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IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.06 - RULES GOVERNING THE USE OF NATIONAL ELECTRICAL CODE

DOCKET NO. 07-0106-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-1001 and 54-1006(5), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 45 through 48](#).

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:

The adoption of the 2014 National Electrical Code is expected to cost DBS approximately \$5,000. This cost includes the cost of new code books and training associated with the implementation of the new code. Local jurisdictions will encounter similar costs.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 24th day of October, 2013.

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THE FOLLOWING NOTICE WAS PUBLISHED WITH THE 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 54-1001 and 54-1006(5), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 16, 2013.

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:

Currently, the 2008 edition of the National Electrical Code (NEC) is the standard by which all electrical installations in Idaho must be performed. The 2014 edition of the NEC will be adopted with this rulemaking. Adoption and amendment of the 2014 NEC was the result of negotiated rulemaking and the deliberations of a collaborative group consisting of members of the electrical industry, local building officials, code development officials, board members, and other interested stakeholders. The board skipped the adoption of the 2011 NEC in favor of resolving code issues within the industry through a collaborative and negotiated rulemaking process. Specifically, the 2014 NEC provides for arc fault circuit interrupter (AFCI) breakers to be installed for all circuits supplying outlets in dwelling unit family rooms, dining rooms, living rooms, parlors, dens, bedrooms, recreation rooms, closets, hallways, or similar rooms or areas. However, since 2008 the Board has only required AFCI breakers to be utilized for circuits supplying dwelling unit bedrooms as reflected in existing administrative rule amendment. At numerous board and collaborative meetings conducted over the past several years, the Board considered the input of contractors, manufacturers, consumers, and other affected industry participants before determining to retain the existing rule amendment regarding AFCI breakers. This rulemaking would result in adoption of 2014 NEC and retain the existing amendment that requires the use of such AFCI circuit breakers to be utilized only in dwelling unit bedrooms. The proposed rule would adopt the 2014 edition of the National Electric Code (NEC) along with several amendments to that code related to circuits and receptacles located near sinks, in laundry rooms and kitchens, and on decks and porches. The proposed rule would also eliminate earlier amendments to the bonding requirements which have been adequately addressed in the 2014 NEC.

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

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

The adoption of the 2014 National Electrical Code is expected to cost DBS approximately \$5,000. This cost includes the cost of new code books and training associated with the implementation of the new code. Local jurisdictions will encounter similar costs.

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, 2013 Idaho Administrative Bulletin, [Vol. 13-5, pages 57 and 58](#).

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:

Section 54-1001, Idaho Code, requires all electrical installations in the state of Idaho to be made substantially in accord with the National Electrical Code as newer editions shall be adopted from time to time by the Idaho Electrical Board. Currently, the 2008 edition of the National Electrical Code (NEC) is the standard by which all electrical installations in Idaho must be performed. The 2014 edition of the NEC will be adopted with this rulemaking. The proposed rule will also adopt the 2014 edition of the National Electric Code (NEC) along with several amendments to that code related to circuits and receptacles located near sinks, in laundry rooms and kitchens, and on decks and porches.

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 23, 2013.

DATED this 27th day of August, 2013.

[LSO Rules Analysis Memo](#)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0106-1301

011. ADOPTION AND INCORPORATION BY REFERENCE OF THE NATIONAL ELECTRICAL CODE, 2008~~13~~¹⁴ EDITION.

01. Documents. Under the provisions of Section 54-1001, Idaho Code, the National Electrical Code, 2008~~14~~ Edition, (herein NEC) is hereby adopted and incorporated by reference for the state of Idaho and shall be in full force and effect on and after July 1, 2008~~14~~, with the ~~exception of the~~ following **amendments**: (4-2-08)()

a. 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. ()

b. Article 210.8(A)(10). Delete article 210.8(A)(10). ()

c. Article 210.8(D). Delete article 210.8(D). ()

d. 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. ()

ae. Where the height of a crawl space does not exceed one ~~point~~ and four tenths (1.4) meters or four ~~point five~~ 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 ~~point~~ and one tenth (2.1) meters or seven (7) feet of crawl space access shall comply with Article 320.23. (3-29-10)()

bf. 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. (5-3-03)()

eg. Article 550.32(B). Compliance with Article 550.32(B) shall limit installation of a service on a manufactured home to those homes manufactured after January 1, 1992. (5-3-03)

dh. Poles used as lighting standards 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, shall not be considered to constitute a structure as that term is defined by the National Electrical Code (NEC). The disconnecting means shall not be mounted to the pole. The disconnecting means may be permitted elsewhere in accordance with NEC, Article 225.32, exception 3. SEC 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-away 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, shall 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. (4-6-05)

ei. Compliance with Article 210.12 Arc-Fault Circuit-Interrupter Protection. (4-2-08)

i. Definition. Arc-Fault Circuit-Interrupter is a device intended to provide protection from the effects of arc faults by recognizing characteristics unique to arcing and by functioning to de-energize the circuit when an arc fault is detected. (4-2-08)

ii. Dwelling Unit Bedrooms. All one hundred twenty (120)-volt, single phase, fifteen (15)-ampere and twenty (20)-ampere branch circuits supplying outlets installed in dwelling unit bedrooms shall be protected by a listed arc-fault circuit interrupter, combination type installed to provide protection of the branch circuit. (4-2-08)

~~**f.** Compliance with Article 680.26 Bonding. (4-2-08)~~

~~i. Performance. The bonding required by this section shall be installed to eliminate voltage gradients in the pool area as prescribed. FPN: This section does not require that the eight (8) AWG or larger solid copper bonding conductor be extended or attached to any remote panelboard, service equipment, or any electrode. (4-2-08)~~

~~ii. Bonded Parts. The parts specified in 680.26(B)(1) through (B)(5) shall be bonded together. (4-2-08)~~

~~(1) Metallic Structural Components. All metallic parts of the pool structure, including the reinforcing metal of the pool shell, coping stones, and deck, shall be bonded. The usual steel tie wires shall be considered suitable for bonding the reinforcing steel together, and welding or special clamping shall not be required. These tie wires shall be made tight. If reinforcing steel is effectively insulated by an encapsulating nonconductive compound at the time of manufacture and installation, it shall not be required to be bonded. Where reinforcing steel is encapsulated with a nonconductive compound, provisions shall be made for an alternate means to eliminate voltage gradients that would otherwise be provided by unencapsulated, bonded reinforcing steel. (4-2-08)~~

~~(2) Underwater Lighting. All forming shells and mounting brackets of no-niche luminaries (fixtures) shall be bonded unless a listed low-voltage lighting system with nonmetallic forming shells not requiring bonding is used. (4-2-08)~~

~~(3) Metal Fittings. All metal fittings within or attached to the pool structure shall be bonded. Isolated parts that are not over one hundred (100) mm (four (4) inches) in any dimension and do not penetrate into the pool structure more than twenty-five (25) mm (one (1) inch) shall not require bonding. (4-2-08)~~

~~(4) Electrical Equipment. Metal parts of electrical equipment associated with the pool water circulating system, including pump motors and metal parts of equipment associated with pool covers, including electric motors, shall be bonded. Metal parts of listed equipment incorporating an approved system of double insulation and providing a means for grounding internal nonaccessible, non-current-carrying metal parts shall not be bonded. Where a double-insulated water-pump motor is installed under the provisions of this rule, a solid eight (8) AWG copper conductor that is of sufficient length to make a bonding connection to a replacement motor~~

~~shall be extended from the bonding grid to an accessible point in the motor vicinity. Where there is no connection between the swimming pool bonding grid and the equipment grounding system for the premises, this bonding conductor shall be connected to the equipment grounding conductor of the motor circuit.~~ (4-2-08)

~~(5) Metal Wiring Methods and Equipment. Metal sheathed cables and raceways, metal piping, and all fixed metal parts except those separated from the pool by a permanent barrier shall be bonded that are within the following distances of the pool:~~ (4-2-08)

~~(a) Within one and five tenths (1.5) meters (five (5) feet) horizontally of the inside walls of the pool.~~ (4-2-08)

~~(b) Within three and seven tenths (3.7) meters (twelve (12) feet) measured vertically above the maximum water level of the pool, or any observation stands, towers, or platforms, or any diving structures.~~ (4-2-08)

~~iii. Common Bonding Grid. The parts specified in 680.26B shall be connected to a common bonding grid with a solid copper conductor, insulated, covered, or bare, not smaller than eight (8) AWG. Connection shall be made by exothermic welding or by pressure connectors or clamps that are labeled as being suitable for the purpose and are of stainless steel, brass, copper, or copper alloy. The common bonding grid shall be permitted to be any of the following:~~ (4-2-08)

~~(1) The structural reinforcing steel of a concrete pool where the reinforcing rods are bonded together by the usual steel tie wires or the equivalent.~~ (4-2-08)

~~(2) The wall of a bolted or welded metal pool.~~ (4-2-08)

~~(3) A solid copper conductor, insulated, covered, or bare, not smaller than eight (8) AWG.~~ (4-2-08)

~~(4) Rigid metal conduit or intermediate metal conduit of brass or other identified corrosion-resistant metal conduit.~~ (4-2-08)

~~iv. Connections. Where structural reinforcing steel or the walls of bolted or welded metal pool structures are used as a common bonding grid for nonelectrical parts, the connections shall be made in accordance with 250.8.~~ (4-2-08)

~~v. Pool Water Heaters. For pool water heaters rated at more than fifty (50) amperes that have specific instructions regarding bonding and grounding, only those parts designated to be bonded shall be bonded, and only those parts designated to be grounded shall be grounded.~~ (4-2-08)

02. Availability. ~~This document~~ **A copy of the National Electrical Code** is available at the offices of the Division of Building Safety at 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642, **1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho 83814, and 2055 Garrett Way, Suite 7, Pocatello, Idaho 83201.** (4-2-08)()

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.10 - RULES GOVERNING CERTIFICATION AND APPROVAL OF ELECTRICAL PRODUCTS AND MATERIALS

DOCKET NO. 07-0110-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-1001 and 54-1006(5), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 49 through 51](#).

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:

No impact to the general or dedicated funds. Positive impact through cost savings is expected for those who may install non-listed industrial machinery through the use of a field evaluation process that includes the ability to utilize a professional engineer.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 24th day of October, 2013.

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THE FOLLOWING NOTICE WAS PUBLISHED WITH THE 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 54-1001 and 54-1006(5), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 16, 2013.

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

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

The existing rule uses incorrect terminology to identify an appropriate testing laboratory which certifies and lists products. Additionally, the existing rule does not adequately describe who may perform a field evaluation, nor the standards of what constitutes an adequate field evaluation. Finally, amendment is necessary to provide additional flexibility for the installation of industrial machinery by allowing an evaluation of such by a licensed professional engineer. The proposed rule would provide that approval of all electrical products and materials for installation in Idaho may be achieved either through certification and listing by a nationally recognized testing laboratory, or through a field evaluation process. The rule would require that field evaluations be performed by approved evaluation bodies that meet minimum requirements, and that such evaluations be performed in accordance with recognized practices and procedures. Further, in the case of industrial machinery only, the rule would allow as an alternate method that such evaluation may be performed by a qualified electrical engineer not involved in the design or installation of the equipment.

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

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

No impact to the general or dedicated funds. Positive impact through cost savings is expected for those who may install non-listed industrial machinery through the use of a field evaluation process that includes the ability to utilize a professional engineer.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted. Although formal negotiated rulemaking did not occur prior to the promulgation of this rulemaking, the matter was formally designated as an agenda topic before the Electrical Board at six (6) different board meetings over the course of two years. The Board was satisfied that all stakeholders and interested parties were recognized and had an opportunity to participate in the adoption process. The final proposed rule is the product of the input of multiple stakeholders; although not all favored its adoption.

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

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 23, 2013.

DATED this 27th day of August, 2013.

LSO Rules Analysis Memo

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0110-1301

011. CERTIFICATION AND APPROVAL OF ELECTRICAL PRODUCTS AND MATERIALS.

In the state of Idaho, all materials, devices, fittings, equipment, apparatus, *fixtures luminaires*, and appliances installed or to be used in installations that are supplied with electric energy shall be approved as provided in one (1) of the following *methods*: ~~(2-26-93)(_____)~~

01. Testing Laboratory. Be tested, examined, and certified (Listed) by an ~~accredited electrical product~~ *Nationally Recognized* ~~Testing~~ *Laboratory (NRTL)*. ~~The Division of Building Safety, Electrical Bureau, shall maintain an up-to-date list of products and equipment approved by such testing laboratories as well as an updated list of accredited products which shall be used and installed in accordance with the certification (Listing).~~ ~~(12-17-92)(_____)~~

02. Approval of Electrical Inspector. ~~Be approved by the electrical inspector provided such an assembly, product, or equipment is installed under an electrical permit issued by the Division of Building Safety, Electrical Bureau, and conforms to the National Electrical Code and recognized industry standards. Where in the judgment of the Electrical Bureau a field evaluation~~

~~is necessary to determine the acceptability of the assembly, product, or equipment to recognized industry standards, this field evaluation shall be completed by an accredited electrical product testing laboratory. The Division of Building Safety, Electrical Bureau, shall maintain a list of accredited electrical testing laboratories approved to complete such field evaluations. Such approval shall not be required for types of products that are regularly certified (Listed) or for certified (Listed) products as determined by the list maintained by the Division of Building Safety, Electrical Bureau. Such approval shall be obtained prior to installation. If approval is denied, the particular reasons for denial shall be stated through issuance of a notice of defects pursuant to Section 54-1004, Idaho Code.~~ **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:

~~(12-17-92)~~()

a. The authority having jurisdiction (AHJ); ()

b. A field evaluation body (FEB) 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 ()

c. 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. ()

03. **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 of Building Safety offices located at 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642, 1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho 83814, and 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. ()

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.01 - RULES OF BUILDING SAFETY

DOCKET NO. 07-0301-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 39-4107 and 39-4109, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule published in the September 4, 2013 Idaho Administrative Bulletin, [Vol. 13-9, pages 45 through 52](#).

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:

No impact to the General Fund; some increased short-term costs to jurisdictions enforcing the codes for obtaining code materials and training of inspectors. Amendments to the new code result in decreases in costs to builders that offset minor cost increases associated with new provisions contained in the code. However, no significant additional costs of conformance with the new versions of the codes were brought forward in discussions before the Board.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 26th day of September, 2013.

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THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

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

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 18, 2013.

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

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

Adoption and amendment of the 2012 editions of the International Residential Code and International Energy Conservation Code was the result of negotiated rulemaking and the deliberations of a collaborative group consisting of members of the building industry, local building officials, code development officials, Board members, and other interested stakeholders. Code amendment proposals submitted to the Board by the collaborative group resulted in the Board's recognition that amending several provisions could save contractors and property owners significant expense without an adverse effect on health or safety. Specifically, amendments to the building code bring it into conformity with existing state laws which allow day care facilities within a residence. Amendments to the residential and energy codes restore many critical provisions back to the levels contained in the 2009 codes, and/or provide more economical alternate methods to ensure compliance with code requirements. All of which was advocated by the collaborative group and is more widely accepted within the industry. This rulemaking would result in the adoption of the 2012 International Residential Code (IRC) and 2012 International Energy Conservation Code (IECC) as building standards within Idaho among all jurisdictions. It would also make further amendments to the 2012 IRC and 2012 IECC related to energy code requirements and alternate methods of compliance, as well as amend the International Building Code (IBC) related to daycare facilities within residences.

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

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

No impact to the General Fund; some increased short-term costs to jurisdictions enforcing the codes for obtaining code materials and training of inspectors. Amendments to the new code result in decreases in costs to builders that offset minor cost increases associated with new provisions contained in the code. However, no significant additional costs of conformance with the new versions of the codes were brought forward in discussions before the Board.

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, 2013 Idaho Administrative Bulletin, [Vol. 13-5, pages 60 and 61](#).

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

Adoption and amendment of the 2012 editions of the International Residential Code and International Energy Conservation Code was the result of negotiated rulemaking and the deliberations of a collaborative group consisting of members of the building industry, local building officials, code development officials, Board members, and other interested stakeholders. Code amendment proposals submitted to the Board by the collaborative group resulted in the Board's recognition that amending several provisions could save contractors and property owners significant expense without an adverse effect on health or safety. Section 39-4109, Idaho Code, requires the adoption of the above-referenced codes for the state of Idaho, and allows the Board to adopt subsequent editions and amendments thereto as it determines necessary.

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 25, 2013.

DATED this 13th day of August 2013.

[LSO Rules Analysis Memo](#)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0301-1301

004. ADOPTION AND INCORPORATION BY REFERENCE.

Under the provisions of Section 39-4109, Idaho Code, the codes enumerated in this Section are hereby adopted and incorporated by reference into IDAPA 07.03.01, "Rules of Building Safety,"

Division of Building Safety. Pursuant to Section 39-4109, Idaho Code, ~~the effective date of a 2009 any edition of any of the codes adopted in this Section, with or any amendments identified thereto, shall be January 1, 2011 of the succeeding year following legislative approval of the rulemaking establishing the edition or amendment. Until such time, the 2006 edition of any such code enumerated in this Section without amendment will remain effective pursuant to Section 39-4109, Idaho Code.~~ Copies of these documents may be reviewed at the office of the Division of Building Safety. The referenced codes may be obtained from International Code Council, 5360 Workman Mill Road, Whittier, California 90601-2298 or the International Code Council at <http://www.iccsafe.org>. ~~(3-29-10)()~~

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

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

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

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

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

ii. Boarding houses (nontransient) with sixteen (16) or fewer occupants; ()

iii. Boarding houses (transient) with ten (10) or fewer occupants; ()

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

v. Congregate living facilities (nontransient) with sixteen (16) or fewer occupants; ()

vi. Congregate living facilities (transient) with ten (10) or fewer occupants; or ()

vii. Dwelling units providing day care for twelve (12) or fewer children. ()

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

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

~~bf.~~ Add the following Delete footnote ~~to~~ (g) contained under Table 2902.1 Minimum Number of Required Plumbing Fixtures and replace with the following: ~~(g)~~ For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required. ~~(4-4-13)~~()

02. International Residential Code. 20~~09~~12 Edition with the following amendments: ~~(4-4-13)~~()

a. Delete ~~the~~ exception No. 1 contained under IRC section R101.2 - Scope. ~~(4-7-11)~~()

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

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

d. Add the following item No. 11 at the end of the “Building” subsection of IRC section R105.2 - Work exempt from permit: Flag poles. ()

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

~~ef.~~ IRC Table R302.1 Exterior Walls -- delete the figures contained in the last column of the table under the heading Minimum Fire Separation Distance for the “Walls” and “Projections” elements, and replace with the following:

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

