

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  
Division of Building Safety:

IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning  
Systems, Division of Building Safety - Proposed Rule (Docket No. 07-0701-1901).

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 08/21/2019. 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 09/19/2019.

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 - Ryan Bush

**DATE:** August 2, 2019

**SUBJECT:** Division of Building Safety

IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety - Proposed Rule (Docket No. 07-0701-1901)

#### Summary and Stated Reasons for the Rule

The Division of Building Safety submits notice of proposed rulemaking for IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety. The Division is updating its incorporations by reference of the International Mechanical Code, the International Fuel Gas Code and the International Residential Code. In addition, this rule change revises the work requirements for an out-of-state applicant for an HVAC contractor or journeyman license and revises provisions on civil penalties.

#### Negotiated Rulemaking / Fiscal Impact

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

#### Statutory Authority

The proposed rule changes appear to be within the statutory authority granted to the Division in Sections 54-5004 and 54-5005, Idaho Code.

cc: Division of Building Safety  
Patrick Grace

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

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

DOCKET NO. 07-0701-1901

#### 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, 54-5004, 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 July 17, 2019.

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

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

This proposed rulemaking adopts parts V (mechanical) and VI (fuel gas) of the 2018 edition of the International Residential Code (IRC) and the 2018 editions of the International Fuel Gas Code (IFGC) and International Mechanical Code (IMC), but retains existing Idaho amendments to the 2012 editions of these codes, as applicable.

This proposed rulemaking allows an out-of-state applicant for an Idaho HVAC contractor license to meet the work experience requirement for such license by providing satisfactory proof of twenty-four (24) months of work experience as an HVAC journeyman in another jurisdiction or forty-eight (48) months of work experience equivalent in nature to the work experience of an Idaho HVAC journeyman. In addition, this proposed rulemaking requires such an applicant to obtain an Idaho HVAC journeyman license, pay applicable application and licensing fees, and pass the Idaho HVAC contractor examination before receiving an Idaho HVAC contractor license.

This proposed rulemaking also eliminates or simplifies provisions in IDAPA 07.07.01 to comply with the Red Tape Reduction Act (Executive Order 2019-02).

**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:

This proposed rulemaking will not have any fiscal impact on the state general fund. This proposed rulemaking will have a negative fiscal impact of approximately \$8,000 on the Idaho HVAC Board dedicated fund due to the cost of implementing the new code, including training and new code books for inspectors and staff.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the May 1, 2019 Idaho Administrative Bulletin, [Vol. 19-5, pages 59 through 60](#).

**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 proposed rulemaking adopts parts V and VI of the 2018 edition of the IRC and the 2018 editions of the IFGC and IMC, but retains existing Idaho amendments to the 2012 editions of these codes, as applicable. Parts V and VI of the 2018 edition of the IRC and the 2018 editions of the IFGC and IMC provide revisions and clarifications that make the codes easier to understand and apply. The 2018 editions of these codes also provide enhanced safety requirements for HVAC installations, including new safety requirements for emerging HVAC technologies. Examples of noteworthy changes to these codes include the following: parts V and VI of the 2018 IRC revise requirements regarding makeup air serving domestic cooking exhaust, the 2018 IFGC includes express prohibition of the use of PVC and CPVC for fuel gas systems, and the 2018 IMC provides detailed requirements regarding pedicure and

manicure station exhaust systems and rates. More detailed information about changes to parts V and VI of the 2018 edition of the IRC and the 2018 editions of the IFGC and IMC is available upon request to the Division of Building Safety.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact John Nielsen, HVAC Program Manager, Division of Building Safety at (208) 332-7112 or at [john.nielsen@dbs.idaho.gov](mailto:john.nielsen@dbs.idaho.gov).

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 July 24, 2019.

Dated this 7th day of June, 2019.

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  
[ron.whitney@dbs.idaho.gov](mailto:ron.whitney@dbs.idaho.gov)

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0701-1901**  
**(Only Those Sections With Amendments Are Shown.)**

**003. ADMINISTRATIVE APPEALS.**

Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," Section 100, et seq., applies to contested cases, in addition to IDAPA 07.07.01, "Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety" and the provisions of Title 54, Chapter 50, Idaho Code govern administrative appeals and judicial review thereof. (3-16-04)(\_\_\_\_)

**004. ADOPTION AND INCORPORATION BY REFERENCE OF THE INTERNATIONAL MECHANICAL CODE, 2012~~8~~ EDITION; THE INTERNATIONAL FUEL GAS CODE, 2018 EDITION; AND PART V (MECHANICAL) AND PART VI (FUEL GAS) OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE (1)- AND TWO (2)-FAMILY DWELLINGS, 2018 EDITION.**

The 2018 editions of the International Residential Code for One (1)- and Two (2)-Family Dwellings, International Mechanical Code, and International Fuel Gas Code are available at the Division's 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. (\_\_\_\_)

**01. International Mechanical Code.** The 2012~~8~~ Edition, including appendix "A," (herein IMC) is adopted and incorporated by reference with the following amendments: (3-20-14)(\_\_\_\_)

**a.** Where differences occur between the IMC and Title 54, Chapter 50, Idaho Code and IDAPA 07, Title 07, the provisions in Idaho Code and IDAPA rules apply. (4-11-06)

**b.** All references to the International Plumbing Code (IPC) are 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) are construed as

referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board.

(4-11-06)

d. Section 109. Delete.

(7-1-10)

e. Section 202 Definitions. Delete the definitions provided in the code for the terms identified herein this paragraph and replace with the following:

(3-29-17)

i. Light-Duty Cooking Appliance. Light-duty cooking appliances include gas and electric ovens (including standard, bake, roasting, revolving, retherm, convection, combination convection/steamer, countertop conveyerized baking/finishing, deck, pastry, and electric and gas conveyor pizza ovens), electric and gas steam jacketed kettles, electric and gas pasta cookers, electric and gas compartment steamers (both pressure and atmospheric) and electric and gas cheesemelters.

(3-29-17)

ii. Medium-Duty Cooking Appliance. Medium-duty cooking appliances include electric discrete element ranges (with or without oven), electric and gas hot-top ranges, electric and gas griddles, electric and gas double sided griddles, electric and gas fryers (including open deep fat fryers, donut fryers, kettle fryers and pressure fryers), electric and gas tilting skillets (braising pans) and electric and gas rotisseries.

(3-29-17)

f. Section 401.1 Scope. Add the following: Exception: The principles specified in ASHREA 62-2010 may be used as an alternative to this chapter to demonstrate compliance with required ventilation air for occupants.

(4-7-11)

g. Section 504.68.1 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)~~( )

h. Table 603.4 Duct Construction Minimum Sheet Metal Thickness for Single Dwelling Units. Add the following exception to the Table: 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)

~~02. Availability of the International Mechanical Code. 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)~~

~~005. ADOPTION AND INCORPORATION BY REFERENCE OF THE INTERNATIONAL FUEL GAS CODE, 2012 EDITION.~~

~~012. International Fuel Gas Code. The 20128 Edition, including appendixes "A, B, C, and D," (herein IFGC) is adopted and incorporated by reference with the following amendments: ~~(3-20-14)~~( )~~

~~(3-20-14)~~( )

a. Where differences occur between the IFGC and Title 54, Chapter 50, Idaho Code and IDAPA 07, Title 07, the provisions in Idaho Code and IDAPA rules apply.

(4-11-06)

b. All references to the International Plumbing Code (IPC) are 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) are construed as referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board.

(4-11-06)

d. Section 109. Delete.

(7-1-10)

e. Section 406.4. Change the last sentence to: Mechanical gauges used to measure test pressure must 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.

(4-11-06)

**f.** Section 406.4.1. Test Pressure. Not less than twenty (20) psig (140kPa gauge) test pressure is 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 (70kPa gauge); not less than sixty (60) psig (420kPa gauge) test pressure is required. For systems over ten (10) psig (70kPa gauge) working pressure, minimum test pressure may be no less than six (6) times working pressure. (4-11-06)

**g.** Section 406.4.2. The test duration may not be less than twenty (20) minutes. (4-11-06)

~~**h.** Section 408.4. Sediment Trap. Delete the last sentence and replace it with the following: Illuminating appliances, ranges, clothes dryers, outdoor grills, decorative vented appliances for installation in vented fireplaces, and gas fireplaces need not be so equipped. (4-7-11)~~

**ih.** Add a new section 503.4.1.2 as follows: Testing. All plastic pipe within a dwelling used for venting flue gases must be tested at five (5) psi for fifteen (15) minutes. (4-4-13)

**ji.** Section 505.1.1. Addition. An interlock between the cooking appliance and the exhaust hood system is not be required for appliances that are of the manually operated type and are factory equipped with standing pilot burner ignition systems. (4-11-06)

~~**02-** *Availability of the International Fuel Gas Code. 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)*~~

~~**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.*~~

~~**013.** **Part V (Mechanical) and Part VI (Fuel Gas) of the International Residential Code for One (1)- and Two (2)-Family Dwellings.** The 2012<sup>28</sup> 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 apply. (4-7-11)

**b.** All references to the International Plumbing Code (IPC) are 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) are 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 must 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 will 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 has the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods are as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the authority having jurisdiction approves the



testing procedures. Tests must be performed by an approved agency. Reports of such tests must 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 must 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 must 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 must be listed as complying with UL 2034 and must 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 must be supported at four (4) foot (1,219 mm) intervals and secured in place. The insert end of the duct must extend into the adjoining duct or fitting in the direction of airflow. Ducts must not be joined with screws or similar fasteners that protrude into the inside of the duct. (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 must 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 is 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 is required. For systems over ten (10) psig (seventy (70) kPa gauge) working pressure, minimum test pressure may be no less than six (6) times working pressure. (4-7-11)

**n.** Section G2417.4.2 (406.4.2). The test duration may 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 must 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)

**0075. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.**

The principal place of business of the Division's ~~of Building Safety~~, HVAC Program is located at 1090 E. Watertower Street, Suite 150, Meridian, Idaho. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is: Division of Building Safety, HVAC Program, 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. The office telephone number is (208) 334-6180 and the facsimile number is (208) 855-0768. (4-4-13)( )

**0086. FILING OF DOCUMENTS.**

All written communications and documents that are intended to be part of an official record for decision in a rulemaking or contested case, must be filed with the Administrator of the Division. Communications and documents must be filed by mail, hand-delivery, or by facsimile transmission. One (1) original must be filed with the Administrator, and one (1) copy must be submitted to the opposing parties. Whenever documents are filed by facsimile transmission, originals must be deposited in the mail the same day or hand-delivered the following business day to the Administrator and opposing parties. (3-16-04)

**0097. PUBLIC RECORDS ACT COMPLIANCE.**

These rules were promulgated in accordance with the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. These rules and all records of the ~~HVAC~~ Board are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (3-16-04)( )

**0108. CHANGES IN NAME AND ADDRESS -- ADDRESS FOR NOTIFICATION PURPOSES.**

**01. Change of Name.** Whenever a change of name occurs for a certified contractor, journeyman, specialty journeyman, specialty contractor, registered apprentice, or specialty apprentice, the ~~HVAC~~ Board must be notified immediately, in writing, of the change. Documentation confirming the change of name must be provided to the Board on request. (4-11-06)( )

**02. Change of Address.** Whenever a change of mailing address occurs for a certificated contractor, journeyman, specialty journeyman, specialty contractor, registered apprentice, or specialty apprentice, the ~~HVAC~~ Board must be notified immediately, in writing, of the change. (4-11-06)( )

**03. Address for Notification Purposes.** The most recent mailing address on record with the ~~HVAC~~ Board will be utilized for purposes of all written communication with certified contractors, journeymen, specialty journeymen, specialty contractors, registered apprentices, and specialty apprentices, including, but not limited to, notification of renewal and notices related to inspections. (4-11-06)( )

**0109. MEETINGS.**

~~HVAC~~ Board meetings are subject to the provisions of the Idaho Open Meeting Law, Title 67, Chapter 23, Idaho Code. (3-16-04)( )

**0120. DEFINITIONS.**

**041. Additional Definitions.** Terms defined in Section 54-5003, Idaho Code, will have the same meaning when utilized in these rules. (3-16-04)

**042. Administrator.** The Administrator of the Idaho Division of Building Safety. (3-16-04)

**023. Board.** The Idaho Heating, Ventilation, and Air Conditioning (HVAC) Board. (3-16-04)

**04. Division.** The Idaho Division of Building Safety. (3-16-04)

**05. ~~Rules. IDAPA 07.07.01, "Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety."~~ Recognized Jurisdiction. A jurisdiction with an HVAC program that is recognized by the Board as being substantially equivalent to Idaho's HVAC program.** (3-16-04)( )

**0131. CERTIFICATES OF COMPETENCY -- ISSUANCE, RENEWAL, EXPIRATION -- REVIVAL.**

**01. Issuance.** Certificates of competency will be issued in such a manner as to create a renewal date that coincides with the birth month of the individual to whom the certificate is issued and allows for renewals every three (3) years. (4-6-05)

**a.** Certificates of competency are issued for a period of no less than one (1) year and no more than (3) three years. For example: a qualified applicant who applies for a certificate of competency in August of year one (1),



but whose birthday will not occur until March of year two (2) will be issued a certificate of competency renewable on the anniversary of the applicant's birth month. (4-6-05)

**b.** The fee for issuance of certificates of competency will be prorated based on the number of months for which the certificate is issued. (4-6-05)

**02. Renewal.** Certificates of competency will be renewed in such a manner as to create a staggered system of certificate renewals using the birth month of the individual to whom the certificate is issued as the expiration date. (4-6-05)

**a.** Certificates of competency are renewed for a period of no less than one (1) year and no more than three (3) years. (4-6-05)

**b.** The fee for renewal of certificates of competency will be prorated based on the number of months for which the certificate is issued. (4-6-05)

**03. Expiration-Revival.** (4-6-05)

**a.** Certificates that are not timely renewed will expire on the last day of the month in which the renewal is due. (4-6-05)

**b.** Revived certificates will be issued in such a manner as to create a renewal date that coincides with the birth month of the applicant so as to create a staggered system of renewal. (4-6-05)

**0142. -- 019. (RESERVED)**

**(BREAK IN CONTINUITY OF SECTIONS)**

**021. HVAC CONTRACTOR CERTIFICATE OF COMPETENCY - REQUIREMENTS.**

**01. Bond.** Applicants must provide a compliance bond in the amount of two thousand dollars (\$2,000). Any such bond is required to be effective for the duration of the contractor licensing period. (3-29-12)

**02. Qualification.** Applicants must provide proof, satisfactory to the Board, of having legally acted as an HVAC journeyman for a period of not less than twenty-four (24) months. (3-16-04)

**03. Examination.** Applicants for certification as HVAC contractors must successfully complete the examination designated by the Board. (3-16-04)

**04. Out-of-State Contractor Applications.** ( )

**a.** An out-of-state applicant for a contractor certificate of competency shall first obtain an Idaho journeyman certificate of competency in accordance with Section 023 of these rules. The applicant shall pay all applicable application and examination fees to the Division and successfully complete the contractor examination administered by the Division. The applicant shall file the compliance bond required by Section 54-5007, Idaho Code, with the Division upon successful completion of the examination. Applications that are incomplete in any detail will be returned as unacceptable or denied. ( )

**b.** An applicant for a contractor certificate of competency who has previously been licensed as an HVAC journeyman in a Recognized Jurisdiction shall provide to the Division satisfactory proof of two (2) years of work experience as an HVAC journeyman in such jurisdiction. ( )

**c.** An applicant for a contractor certificate of competency who has never been previously licensed as a journeyman in a Recognized Jurisdiction shall provide proof of four (4) years of experience performing HVAC work of a nature equivalent to that which an HVAC journeyman in Idaho must demonstrate to qualify for a contractor

certificate of competency. Proof of such work experience may be provided by the submission of three (3) sworn affidavits from individuals attesting that the applicant has had at least four (4) years' experience performing such work. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**023. HVAC JOURNEYMAN CERTIFICATES OF COMPETENCY: REQUIREMENTS.**

**01. Experience.** Demonstrate, to the satisfaction of the Board, a minimum of four (4) years' experience working in the trade, in compliance with the requirements of the state in which the applicant received his supervision, or as a registered HVAC apprentice making HVAC installations on the job under the supervision of a qualified HVAC journeyman. Notwithstanding the requirement that an HVAC apprentice demonstrate four (4) years of on-the-job work experience under the supervision of a qualified HVAC journeyman, any HVAC apprentice who successfully completes a Board-approved, full-time, one (1)-academic-year HVAC training course may receive credit for up to one (1) year of on-the-job work experience. (4-11-19)

**02. Education.** Successfully complete any required apprenticeship training courses. (3-16-04)

**03. Examination.** Applicants for certification as HVAC journeymen must successfully complete the examination designated by the Board. (3-16-04)

**a.** Each HVAC apprentice who desires to take the HVAC journeyman examination must complete a Board-approved training course as described in Subsection 025.02 of these rules prior to the date of the examination and provide a certificate of completion with the apprentice's application for examination. There is no minimum work experience requirement to be eligible to take the HVAC journeyman examination. (4-11-19)

**b.** The Division will not issue a certificate of competency to an HVAC apprentice until the apprentice furnishes to the Division proof of satisfaction of the requirements contained in Subsection 023.01 of these rules and successful completion of the journeyman examination. (4-11-19)

**04. Out of State Journeyman Applications.** (3-24-17)

**a.** An out-of-state applicant for a journeyman certificate of competency shall pay all applicable application and examination fees to the Division, and successfully complete the journeyman examination administered by the Division. ( )

~~**b.** Exhibition of a license issued by another Recognized Jurisdiction may be accepted as proof of meeting the experience and schooling requirements listed in Subsections 023.01 and 023.02 of these rules. An application for a journeyman certificate of competency *from an individual who has* previously *been* licensed as a journeyman in *another a Recognized* Jurisdiction *recognized by the Idaho HVAC Board* must *include provide* satisfactory proof of licensure in such jurisdiction. *The applicant must pay all applicable application and examination fees to the Division, and successfully complete the journeyman examination administered by the Division.* (3-24-17)( )~~

~~**b.c.** An application for a journeyman certificate of competency *from an individual* who has never been previously licensed as a journeyman in a *Recognized* Jurisdiction *recognized by the Idaho HVAC Board* must *include evidence that demonstrates that the applicant has* provide one (1) of the following: ( )~~

~~**i.** Proof of four (4) years, defined as eight thousand (8,000) hours, of HVAC work experience ~~or of~~ a nature *at least* equivalent to that which an HVAC apprentice must perform in Idaho, ~~as well as and~~ four (4) years of schooling training equivalent to that which an HVAC apprentice must complete in Idaho. ( )~~

~~**ii.** ~~Alternatively, such an applicant may submit sufficient p~~Proof verifying of eight (8) years, defined as a minimum of sixteen thousand (16,000) hours, of HVAC work experience of a nature at least equivalent to that which an HVAC apprentice must perform in Idaho. ~~Upon submission of sufficient proof of having completed such~~~~

~~experience and schooling requirements, such applicant must also pay all applicable application and examination fees to the Division, and successfully complete the journeyman examination administered by the Division.(3-24-17)( )~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**050. HVAC PERMITS.**

**01. Serial Number.** Each permit must bear a serial number. (3-16-04)

**02. HVAC Contractors and HVAC Specialty Contractors.** The Division will furnish permits to certified HVAC contractors and HVAC specialty contractors upon request. The serial numbers of such permits must be registered in the name of the HVAC contractor or HVAC specialty contractor to whom they are issued. ~~Permits are not transferable.~~ (3-16-04)( )

**03. Home Owners.** Home owners or a contract purchaser of residential property, making HVAC installations on their own residences, coming under the provisions of Section 54-5002, Idaho Code, must secure an HVAC permit by making application to the Division as provided in Section 54-5016, Idaho Code. (3-16-04)

**04. HVAC Contractors and HVAC Specialty Contractors.** HVAC contractors and HVAC specialty contractors must secure an HVAC permit by making application to the Division as provided in Section 54-5016, Idaho Code. (3-16-04)

**05. Transferring a Permit.** A HVAC 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 as well as assignment of all the responsibilities and conditions incorporated into the original permit issuance. A permit may be transferred to the owner of the property on which the HVAC work is to be performed and for which the permit was issued for such owners' designated legal agent, in cases where the property owner has terminated their legal relationship with the HVAC contractor who originally obtained the permit. An administrative fee in the amount of forty-five dollars (\$45) for the transfer of a permit will be assessed by the Division. (3-24-17)

**06. Refunds of Permits.** The Administrator may authorize a refund for any permit fee paid on the following bases: (3-24-17)

**a.** The Administrator may authorize a refund of the entire permit fee paid when no work has been performed related to the installations or HVAC work covered by a permit issued by the Division. A lesser amount up to fifty percent (50%) of the permit fee amount may be refunded if work has commenced and the project is less than fifty percent (50%) complete as determined by the Division; and (3-24-17)

**b.** The Administrator will not authorize a refund of any permit fee paid except upon written application for such filed by the original permit holder or the property owner's representative not less than one hundred eighty (180) days after the date the permit was issued. (3-24-17)

**(BREAK IN CONTINUITY OF SECTIONS)**

**060. REQUIRED INSPECTIONS.**

~~All work performed under a HVAC permit must be inspected by a designated, qualified, properly identified agent of the authority having jurisdiction to ensure compliance with Title 54, Chapter 50, Idaho Code, and IDAPA 07-07-01.~~ (3-16-04)

**01. Request for Division ~~of Building Safety~~ Inspection.** (3-16-04)( )

**a.** Inspection. Each permit holder must notify the Division at least one (1) day prior to the desired inspection, Sundays and holidays excluded, that the project is ready for inspection. (3-16-04)

b. Reinspection. If a reinspection is required after the final inspection, due to a failure to meet requirements of Title 54, Chapter 50, Idaho Code, and/or these rules, the permit holder will be charged a fee not to exceed the actual cost of each reinspection. (3-16-04)

**02. Inspection Tags.** Inspectors certify to the permit holder that an inspection has been done by securely attaching the inspection tag in a prominent location. (5-8-09)

a. Final Inspection Tags. An inspection tag indicating that a final inspection has been performed is attached when the HVAC installation as specified on the permit is complete and conforms to the requirements of the code and rules. (5-8-09)

b. Inspection Tags for Unacceptable HVAC Installations. "Notice of Correction" inspection tags are attached to indicate that the HVAC installation is not acceptable and that corrections are required. (3-29-12)

c. Work-in-Progress Tag. An inspection tag indicating that a work-in-progress inspection has been performed is attached following inspection of ground work, rough-in work, or any portion of the installation that is to be covered or otherwise concealed before completion of the entire HVAC installation as specified on the permit. (5-8-09)

**(BREAK IN CONTINUITY OF SECTIONS)**

**070. CIVIL PENALTIES.**

~~Except for the acts described in Subsections 070.01 and 07.08 of these rules, the following acts described in this section subject the violator to penalties based on the following schedule a civil penalty of not more than two hundred dollars (\$200) for the first offense and not more than one thousand dollars (\$1,000) for each offense that occurs thereafter within one (1) year of an earlier violation. (3-30-07)( )~~

**01. Heating, Ventilation, and Air Conditioning Contractor or Specialty Contractor.** Except as provided by Section 54-5001, Idaho Code, any person who acts, or purports to act, as an HVAC contractor or specialty contractor as defined by Section 54-5003(3) and 54-5003(6), Idaho Code, without a valid Idaho state HVAC contractor or specialty contractor certification is subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and ~~a civil penalty of~~ not more than one thousand dollars (\$1,000) for each offense ~~that occurs~~ thereafter ~~within one (1) year of an earlier violation.~~ (3-30-07)( )

**02. Employees Knowingly Employing.** ~~Any person, who knowingly employing~~ a person who does not hold a valid Idaho ~~state~~ HVAC certification or apprentice registration, as required by Section 54-5008, Idaho Code, to perform HVAC installations, ~~is subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter.~~ (3-30-07)( )

**03. Certification or Registration.** Except as provided by Section 54-5001, Idaho Code, ~~any person~~ performing HVAC work as an HVAC journeyman as defined by Section 54-5003(4), Idaho Code; ~~specialty journeyman as defined by Section 54-5003(7), Idaho Code;~~ apprentice as defined by Section 54-5003(2), Idaho Code; ~~or a specialty apprentice as defined by Section 54-5003(5), Idaho Code,~~ without a valid certification or registration ~~is subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter.~~ (3-30-07)( )

**04. Supervision.** ~~Any Working as an~~ HVAC apprentice or specialty apprentice ~~working~~ without the required journeyman supervision or ~~any HVAC contractor or industrial account~~ employing ~~an~~ apprentices without providing the required ~~HVAC~~ journeyman supervision ~~is subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter.~~ (3-30-07)( )

**05. Performance Outside Scope of Specialty License.** ~~Any HVAC specialty contractor or specialty~~

~~journeyman performing~~ **Performance of any** HVAC installations, alterations, or maintenance **by an HVAC specialty contractor or specialty journeyman** outside the scope of the specialty certification ~~is subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter.~~ (3-30-07)(    )

**06. Fees and Permits.** ~~Any person f~~**ailing** to pay applicable fees or properly post an HVAC permit for, or to request an inspection of, any installation, alteration, improvement, or extension of any piping, venting, ductwork, appliances and appurtenances in connection with any ~~heating, ventilation, or air conditioning~~ **HVAC** system or subsystems of such ~~is subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter.~~ (3-29-10)(    )

**07. Corrections.** ~~Any person who fails~~ **Failure** to make corrections in the time allotted in the notice on any HVAC installation as set forth in Section 54-5019, Idaho Code, ~~is subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter.~~ (3-30-07)(    )

**08. Gross Violation.** In the case of continued, repeated, or gross violation of Title 54, Chapter 50, Idaho Code, or ~~IDAPA 07.07.01, "Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety,"~~ **these rules**, a certification revocation will be initiated for certificated individuals under this chapter and non-certificated individuals is subject to prosecution by the appropriate jurisdiction under Idaho law. (3-30-07)(    )

~~**09. Judicial Review.** Any party aggrieved by the final action of the board is entitled to a judicial review thereof in accordance with the provisions of Title 67, Chapter 52, Idaho Code.~~ (3-30-07)

## **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 07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety**

#### **Proposed Rulemaking - Docket No. 07-0701-1901**

This rulemaking adopts parts V (mechanical) and VI (fuel gas) of the 2018 edition of the International Residential Code (IRC) and the 2018 editions of the International Fuel Gas Code (IFGC) and International Mechanical Code (IMC) but retains existing Idaho amendments to the 2012 editions of these codes, as applicable. Parts V and VI of the 2018 edition of the IRC and the 2018 editions of the IFGC and IMC provide revisions and clarifications that make the codes easier to understand and apply. The 2018 editions of these codes also provide enhanced safety requirements for heating, ventilation, and air conditioning (HVAC) installations, including new safety requirements for emerging HVAC technologies. Examples of noteworthy changes to these codes include the following: parts V and VI of the 2018 IRC revise requirements regarding makeup air serving domestic cooking exhaust, the 2018 IFGC includes express prohibition of the use of PVC and CPVC for fuel gas systems, and the 2018 IMC provides detailed requirements regarding pedicure and manicure station exhaust systems and rates. More detailed information about changes to parts V and VI of the 2018 edition of the IRC and the 2018 editions of the IFGC and IMC is available upon request to the Division of Building Safety.