advanced technologies incorporated in the building must be commissioned. Building envelope systems must also be verified. The owner’s requirements for these systems may include efficiency targets and other performance criteria such as temperature and lighting levels that will define the performance criteria for the functional performance testing which occurs prior to acceptance. ( )

**c.** The commissioning agent shall include commissioning requirements in the project construction documents. This includes the scope of commissioning for the project, the systems to be commissioned, and the various requirements related to schedule, submittal reviews, testing, training, O & M manuals, and warranty reviews. ( )

**d.** The commissioning agent shall develop and utilize a commissioning plan. This plan must include an overview of the commissioning process for the project, a list of commissioned systems, primary commissioning participants and their roles, a communication and management plan, an outline of the scope of commissioning tasks, a list of work products, a schedule, and a description of any commissioning testing activities. ( )

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

**04. Annual Optimization Review. ( )**

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

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

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

**iii.** The requirement that any changes made to any of the controls contained on the agent's list after the initial commissioning be re-set back to the commissioned settings unless it can be demonstrated that the new settings result in greater energy efficiency. ( )

**b.** The Idaho Code Section 33-356 annual optimization review must be performed by persons qualified to make the required determinations and adjustments. ( )

**c.** Following the annual optimization review, the school district must submit to the Division written verification (1) indicating the systems identified by the commissioning agent, including those identified in Subsection 200.04.a., are functioning as they were at the initial commissioning; and (2) identifying the persons performing the optimization and their qualifications. ( )

**04. Commissioning Anniversary Date.** The date upon which the commissioning agent provides the school district with the required written report described in Subsection 200.04.a. is the commissioning anniversary date for purposes of this section. If a school district seeks to qualify a building for the building replacement value calculation, the annual optimization review shall be performed within thirty (30) days of the annual commissioning anniversary date following the first year the building is in operation. The written verification required by Subsection 200.04.c. is due to the Division no later than sixty (60) days after the annual commissioning anniversary date. ( )

**201. – 499. (RESERVED)**

**500. PERMITS AND PLAN REVIEW.**

**01. Annual Permit.** In lieu of an individual permit for each minor alteration to an already approved building, the Division may issue an annual permit upon application therefor to any state agency or state governmental organization regularly employing one (1) or more qualified trade persons in the building, structure or on the premises or campus owned or operated by the applicant for the permit. The agency to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The Division shall be allowed access to such records upon request or such records shall be filed with the Division as designated. The permit holder shall request inspections and make the work accessible for inspection as required by the adopted codes and herein. ( )

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

**03. Fee Schedule. ( )**

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

**b.** Building Permit Fees. The determination of value or valuation will be made by the administrator and includes the total value of all construction work for which a permit is issued.

<b>BUILDING PERMIT FEES</b>	
<b>Total Valuation</b>	<b>Fee</b>
\$1 to \$500	= \$23.50
\$501 to \$2,000	= \$23.50 for the first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	= \$69.25 for the first \$2,000 plus \$14 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	= \$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	= \$643.75 for the first \$50,000 plus \$7 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	= \$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	= \$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 to \$5,000,000	= \$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000, or fraction thereof, to and including \$5,000,000
\$5,000,001 to \$10,000,000	= \$20,208.75 for the first \$5,000,000 plus \$2.75 for each additional \$1,000, or fraction thereof, to and including \$10,000,000
\$10,000,001 and up	= \$33,958.75 for the first \$10,000,000 plus \$2 for each additional \$1,000, or fraction thereof

( )

**c.** Fees for Annual Permits. A fee for inspections performed on annual permits shall be charged at the rate of one hundred dollars (\$100) per inspection. The Division shall bill the applicant for annual permits and failure of the applicant to pay the fee within sixty (60) days may result in cancellation of the annual permit. ( )

**d.** Plan Review Fees. Plan review fees shall be charged at an hourly rate of one hundred dollars (\$100) per hour up to a maximum of sixty-five percent (65%) of the calculated building permit fee with a minimum required fee of forty percent (40%) of the calculated building permit fee. All requests for plan review services shall be accompanied by a payment in the amount of at least forty percent (40%) of the calculated building permit fee. Upon completion of the plan review, any additional fees, above the minimum required, are due to the Division by the requesting party. ( )

**e.** Refund of Plan Review Fees. Plan review fees are non-refundable. ( )

**501. – 599. (RESERVED)**

**600. IDAHO BUILDING CODE.**

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

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

**a.** Section 305.2.3. Replace the word “five” with the word “twelve (12)”. ( )

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

**c.** Section 310.4.1. Delete and replace with the following: Care facilities within a dwelling. Care facilities for twelve (12) or fewer children receiving day care or for five (5) or fewer persons receiving personal care or custodial care that are within a one- or two-family dwelling are permitted to comply with the International Residential Code. ( )

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

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

**f.** Table 2902.1 Minimum Number of Required Plumbing Fixtures. Delete footnote f reference from current cell and place in column header labeled “Drinking Fountains”. Delete footnote f and replace with the following: f Drinking fountains are not required for an occupant load of thirty (30) or fewer. ( )

**g.** Section 3113. Relocatable Buildings. Delete. ( )

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

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

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

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

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

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

**a.** Section R101.2 Scope. Delete the exception and replace with the following: Exception: The following shall also be permitted to be constructed in accordance with this code: 1. Owner-occupied lodging houses with five (5) or fewer guestrooms and ten (10) or fewer total occupants. 2. A care facility with five (5) or fewer persons receiving custodial care within a dwelling unit or single-family dwelling. 3. A care facility for five (5) or fewer persons receiving personal care that are within a dwelling unit or single-family dwelling. 4. A care facility with twelve (12) or fewer children receiving day care within a dwelling unit or single-family dwelling. ( )

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

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

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

**e.** Section R301.2.1.2 Protection of Openings. Delete. ( )

**f.** Table R302.1(1). Delete and replace with the following:

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

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour-tested in accordance with ASTM E 119, UL263, or Section 703.3 of the International Building Code with exposure from both sides	< 3 feet
	Not fire-resistance rated	0 hours	≥ 3 feet
Projections	Fire-resistance rated	1 hour on the underside, or heavy timber, or fire retardant-treated wood <sup>a,b</sup>	≥ 2 feet to < 3 feet
	Not fire-resistance rated	0 hours	≥ 3 feet
Openings in Walls	Not allowed	N/A	< 3 feet
	25% maximum of wall area	0 hours	≥ 3 feet to < 5 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	≥ 3 feet

For SI: 1 foot = 304.8 mm.

N/A = Not Applicable

<sup>a</sup> The fire-resistance rating shall be permitted to be reduced to zero (0) hours on the underside of the eave overhang if fire blocking is provided from the wall top plate to the underside of the roof sheathing.

<sup>b</sup> The fire-resistance rating shall be permitted to be reduced to zero (0) hours on the underside of the rake overhang where gable vent openings are not installed. ( )

- g.** Section R302.13 Fire protection of floors. Delete. ( )
- h.** Section R303.4. Delete and replace with the following: R303.4 Mechanical Ventilation. Dwelling units shall be provided with whole-house mechanical ventilation in accordance with Section M1505.4. ( )
- i.** Section R313.1 Townhouse automatic fire sprinkler systems. Delete the exception and replace with the following: Exception: Automatic residential fire sprinkler systems shall not be required in townhouses where either two (2) one (1)-hour fire-resistance-rated walls or a common two (2)-hour fire-resistance rated wall, as specified in item number 2 of Section R302.2.2 is installed between dwelling units or when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed. ( )
- j.** Section R313.2 One- and two-family dwellings automatic fire sprinkler systems. Delete. ( )
- k.** Section R314.2.2 Alterations, repairs and additions. Amend Exception 1 to add the words “but not limited to,” after the words “such as” and before the words “the replacement”. ( )
- l.** Section R315.2.2 Alterations, repairs and additions. Amend Exception 1 to add the words “but not limited to,” after the words “such as” and before the words “the replacement”. ( )
- m.** Section R322.1.10 As-built elevation documentation. Delete. ( )
- n.** Tables R403 Minimum Depth (D) and Width (W) of Crushed Stone Footings (inches), R403.1(1) Minimum Width and Thickness for Concrete Footings for Light-Frame Construction (inches), R403.1(2) Minimum Width and Thickness for Concrete Footings for Light-Frame Construction and Brick Veneer (inches), and R403.1(3) Minimum Width and Thickness for Concrete Footings with Cast-In-Place or Fully Grouted Masonry Wall Construction (inches). Delete. ( )
- o.** Add the following as Table R403.1:

**TABLE R403.1**  
**MINIMUM WIDTH OF CONCRETE, PRECAST, OR MASONRY FOOTINGS (inches)<sup>a</sup>**

	LOAD-BEARING VALUE OF SOIL (psf)			
	1,500	2,000	3,000	≥ 4,000
<b>Conventional light-frame construction</b>				
1-Story	12	12	12	12
2-Story	15	12	12	12
3-Story	23	17	12	12
<b>4-inch brick veneer over light frame or 8-inch hollow concrete masonry</b>				
1-Story	12	12	12	12
2-Story	21	16	12	12
3-Story	32	24	16	12
<b>8-inch solid or fully grouted masonry</b>				
1-Story	16	12	12	12
2-Story	29	21	14	12
3-Story	42	32	21	16



For SI: 1 inch = 25.4 mm, 1 pound per square foot = 0.0479 kPa.

<sup>a</sup> Where minimum footing width is twelve (12) inches, use of a single wythe of solid or fully grouted twelve (12)-inch nominal concrete masonry units is permitted. ( )

**p.** Section R403.1.1. Delete and replace with the following: R403.1.1 Minimum size. Minimum sizes for concrete and masonry footings shall be as set forth in Table R403.1 and Figure R403.1(1). The footing width (W) shall be based on the load bearing value of the soil in accordance with Table R401.4.1. Spread footings shall be at least six (6) inches in thickness (T). Footing projections (P) shall be at least two (2) inches and shall not exceed the thickness of the footing. The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1. Footings for wood foundations shall be in accordance with the details set forth in Section R403.2 and Figures R403.1(2) and R403.1(3). ( )

**q.** Section R602.10. Add the words “or the most current edition of APA System Report SR-102 as an alternate method” after the words “Section R602.12”. ( )

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

**05. International Energy Conservation Code.** 2018 Edition with the following amendments: ( )

**a.** Add new Section C101.5.2. Industrial, electronic, and manufacturing equipment. Buildings or portions thereof that are heated or cooled exclusively to maintain the required operating temperature of industrial, electronic, or manufacturing equipment shall be exempt from the provisions of this code. Such buildings or portions thereof shall be separated from connected conditioned space by building thermal envelope assemblies complying with this code. ( )

**b.** Section C402.5 Air leakage—thermal envelope (Mandatory). Add Exception: For buildings having over fifty thousand (50,000) square feet of conditioned floor area, air leakage testing shall be permitted to be conducted on less than the whole building, provided the following portions of the building are tested and their measured air leakage is area-weighted by the surface areas of the building envelope: 1. The entire floor area of all stories that have any spaces directly under a roof. 2. The entire floor area of all stories that have a building entrance or loading dock. 3. Representative above-grade wall sections of the building totaling at least twenty-five percent (25%) of the above-grade wall area enclosing the remaining conditioned space. Floor area tested under subparagraphs 1. or 2. of this exception shall not be included in the twenty-five percent (25%) of above-grade wall sections tested under this subparagraph. ( )

**c.** Section C403 Building Mechanical Systems. Delete. ( )

**d.** Section C404 Service Water Heating (Mandatory). Delete. ( )

**e.** Section C405 Electrical Power and Lighting Systems. Delete. ( )

**f.** Section C406 Additional Efficiency Package Options. Delete. ( )

**g.** Section C407 Total Building Performance. Delete. ( )

**h.** Section C408 Maintenance Information and System Commissioning. Delete. ( )

**i.** Section C502.2.3 Building mechanical systems. Delete. ( )

**j.** Section C502.2.4 Service water-heating systems. Delete. ( )

**k.** Section C502.2.6 Lighting power and systems. Delete. ( )

**l.** Section C503.4 Heating and cooling systems. Delete. ( )

**m.** Section C503.5 Service hot water systems. Delete. ( )

- n. Section C503.6 Lighting systems. Delete. ( )
- o. R202 General Definitions. Add the following to the definition of “Conditioned Space”: This definition shall not apply to garage spaces where supplemental heating or cooling is installed. ( )
- p. Table R402.1.2 Insulation and Fenestration Requirements by Component. Delete the rows in climate zones “5 and Marine 4” and “6” and replace with the following:

**TABLE R402.1.2**  
**INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT<sup>a</sup>**

Climate Zone	Fenestration U- Factor <sup>b</sup>	Skylight <sup>b</sup> U-factor	Glazed Fenestration SHGC <sup>b, e</sup>	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value <sup>i</sup>	Floor R-Value	Basement <sup>c</sup> Wall R-Value	Slab <sup>d</sup> R-Value & Depth	Crawlspace <sup>c</sup> Wall R-Value
5	0.32	0.55	NR	38	20 or 13+5 <sup>h</sup>	13/17	30 <sup>g</sup>	15/19	10, 2 ft	15/19
6	0.30	0.55	NR	49	22 or 13+5 <sup>h</sup>	15/20	30 <sup>g</sup>	15/19	10, 4 ft	15/19

( )

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

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

**TABLE R402.1.4**  
**EQUIVALENT U-FACTORS<sup>a</sup>**

Climate Zone	Fenestration U-factor	Skylight U-factor	Ceiling U-factor	Frame Wall U-factor	Mass Wall U-factor <sup>b</sup>	Floor U-factor	Basement Wall U-factor	Crawlspace Wall U-factor
5	0.32	0.55	0.030	0.060	0.082	0.033	0.050	0.055
6	0.30	0.55	0.026	0.057	0.060	0.033	0.050	0.055

( )

- s. Section R402.4.1.2 Testing. Delete and replace with: Visual inspection. Building envelope tightness and insulation installation shall be considered acceptable when the items listed in Table R402.4.1.1, applicable to the method of construction, are field verified. Where required by code official, an approved party independent from the installer of the insulation shall inspect the air barrier and insulation. ( )

- t. Add new Section R402.6. Residential log home thermal envelope. Residential log home construction shall comply with Section R401 (General), Section R402.4 (Air leakage), and Table R402.6 (Log Home Prescriptive Thermal Envelope Requirements by Component). ( )

- u. Add new Table R402.6:

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

For SI: 1 foot = 304.8 mm.

Climate Zone	Fenestration U-factor <sup>a</sup>	Skylight U-factor	Glazed Fenestration SHGC	Ceiling R-value	Min. Average Log Size In Inches	Floor R-value	Basement Wall R-value <sup>d</sup>	Slab R-value & Depth <sup>b</sup>	Crawlspace Wall R-value <sup>d</sup>
5, 6 - High efficiency equipment path <sup>c</sup>	0.32	0.60	NR	49	5	30	15/19	10, 4 ft.	10/13
5	0.32	0.60	NR	49	8	30	10/13	10, 2 ft.	10/13
6	0.30	0.60	NR	49	8	30	15/19	10, 4 ft.	10/13

<sup>a</sup> The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

<sup>b</sup> R-5 shall be added to the required slab edge R-values for heated slabs.

<sup>c</sup> 90% AFUE natural gas or propane, 84% AFUE oil, or 15 SEER heat pump heating equipment (zonal electric resistance heating equipment such as electric base board electric resistance heating equipment as the sole source for heating is considered compliant with the high efficiency equipment path).

<sup>d</sup> “15/19” means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. “15/19” shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. “10/13” means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.

- ( )
- v. Section R403 Systems. Delete. ( )
- w. Section R404 Electrical Power and Lighting Systems. Delete. ( )
- x. Section R405 Simulated Performance Alternative (Performance). Delete. ( )
- y. Section R406.3 Energy Rating Index. Delete and replace with the following: R406.3 Energy Rating Index. The Energy Rating Index (ERI) shall be determined in accordance with RESNET/ICC 301. Energy used to recharge or refuel a vehicle used for transportation on roads that are not on the building site shall not be included in the ERI reference design or the rated design. ( )
- z. Table R406.4 Maximum Energy Rating Index. Delete and replace with the following:

**Table R406.4 - Maximum Energy Rating Index**

<b>Climate Zone</b>	<b>Energy Rating Index<sup>a</sup></b>
5	68
6	68

<sup>a</sup> Where on-site renewable energy is included for compliance using the ERI analysis of Section R406.4, the building shall meet the mandatory requirements of Section R406.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table R402.1.2 or Table R402.1.4 of the 2015 International Energy Conservation Code. ( )

**601. – 999. (RESERVED)**

## PROPOSED RULE COST/BENEFIT ANALYSIS

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

**Department or Agency:** Division of Occupational and Professional Licenses

**Agency Contact:** Tim Frost

**Phone:** 208-577-2491

**Date:** 8/25/2022

**IDAPA, Chapter and Title Number and Chapter Name:**

- 24.39.30, Rules of Building Safety (Building Code Rules)

**Fee Rule Status:** X **Proposed** \_\_\_\_\_ **Temporary**

**Rulemaking Docket Number:** 24-3930-2201

### **STATEMENT OF ECONOMIC IMPACT:**

This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules. The fees rules have been restructured and simplified for ease in reading and understanding.

The fees are designated in the following sections of administrative rule for the respective board:

- 24.39.30.500, Rules of Building Safety (Building Code Rules)