

COMMERCE & HUMAN RESOURCES COMMITTEE

ADMINISTRATIVE RULES REVIEW

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2012 Legislative Session

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IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.07 - RULES GOVERNING CONTINUING EDUCATION REQUIREMENTS

DOCKET NO. 07-0107-1101 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2012 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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 54-1006(5), 54-1013 and 67-2601A(4)(e) 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:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2011 Idaho Administrative Bulletin, Vol. 11-10, pages 129 through 133.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 67-2601A(4)(e), Idaho Code:

The proposed rule would add a requirement that continuing education providers, who apply to have their programs and instructors approved by the Division, pay a fifty dollar (\$50) fee to the Division.

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:

Fees will cover the expenses incurred by the Division of Building Safety for reviewing and approving courses of instruction and instructors.

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

DATED this 27th day of October, 2011.

Steve Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Ste. 150

P. O. Box 83720
Meridian, ID 83542
Phone: (208) 332-8986
Fax: (877) 810-2840

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 54-1006(5), 54-1013 and 67-2601A(4)(e), 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 19, 2011.

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 addition of a fee is necessary to cover the expense to the Division for reviewing continuing education provider applications.

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

The proposed rule would add a requirement that continuing education providers, who apply to have their programs and instructors approved by the Division, pay a fifty dollar (\$50) fee to the Division.

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:

Fees will cover the expenses incurred by the Division of Building Safety for reviewing and approving courses of instruction and instructors.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need to establish a fee to cover expenses incurred by the Division of Building Safety.

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, (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 26, 2011.

DATED this 29th day of August, 2011.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0107-1101

011. CONTINUING EDUCATION REQUIREMENTS.

Journeyman and master electricians must complete at least twenty-four (24) hours of continuing education instruction in every three (3) year period between updates of the National Electrical Code. The twenty-four (24) hours of instruction shall consist of sixteen (16) hours of code update covering changes included in the latest edition of the National Electrical Code, and eight (8) hours of industry-related training. The Idaho Electrical Board will establish criteria for approval of instruction and instructors, and courses and instructors will be approved by the Electrical Bureau Division of Building Safety. Proof of completion of these continuing education requirements must be submitted to the Bureau Division prior to or with the application for license renewal by any such licensee in order to renew a journeyman or master electrician license for the code change year. ~~(4-7-11)~~()

012. COURSE APPROVAL REQUIREMENTS.

Continuing education courses for electricians must cover technical aspects of the electrical trade. Courses related to management, supervision, business practices, personal computer skills, or first aid will not be approved. Courses will be approved as either code update or industry related based on the criteria as defined in this section. (4-2-08)

01. General Course Requirements. (4-2-08)

a. Courses must be at least four (4) hours in length. (4-2-08)

b. Courses must be taught by an instructor approved by the Electrical Bureau Division of Building Safety. ~~(4-2-08)~~()

c. The presentation should be delivered orally with the assistance of power point or other means of visual media. Pre-taped video or audio shall be held to a minimum. (4-2-08)

d. A course evaluation card shall be provided to all participants to evaluate course and presentation. The completed evaluation cards must be submitted to the Electrical Bureau Division of Building Safety. (4-2-08)()

e. All programs are subject to audit by representatives of the Division of Building Safety or Idaho Electrical Board for content and quality without notice and at no charge. Course and instructor approval are subject to revocation if the minimum requirements of course content or instructor qualifications are not met. (4-2-08)

f. Credit will not be given to a licensee who attended a course prior to that course being approved by the Division of Building Safety. (4-2-08)

02. Code Update Programs. Code update programs must cover changes to the National Electrical Code utilizing pre-approved materials such as the NFPA-IAEI Analysis of Changes. (4-2-08)

03. Industry Related Programs. Industry related programs shall be technical in nature and directly related to the electrical industry. Electrical theory, application of the National Electrical Code, grounding, photovoltaic systems, programmable controllers, and residential wiring methods are examples of industry related programs. (4-2-08)

04. Program Approval Procedures. (4-2-08)

a. Program approvals shall be effective for one (1) code cycle. Subsequent applications for the same program may incorporate by reference all or part of the original application. (4-2-08)

b. An application for course approval may be obtained from the Electrical Bureau Division of Building Safety, 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642, or from the Division of Building Safety's website at <http://dbs.idaho.gov>. The application shall include: (4-2-08)()

i. The title and general description of the program; (4-2-08)

ii. The name of the sponsor as it will appear on the completion certificate; (4-2-08)

iii. The address and contact person for the sponsor; (4-2-08)

iv. The names of the instructors and dates of approval by the Division of Building Safety or completed applications for the instructors; (4-2-08)

v. The hours of instruction to be presented – correspondence or on-line computer based courses must provide a minimum of twenty (20) questions to be answered by the student for each hour of credit requested for approval. For example four (4) hours of credit would require eighty (80) questions, eight (8) hours of credit would require one hundred and sixty (160) questions; (4-2-08)

vi. An outline of the program; (4-2-08)

- vii. The cost of the program to the participant; (4-2-08)
- viii. A schedule of classes, including locations, dates, and times; (4-2-08)
- ix. A list or sample of materials to be used in the program; (4-2-08)
- x. A copy of the quiz to be given to the participants, if applicable; (4-2-08)
- xi. A copy or sample of the completion certificate; *and* (~~4-2-08~~)()
- xii. A copy of the evaluation card; and (~~4-2-08~~)()
- xiii. Payment of a fee of fifty dollars (\$50). ()
- c.** Certificates of Completion. Certificates of completion must contain the following: (4-2-08)
 - i. The date of the program; (4-2-08)
 - ii. The title of the program; (4-2-08)
 - iii. The location of the program; (4-2-08)
 - iv. The name of the sponsor; (4-2-08)
 - v. The number of hours of credit completed; (4-2-08)
 - vi. The name of the attendee; (4-2-08)
 - vii. The license number of the attendee; (4-2-08)
 - viii. The name of the instructor; and (4-2-08)
 - ix. The Idaho course approval number. (4-2-08)
- d.** Evaluation Cards. Evaluation cards or forms must be pre-addressed to the Division of Building Safety and must include the following: (4-2-08)
 - i. The date of the program; (4-2-08)
 - ii. The title of the program; (4-2-08)
 - iii. The location of the program; (4-2-08)
 - iv. The instructor's name; (4-2-08)
 - v. An evaluation of the course (for example: poor, fair, good, very good, excellent);

and (4-2-08)

vi. An evaluation of the instructor's presentation skills. (4-2-08)

05. Appeals. Appeals for courses that have been denied approval shall be submitted in writing and shall be presented to the Idaho Electrical Board within thirty (30) days for review. Decision by the Idaho Electrical Board on the appeal shall be final. Any further appeal shall be to the district court as provided by the Idaho Administrative Procedure Act (Title 67, Chapter 52, Idaho Code) as an appeal from a final agency action in a contested case proceeding. (4-2-08)

06. Instructor Approval Procedures. (4-2-08)

a. Instructor approvals shall be effective for one (1) code cycle. (4-2-08)

b. An application for instructor approval may be obtained from the *Electrical Bureau Division of Building Safety*, 1090 E. Watertower Street, *Suite 150*, Meridian, Idaho 83642, or from the Division of Building Safety's website at <http://dbs.idaho.gov>. Documentation of the instructor qualifications along with payment of a fee of fifty dollars (\$50) must be included with the instructor application. The minimum qualification for an instructor shall be established by providing proof of one (1) of the following: ~~(4-2-08)~~()

i. Current and active master or journeyman electrician license; (4-2-08)

ii. An appropriate degree related to the electrical field; or (4-2-08)

iii. Other recognized experience or certification in the subject matter to be presented. (4-2-08)

c. Any person denied instructor approval may appeal to the Idaho Electrical Board within thirty (30) days. Decision by the Idaho Electrical Board on the appeal shall be final. Any further appeal shall be to the district court as provided by the Idaho Administrative Procedure Act (Title 67, Chapter 52, Idaho Code) as an appeal from a final agency action in a contested case proceeding. (4-2-08)

07. Revocation of Approval. (4-2-08)

a. The Idaho Electrical Board may revoke, suspend, or cancel the approval of any continuing education program or instructor if the Idaho Electrical Board determines that the program or instruction does not meet the intent of furthering the education of electricians. Grounds for revocation of approval shall include, but not be limited to: (4-2-08)

i. Failure of the instructor to substantially follow the approved course materials; (4-2-08)

or ii. Failure to deliver instruction for the full amount of time approved for the course; (4-2-08)

iii. Substantial dissatisfaction with the instructor's presentation or the content of the

course or materials by the class attendees or representatives of the Division of Building Safety or Idaho Electrical Board. (4-2-08)

b. Decision by the Idaho Electrical Board on the appeal shall be final. Any further appeal shall be to the district court as provided by the Idaho Administrative Procedure Act (Title 67, Chapter 52, Idaho Code), as an appeal from a final agency action in a contested case proceeding. (4-2-08)

08. Requirements for Credit. In order for a licensee to receive credit for attending a class, the following requirements must be met: (4-2-08)

a. The class must have prior approval by the ~~Electrical Bureau~~ **Division of Building Safety** or a state that is reciprocal with Idaho for continuing education; ~~(4-2-08)~~()

b. The instructors must be approved instructors for the program; (4-2-08)

c. The licensee must submit a copy of the certificate of completion to the ~~Electrical Bureau~~ **Division of Building Safety**; and ~~(4-2-08)~~()

d. The course provider must provide a roster of attendees to include the name, license number, and the number of hours to be credited. (4-2-08)

09. Schedule of Approved Classes. The ~~Electrical Bureau~~ **Division of Building Safety** shall publish a list of approved classes at a minimum of once a year. This list shall be forwarded to all states that are members of the continuing education reciprocal agreement and shall be made available to any licensee via the Division of Building Safety's website or by mail. ~~(4-2-08)~~()

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.05 - RULES GOVERNING PLUMBING SAFETY LICENSING

DOCKET NO. 07-0205-1101 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2012 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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 54-2605(1), 54-2606 and 67-2601A(4)(e) 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:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2011 Idaho Administrative Bulletin, Vol. 11-10, pages 134 through 141.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 67-2601A(4)(e), Idaho Code:

The proposed rule establishes a fee of fifty dollars (\$50) for review of an application for approval of a continuing education plumbing course.

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:

Fees will cover the expenses incurred by the Division of Building Safety for reviewing and approving courses of instruction and instructors.

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

DATED this 27th day of October, 2011.

Steve Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Ste. 150

P. O. Box 83720
Meridian, ID 83542
Phone: (208) 332-8986
Fax: (877) 810-2840

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 54-2605(1), 54-2606 and 67-2601A(4)(e), 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 19, 2011.

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:

In 2010, a continuing education requirement for plumbing contractors and journeymen was established with the declaration within the rule (IDAPA 07.02.05.016.02.c.) that the Plumbing Board would establish criteria for approval of instructors and courses of instruction by the Division. Substantially similar criteria have already been established for the provision of continuing education to electrical licensees, and effectively serve to ensure the reputability and effectiveness of instructors and courses offered. The proposed rule establishes the requirements for courses of instruction, the Division's procedures for approval of programs and providers, the fees associated with applications for approval, and requirements for credit.

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

The proposed rule establishes a fee of fifty dollars (\$50) for review of an application for approval of a continuing education plumbing course.

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:

Fees will cover the expenses incurred by the Division of Building Safety for reviewing and approving courses of instruction and instructors.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rule.

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, (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 26, 2011.

DATED this 29th day of August 2011.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0205-1101

016. CERTIFICATES OF COMPETENCY -- ISSUANCE, RENEWAL, EXPIRATION, REVIVAL -- FEES.

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

a. Certificates of competency shall be issued for a period of no less than one (1) year and no more than three (3) 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) shall be issued a certificate of competency renewable on the anniversary of the applicant's birthdate. (4-6-05)

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

02. Renewal. Certificates of competency shall be renewed in such a manner as will achieve a staggered system of certificate renewal using the birthdate of the individual to whom the certificate is issued as the expiration date. (4-6-05)

a. Certificates of competency shall be 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 shall be prorated based on the number of months for which it is issued. (4-6-05)

~~**e.** *Continuing Education. The Idaho Plumbing Board will establish criteria for approval of instruction and instructors and courses and instructors will be approved by the Plumbing Bureau. Proof of completion of the following continuing education requirements must be submitted to the Plumbing Bureau prior to, or with the application for, licensure renewal by any licensee in order to renew a journeyman or contractors plumbing license.* (3-29-10)~~

~~**i.** *Journeyman must complete eight (8) hours of continuing education for every three-year license cycle, or complete an exam administered by the Division. Of the required eight (8) hours, four (4) hours must be plumbing code update related and the other four (4) hours may be industry related training.* (3-29-10)~~

~~**ii.** *Contractors must complete sixteen (16) hours of continuing education for every three-year license cycle. Hours accrued obtaining journeyman education may be applied toward this requirement whenever applicable.* (3-29-10)~~

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

a. Certificates that are not timely renewed will expire. (4-6-05)

b. A certificate that has expired may be revived within twelve (12) months of its expiration by submitting a completed application and paying the same fee as for an initial certificate and meeting all other certification requirements. (4-6-05)

c. Revived certificates shall be issued in such a manner as to create a renewal date that coincides with the birthdate of the applicant to achieve a staggered system of renewal. (4-6-05)

Codified Section 017 has been moved and renumbered to proposed Section 018

017. CONTINUING EDUCATION REQUIREMENTS.

01. Proof of Completion. Proof of completion of the following continuing education requirements must be submitted to the Division of Building Safety prior to, or with the application for, licensure renewal by any licensee in order to renew a journeyman or contractors plumbing license. ()

a. Journeyman must complete eight (8) hours of continuing education for every three-year license cycle, or complete an exam administered by the Division. Of the required eight (8) hours, four (4) hours must be plumbing code update related and the other four (4) hours may be industry related training. ()

b. Contractors must complete sixteen (16) hours of continuing education for every

three-year license cycle. Hours accrued obtaining journeyman education may be applied toward this requirement whenever applicable. ()

02. Course Approval Requirements. Continuing education courses for plumbers must cover technical aspects of the plumbing trade. Courses related to management, supervision, business practices, personal computer skills or first aid will not be approved. Courses will be approved as either code update or industry related based on the criteria as defined in Section 017 of these rules. The criteria for the approval of instruction and instructors is established as provided in Section 017 of these rules. Courses and instructors shall be approved by the Division. ()

03. General Course Requirements. ()

a. Courses must be at least four (4) hours in length. ()

b. Courses must be taught by an instructor approved by the Division. ()

c. The presentation should be delivered orally and supplemented with appropriate visual media. Pre-taped video or audio shall be held to a minimum. ()

d. A course evaluation card shall be provided to all participants to evaluate the course and presentation. ()

e. All programs are subject to audit by representatives of the Division or the Idaho Plumbing Board for content and quality without notice and at no charge. Course and instructor approval are subject to revocation if the minimum requirements of course content or instructor qualification are not maintained. ()

f. Credit will not be given to a licensee who attended a course prior to that course being approved by the Division. ()

04. Code Update Programs. Code update programs must cover changes to the Idaho State Plumbing Code or the Uniform Plumbing Code. ()

05. Industry Related Programs. Industry related programs shall be technical in nature and directly related to the plumbing industry. ()

06. Program Approval Procedures. ()

a. Program approvals shall be effective for one (1) code cycle. Subsequent applications for the same program may incorporate by reference all or part of the original application. ()

b. An application for course approval may be obtained from the Division of Building Safety offices 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; or from the Division's website at <http://dbs.idaho.gov>. The application shall include: ()

- i. The title and general description of the program; ()
- ii. The name of the sponsor as it will appear on the completion certificate; ()
- iii. The address and contact person for the sponsor; ()
- iv. The names of the instructors and dates of approval by the Division of Building Safety or completed applications for the instructors; ()
- v. The hours of instruction to be presented - correspondence or on-line computer-based courses must provide a minimum of twenty (20) questions to be answered by the student for each hour of credit requested for approval. For example, four (4) hours of credit would require eighty (80) questions, eight (8) hours of credit would require one hundred sixty (160) questions; ()
- vi. An outline of the program; ()
- vii. The cost of the program to the participant; ()
- viii. A schedule of classes, including locations, dates and times; ()
- ix. A list or sample of materials to be used in the program; ()
- x. A copy of the quiz to be given to participants, if applicable; ()
- xi. A copy of the completion certificate; ()
- xii. A copy of the evaluation card; and ()
- xiii. Fifty dollar (\$50) fee for review of the application. ()
- c.** Certificates of Completion. Certificates of completion must include the following: ()
 - i. The title of the program; ()
 - ii. The location of the program; ()
 - iii. The name of the sponsor; ()
 - iv. The number of hours of credit completed; ()
 - v. The name of the attendee; ()
 - vi. The license number of the attendee; ()
 - vii. The name of the instructor; and ()

viii. The Idaho course approval number. ()

d. Evaluation Cards. Evaluation cards or forms must be pre-addressed to the Division of Building Safety and must include the following: ()

i. The date of the program; ()

ii. The title of the program; ()

iii. The location of the program; ()

iv. The instructor's name; ()

v. An evaluation of the course (e.g., poor, fair, good, very good, excellent); and ()

vi. An evaluation of the instructor's presentation skills. ()

07. Instructor Approval Procedures. Instructor approvals shall be effective for one (1) code cycle. Applications for instructor approval may be obtained from the Division of Building Safety offices 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; or from the Division's website at <http://dbs.idaho.gov>. The minimum qualification for an instructor shall be established by providing proof of one (1) of the following, which shall be documented and submitted with the instructor's application and the fifty dollar (\$50) application fee: ()

a. Current and active Idaho contractor or journeyman plumber license; ()

b. An appropriate degree related to the plumbing profession; or ()

c. Other recognized experience or certification in the subject matter to be presented. ()

08. Revocation of Approval. The Division may revoke, suspend, or cancel the approval of any instructor if the Division determines that the instructor does not meet the intent of furthering the education of plumbers. Grounds for revocation of approval shall include, but not be limited to: ()

a. Failure of the instructor to substantially follow the approved course materials; ()

b. Failure to deliver instruction for the full amount of time approved for the course;
or ()

c. Substantial dissatisfaction with the instructor's presentation by class attendees or representatives of the Division or the Idaho Plumbing Board. ()

09. Appeals. Appeals for courses or instructors denied approval or where approval has been revoked for cause shall be in writing and shall be presented to the Idaho Plumbing Board within thirty (30) days of the denial of the application. Decision of the Board on the appeal shall be final. Any further appeal shall be to the district court as provided by the Idaho Administrative Procedures Act as an appeal from a final agency action in a contested case proceeding. ()

10. Requirements for Credit. In order for a licensee to receive credit for attending a class, the following requirements must be met: ()

a. The class must have prior approval by the Division or a state that is reciprocal with Idaho for continuing education; ()

b. The instructors must be approved as instructors for the specific program; ()

c. The licensee must submit a copy of the certificate of completion to the Division; and ()

d. The course provider must provide a roster of attendees to include the name, license number, and the number of hours to be credited. ()

11. Schedule of Approved Classes. The Division of Building Safety shall publish a list of approved classes at least once a year. The list shall be forwarded to all states that are members of a continuing education reciprocal agreement and shall be made available to any licensee on the Division's website. ()

0178. SPECIALTY PLUMBING LICENSES.

The purpose of this section is to set out the special types of plumbing installations for which a specialty license is required; to set out the minimum experience requirements for such licenses; and to describe the procedure for securing such licenses. (8-25-88)

01. Qualified Journeyman Plumbers. Qualified journeyman plumbers as defined in Section 54-2611(b), Idaho Code, shall be permitted to make installations as subsequently described herein without securing an additional license for said installation. (11-14-85)

02. Minimum Experience Requirements. (8-3-83)

a. Experience gained by an individual while engaged in the practice of mobile home hook-ups shall not be considered towards the satisfaction of the minimum experience requirements for licensing as a journeyman plumber. (8-3-83)

b. All installers shall be licensed and be in the employ of a licensed plumbing contractor or specialty contractor limited to this category. (8-3-83)

03. Mobile Home Set-Up or Installers. (8-25-88)

a. Any person qualifying for and having in his possession a current license in this category may make the proper connections of sewer and water to existing facilities on site. All material and workmanship shall comply with the requirements of the Uniform Plumbing Code.

(8-3-83)

b. All installers shall be licensed and be in the employ of a licensed plumbing contractor or specialty contractor limited to this category. This specialty license does not permit any extension, alteration, or addition to the plumbing system within the mobile home or the installation of any underground plumbing outside the mobile home. (8-3-83)

04. Applications for Specialty Licenses. Applications for the above specialty licenses may be obtained from the Plumbing Bureau, Idaho Division of Building Safety. The forms shall be returned with the examination fee provided by Section 54-2614, Idaho Code, with proof of the required two (2) years experience in the field of this specialty. (8-25-88)

05. Examinations for Specialty Licenses. Written examinations for specialty plumbing licenses shall be formulated from the practical application of the sections of the Uniform Plumbing Code as adopted by the Idaho Plumbing Board under Section 54-2601, Idaho Code. (11-14-85)

06. Fees. Fees for certificates shall be required in accordance with Section 54-2616, Idaho Code. (11-14-85)

0189. APPLIANCE PLUMBING SPECIALTY LICENSE.

The purpose of this section is to set out the special types of plumbing installations for which an appliance plumbing specialty license is required; to set out the minimum experience requirements for such licenses; and to describe the procedure for securing such licenses. (7-1-99)

01. Qualified Journeyman Plumbers. Qualified journeyman plumbers as defined in Section 54-2611(b), Idaho Code, shall be permitted to make installations as subsequently described herein without securing an additional license for said installation. (7-1-99)

02. Qualified Apprentice Plumbers. Qualified apprentice plumbers as defined in Section 54-2611(c), Idaho Code, shall be permitted to make installations as subsequently described herein without securing an additional license for said installation. (7-1-99)

03. Minimum Experience Requirements. (7-1-99)

a. Experience gained by an individual while engaged in the practice of appliance plumbing specialty shall not be considered towards the satisfaction of the minimum experience requirements for licensing as a journeyman plumber. (7-1-99)

b. All qualified appliance plumbing specialty journeymen shall be licensed and be in the employ of a licensed plumbing contractor or specialty contractor limited to this category. (7-1-99)

c. Appliance plumbing specialty contractors must have a two thousand dollar (\$2,000) surety bond, thirty (30) months minimum journeyman experience, and successful completion of appliance plumbing specialty contractor's test. (7-1-99)

d. Appliance plumbing specialty journeymen must have eighteen (18) months

apprentice on-the-job experience, satisfactory completion of seventy-two (72) hours of Idaho Plumbing Board-approved, related training classes and successful completion of the appliance plumbing specialty journeyman's test. (7-1-99)

e. Appliance plumbing specialty apprentices must be employed by a licensed contractor, under the supervision of a journeyman, be enrolled in or have completed Idaho Plumbing Board-approved related training classes and maintain state registration. (7-1-99)

04. Special Grandfathering Provision. (7-1-99)

a. Contractor: In lieu of the thirty (30) months minimum journeyman experience requirement, an individual may use five (5) years experience of owning and operating a business where this specialty applies AND satisfactory completion of seventy-two (72) hours of Idaho Plumbing Board-approved related training classes. For this purpose, a business is defined as an activity in which tax returns were required to be and have been filed for at least five (5) years. (7-1-99)

b. Journeyman: In lieu of the eighteen (18) months apprentice on-the-job experience requirement, an individual may use five (5) years experience working for a business where this specialty applies. For this purpose, working for a business is defined as being issued a W-2 earning form from a related business or businesses for at least five (5) years. (7-1-99)

05. Applications for Specialty Licenses. Applications for the above specialty licenses may be obtained from the Plumbing Bureau, Division of Building Safety. The forms shall be returned with the examination fee provided by Section 54-2614, Idaho Code, with proof of the required experience in the field of this specialty. (7-1-99)

06. Examinations for Specialty Licenses. Written examinations for specialty plumbing licenses shall be formulated from the practical application of the sections of the Uniform Plumbing Code as adopted by the Idaho Plumbing Board under Section 54-2601, Idaho Code. (7-1-99)

07. Fees. Fees for certificates shall be required in accordance with Section 54-2616, Idaho Code. (7-1-99)

08. Scope of Work Permitted. Permitted to disconnect, cap, remove, and reinstall within sixty (60) inches of original location: water heating appliance, water treating or filtering devices; air or space temperature modifying equipment which involves potable water; humidifier; temperature and pressure relief valves; condensate drains and indirect drains in one (1)-family and two (2)-family residences only. Does not include installation, testing, or certifying of backflow prevention devices. Does NOT include any modification to the drain, waste or vent systems. Must comply with all Idaho plumbing laws and rules and the requirements of the Uniform Plumbing Code. (7-1-99)

~~01920~~. WATER PUMP PLUMBING SPECIALTY LICENSE.

The purpose of this section is to set out the special types of plumbing installations for which a water pump plumbing specialty license is required; to set out the minimum experience requirements for such licenses; and to describe the procedure for securing such licenses. (7-1-99)

01. Qualified Journeyman Plumbers. Qualified journeyman plumbers as defined in Section 54-2611(b), Idaho Code, shall be permitted to make installations as subsequently described herein without securing an additional license for said installation. (7-1-99)

02. Qualified Apprentice Plumbers. Qualified apprentice plumbers as defined in Section 54-2611(c), Idaho Code, shall be permitted to make installations as subsequently described herein without securing an additional license for said installation. (7-1-99)

03. Minimum Experience Requirements. (7-1-99)

a. Experience gained by an individual while engaged in the practice of water pump plumbing specialty shall not be considered towards the satisfaction of the minimum experience requirements for licensing as a journeyman plumber. (7-1-99)

b. All qualified water pump plumbing specialty journeymen shall be licensed and be in the employ of a licensed plumbing contractor or specialty contractor limited to this category. (7-1-99)

c. Water pump plumbing specialty contractors must have a two thousand dollars (\$2,000) surety bond, thirty (30) months minimum journeyman experience, and successful completion of water pump plumbing specialty contractor's test. (7-1-99)

d. Water pump specialty journeymen must have eighteen (18) months apprentice on-the-job experience, satisfactory completion of twelve (12) hours of Idaho Plumbing Board-approved, related training classes and successful completion of the water pump plumbing specialty journeyman's test. (7-1-99)

e. Water pump plumbing specialty apprentices must be employed by a licensed contractor, under the supervision of a journeyman, be enrolled in or have completed Idaho Plumbing Board-approved related training classes and maintain state registration. (7-1-99)

04. Special Grandfathering Provision. (7-1-99)

a. Contractor: In lieu of the thirty (30) month minimum journeyman experience requirement, an individual may use three (3) years experience of owning and operating a business where this specialty applies and satisfactory completion of twenty-four (24) hours of Idaho Plumbing Board-approved related training classes. For this purpose, a business is defined as an activity in which tax returns were required to be and have been filed for at least three (3) years. (7-1-99)

b. Journeyman: In lieu of the eighteen (18) months apprentice on-the-job experience requirement, an individual may use three (3) years experience working for a business where this specialty applies. For this purpose, working for a business is defined as being issued a W-2 earning form from a related business or businesses for at least three (3) years. (7-1-99)

05. Applications for Specialty Licenses. Applications for the above specialty licenses may be obtained from the Plumbing Bureau, Division of Building Safety. The forms shall

be returned with the examination fee provided by Section 54-2614, Idaho Code, with proof of the required experience in the field of this specialty. (7-1-99)

06. Examinations for Specialty Licenses. Written examinations for specialty plumbing licenses shall be formulated from the practical application of the sections of the Uniform Plumbing Code as adopted by the Idaho Plumbing Board under Section 54-2601, Idaho Code. (7-1-99)

07. Fees. Fees for certificates shall be required in accordance with Section 54-2616, Idaho Code. (7-1-99)

08. Scope of Work Permitted. Permitted to install and connect water service piping from pump to storage expansion pressure tank in one (1) and two (2) family residences only. Does not include installation, testing or certifying of backflow prevention devices. Must comply with all Idaho plumbing laws and rules and the requirements of the Uniform Plumbing Code. (7-1-99)

0201. -- 999. (RESERVED)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.05.01 - RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

DOCKET NO. 07-0501-1101 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2012 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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 fee rule. The action is authorized pursuant to Section 54-1907, 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:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2011 Idaho Administrative Bulletin, Vol. 11-10, pages 156 and 157.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 54-1910(e) and 67-2601A(4)(e), Idaho Code:

The proposed rule establishes a fee for a petition filed for an extension of time in which to renew a license in the amount of the prorated portion of the annual license fee for the class of license applied for, with a minimum fee of at least fifty dollars (\$50). The proposed rule also establishes a fee for a request to the Division to expedite its review and determination of a license application in the amount of one hundred dollars (\$100).

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:

Negligible impact to the Public Works Contractor Licensing Board fund, as the total licensing receipts will be unchanged except for those limited cases where an applicant needs to expedite the licensing process. Anticipated increase in revenue due to expediting fees is five thousand dollars (\$5,000).

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

DATED this 27th day of October, 2011.

Steve Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Ste. 150

P. O. Box 83720
Meridian, ID 83542
Phone: (208) 332-8986
Fax: (877) 810-2840

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 Section 54-1907, 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 19, 2011.

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:

Applicants for public works contractor licenses often request an extension of time from the Division to submit an application for renewal of their license. Existing administrative rule already provides for the procedures for such a request; however the current procedure locks the applicant into an annual recurring request usually coinciding with the fiscal year and lag in receiving the accountant's report. By initiating a separate fee and moving the renewal date of the license it is hoped that the bulk of the annual recurring requests will be eliminated. Applicants also often request that their application for licensure be expedited, and the Division facilitates such requests when resources are available. By instituting a separate surcharge for this service, DBS assures that all license applicants are treated fairly, and that no applicant's application is negatively impacted by moving another applicant's application ahead. The extra fee will allow the Division to pay existing staff on an overtime basis to handle requests for expediting. The proposed rule would provide for an additional fee for those public works contractor license applicants who make request to the Division for an extension of time in which to submit an application, as well as a provision to expedite a public works contractor license application along with a commensurate fee for providing such service.

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

The proposed rule establishes a fee for a petition filed for an extension of time in which

to renew a license in the amount of the prorated portion of the annual license fee for the class of license applied for, with a minimum fee of at least fifty dollars (\$50). The proposed rule also establishes a fee for a request to the Division to expedite its review and determination of a license application in the amount of one hundred dollars (\$100).

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:

Negligible impact to the Public Works Contractor Licensing Board fund, as the total licensing receipts will be unchanged except for those limited cases where an applicant needs to expedite the licensing process. Anticipated increase in revenue due to expediting fees is five thousand dollars (\$5,000).

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the proposed rule changes.

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, (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 26, 2011.

DATED this 29th day of August, 2011.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0501-1101

105. LICENSE RENEWAL -- FILING DEADLINES; PETITIONS FOR EXTENSION OF TIME TO FILE; LAPSED LICENSES.

01. Filing Deadline. Applications for renewal of a license shall be filed by the last working day of the month in which the license expires. (3-20-04)

02. Extension of Time. A petition for an extension of time in which to renew shall be filed by the last working day of the month in which the license expires. The petition shall be accompanied by the required a fees in the amount of the prorated portion of the annual license fee for the class of license applied for, with a minimum fee of at least fifty dollars (\$50). The fee for

this service is required in addition to the licensing and renewal fees provided for in Section 201 of these rules and shall be paid to the Division at the time of application for licensure. Petitions not accompanied by the required fees or filed after the license has expired will not be honored.

~~(3-20-04)~~()

i. The petition shall specify the number of days for which the extension is being requested. (3-20-04)

ii. Under no circumstances shall an extension exceed sixty (60) days. Petitions for more than sixty (60) days will not be honored. (3-20-04)

03. Approval of Petition. Approval of a petition for an extension of time shall authorize operation as a contractor until actual issuance of such renewal license for the ensuing licensing period, provided the application for renewal is filed with the Board within the extended time specified. (3-19-99)

04. Failure to File. If the licensee fails to file a timely application for renewal or petition for extension, the license shall lapse and expire on the last day of the license period. Licenses not renewed in a timely manner shall be considered delinquent for a period of one (1) year from the last day of the license period and may be renewed at any time during that year. Licenses delinquent for more than a period of one (1) year must be reinstated and the applicant for reinstatement must apply as if for a new license. (3-20-04)

05. Expedited Licensure. Upon an applicant's request and payment of a fee of one hundred dollars (\$100), the Division shall expedite its review and determination of a license application. The fee for this service is required in addition to the licensing and renewal fees provided for in Section 201 of these rules and shall be paid to the Division at the time of application for licensure. ()

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.04.01 - RULES OF THE IDAHO BOARD OF COSMETOLOGY

DOCKET NO. 24-0401-1101 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2012 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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 fee rule. The action is authorized pursuant to Section 54-831, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [August 3, 2011 Idaho Administrative Bulletin, Vol. 11-8, pages 210 through 211.](#)

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-818, Idaho Code:

Rule 125 is being amended to reduce fees for original licenses, annual renewals and permits for all people and entities licensed pursuant to Title 54, Chapter 8, Idaho Code. Specifically this change would decrease original license fees and renewal fees for cosmetologists, nail technicians, estheticians, haircutters, and electrologists from \$20 to \$15; decrease cosmetology establishment, retail cosmetic dealers and glamour photography original licenses from \$50 to \$30; decrease cosmetology establishment, retail cosmetic dealers, and glamour photography renewals from \$35 to \$25; decrease cosmetology school original license from \$500 to \$400; decrease cosmetology school renewal from \$150 to \$75; decrease endorsement fee from \$100 to \$85; decrease apprentice fee from \$20 to \$15; and eliminate the \$10 fee for a temporary permit to demonstrate or teach.

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:

These fee changes would reduce the amount of fees collected for the Board of Cosmetology by approximately \$124,015 per year based on the number of licensees. There is no impact on the general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at 208 334-3233.

DATED this 4th day of November, 2011.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W State

Boise, ID 83702
Phone: (208) 334-3233
Fax: (208) 334-3945

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 Section 54-831, 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 August 17, 2011.

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 Board of Cosmetology operates on fees paid by its licensees. This change would decrease the application fee, endorsement fee, original license fee, apprentice fee, and annual renewal fee for licensure.

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

Rule 125 is being amended to reduce fees for original licenses, annual renewals and permits for all people and entities licensed pursuant to Title 54, Chapter 8, Idaho Code. Specifically this change would decrease original license fees and renewal fees for cosmetologists, nail technicians, estheticians, haircutters, and electrologists from \$20 to \$15; decrease cosmetology establishment, retail cosmetic dealers and glamour photography original licenses from \$50 to \$30; decrease cosmetology establishment, retail cosmetic dealers, and glamour photography renewals from \$35 to \$25; decrease cosmetology school original license from \$500 to \$400; decrease cosmetology school renewal from \$150 to \$75; decrease endorsement fee from \$100 to \$85; decrease apprentice fee from \$20 to \$15; and eliminate the \$10 fee for a temporary permit to demonstrate or teach.

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:

These fee changes would reduce the amount of fees collected for the Board of Cosmetology by approximately \$124,015 per year based on the number of licensees.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule changes were discussed in a noticed open meeting with interested parties in attendance.

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 Cherie Simpson at (208) 334-3233.

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 August 24, 2011.

DATED this 7th day of July, 2011.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 24-0401-1101

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-0401-1101

125. FEES (RULE 125).

Fees are established in accord with Section 54-818, Idaho Code, as follows: (7-1-97)

01. Original Permits, Licenses, and Annual Renewals. (3-30-01)

- a. Cosmetological establishment, original license - ~~Fifty~~ thirty dollars (\$~~50~~30).
(~~3-30-01~~)()
- b. Cosmetological establishment, annual renewals - ~~Thirty~~ twenty-five dollars (\$~~30~~25).
(~~3-18-99~~)()
- c. Retail cosmetics Dealer, original license - ~~Fifty~~ thirty dollars (\$~~50~~30).
(~~3-30-01~~)()
- d. Retail cosmetics dealer, annual renewals - ~~Thirty~~ twenty-five dollars (\$~~30~~25).
(~~3-18-99~~)()

- e. Makeover or glamour photography business, original license - ~~Fifty~~ thirty dollars (\$~~530~~). ~~(3-30-01)~~()
- f. Makeover or glamour photography business, annual renewals - ~~Thirty~~ twenty-five dollars (\$~~325~~). ~~(3-18-99)~~()
- g. Domestic school of cosmetology, original license - ~~Five~~ four hundred dollars (\$~~5400~~). ~~(3-30-01)~~()
- h. Domestic school of cosmetology, annual renewals - ~~One hundred fifty~~ seventy-five dollars (\$~~15075~~). ~~(7-1-97)~~()
- i. Registered cosmetologist, original license/annual renewals - ~~Twenty~~ fifteen dollars (\$~~2015~~). ~~(4-9-09)~~()
- j. Nail technician, original license/annual renewals - ~~Twenty~~ fifteen dollars (\$~~2015~~). ~~(4-9-09)~~()
- k. Apprentice, original license (no renewal fees required) - ~~Twenty~~ fifteen dollars (\$~~2015~~). ~~(7-1-97)~~()
- l. Instructor, original license/annual renewals - ~~twenty-five~~ dollars (\$~~250~~). ~~(4-9-09)~~()
- m. Electrologist, original license/annual renewals - ~~Twenty~~ fifteen dollars (\$~~2015~~). ~~(4-9-09)~~()
- n. Esthetician, original license/annual renewals - ~~Twenty~~ fifteen dollars (\$~~2015~~). ~~(4-9-09)~~()
- o. Haircutter, original license/annual renewals - ~~Twenty~~ fifteen dollars (\$~~2015~~). ~~(4-9-09)~~()
- p. Endorsement fee - ~~One hundred~~ eighty-five dollars (\$~~10085~~). ~~(3-30-01)~~()
- q. ~~Temporary permit to demonstrate and teach—Ten dollars (\$10).~~ ~~(3-30-01)~~
- 02. Examination Fees.** The fee for those examinations administered by a third party administrator shall be that fee determined by the administrator and shall be paid directly to the administrator by the applicant. (4-9-09)
- 03. Fees Shall Not Be Prorated or Returnable.** Fees shall not be prorated or returnable. (7-1-97)

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.18.01 - RULES OF THE REAL ESTATE APPRAISER BOARD

DOCKET NO. 24-1801-1101 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2012 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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 fee rule. The action is authorized pursuant to Section 54-4106, 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:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [October 5, 2011 Idaho Administrative Bulletin, Vol. 11-10, pages 545 through 557](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-4113, Idaho Code:

The fees for licenses are being increased to equal the annual registry fee required by the Appraisal Subcommittee. This fee increase will have no impact on the dedicated fund since it is passed through to the Appraisal Qualifications Board. The fee rule is also being amended to set a fee for provider applications as allowed by passage of HB-82 in the 2011 session.

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 fees for licenses are being increased to equal the annual registry fee required by the Appraisal Subcommittee. This fee increase will have no impact on the dedicated fund since it is passed through to the Appraisal Qualifications Board. The fee rule is also being amended to set a fee for provider applications as allowed by passage of HB-82 in the 2011 session. The fee for provider application could increase the dedicated fund by approximately \$12,000 based on the number of provider applications received last year.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Cherie Simpson at 208 334-3233.

DATED this 4th day of November, 2011.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W State

Boise, ID 83702
Phone: (208) 334-3233
Fax: (208) 334-3945

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 Section 54-4106, 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 19, 2011.

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 Board of Real Estate Appraisers is amending its rules to comply with Federal Law and to provide clarification. The edition of the Uniform Standards of Professional Appraisal Practice (USPAP) is being updated; clarifying definitions; establishing the CE provider fee; increasing the license fees to be in compliance with the Appraisal Qualifications Board (AQB); updating the application section; clarifying the qualifications for license; clarifying and amending the registered trainee section and allowing continuing education in a two year cycle; clarifying requirements for certified residential appraisers; clarifying the qualifications for certified general appraisers; amending the continuing education section to allow CE in a two year cycle; and finally amending the temporary practice to require applicants to be listed on the National Registry as proof of licensure.

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

The fees for licenses are being increased to equal the annual registry fee required by the Appraisal Subcommittee. This fee increase will have no impact on the dedicated fund since it is passed through to the Appraisal Qualifications Board. The fee rule is also being amended to set a fee for provider applications as allowed by passage of HB-82 in the 2011 session.

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 fees for licenses are being increased to equal the annual registry fee required by the Appraisal Subcommittee. This fee increase will have no impact on the dedicated fund since it is passed through to the Appraisal Qualifications Board. The fee rule is also being amended to set a fee for provider applications as allowed by passage of HB-82 in the 2011 session. The fee for provider application could increase the dedicated fund by approximately \$12,000 based on the number of provider applications received last year.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule changes were discussed in a noticed open meeting with interested parties in attendance.

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 Cherie Simpson at (208) 334-3233.

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 26, 2011.

DATED this 29th day of August, 2011.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 24-1801-1101

004. INCORPORATION BY REFERENCE (RULE 4).

The document titled "Uniform Standards of Professional Appraisal Practice (USPAP)," 2010~~2~~-201~~3~~³ Edition published by the Appraisal Foundation and effective ~~April~~ January 31, 2009¹² as referenced in Subsection 700, is herein incorporated by reference and is available for review at the Board's office and may be purchased from the Appraisal Foundation, Distribution Center, P. O. Box 381, Annapolis Junction, MD 20701-0381. ~~(3-29-10)()~~

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS (RULE 10).

The definitions numbered one through sixteen (1-16), appearing at Section 54-4104, Idaho Code are incorporated herein by reference as if set forth in full. (3-29-10)

- 01. Advisory Committee.** A committee of state certified or licensed real estate appraisers appointed by the board to provide technical assistance relating to real estate appraisal standards and real estate appraiser experience, education and examination requirements that are appropriate for each classification of state certified or licensed real estate appraiser. (7-1-93)
- 02. Appraisal Foundation.** The Appraisal Foundation means the Appraisal Foundation established on November 30, 1987, as a not-for-profit corporation under the laws of Illinois. (7-1-97)
- 03. Appraiser Qualifications Board.** Appraiser Qualifications Board of the Appraisal Foundation establishes the qualifications criteria for licensing, certification and recertification of appraisers. (7-1-97)
- 04. Appraisal Standards Board.** The Appraisal Standards Board of the Appraisal Foundation develops, publishes, interprets and amends the Uniform Standards of Professional Appraisal Practice (USPAP) on behalf of appraisers and users of appraisal services. (7-1-97)
- 05. Bureau.** The Bureau means the Bureau of Occupational Licenses, as prescribed in Sections 54-4106(2)(a) and 67-2601, Idaho Code. (3-13-02)
- 06. Chief.** The Bureau Chief of the Bureau of Occupational Licenses as established by Section 67-2602, Idaho Code. (7-1-93)
- 07. Classroom Hour.** Fifty (50) minutes out of each sixty (60) minute hour in a setting that is ~~a face-to-face exchange of ideas and may include on-line virtual classrooms that allows real-time interaction between the instructor and students~~ **set forth in these rules.** (3-29-10)()
- 08. Field Real Estate Appraisal Experience.** Personal inspections of real property, assembly and analysis of relevant facts, and by the use of reason and the exercise of judgement, formation of objective opinions as to the market or other value of such properties or interests therein and preparation of written appraisal reports or other memoranda showing data, reasoning, and conclusion. Professional responsibility for the valuation function is essential. (4-6-05)
- 09. FIRREA.** Title XI, Financial Institutions Reform, Recovery and Enforcement Act of 1989 was designed to ensure that more reliable appraisals are rendered in connection with federally related transactions. (7-1-93)
- 10. Nationally Recognized Appraisal Organization.** An appraisal organization which is a sponsor of The Appraisal Foundation. (4-2-08)
- 11. Real Estate.** In addition to the previous definition in Section 54-4104(11), Idaho Code, will also mean an identified parcel or tract of land, including improvements, if any. (3-29-10)
- 12. Real Property.** In addition to the previous definition in Section 54-4104(11), Idaho Code, will also mean one or more defined interests, benefits, or rights inherent in the ownership of real estate. (3-29-10)

13. Residential Unit. Real estate with a current highest and best use of a residential nature. A residential unit includes a kitchen and a bathroom. (3-29-10)

14. Specialized Appraisal Services. Services which include situations in which an appraiser is employed or retained to provide appraisal services that do not fall within the defined term "appraisal assignments." Specialized appraisal services relate to the employer's or client's individual needs or investment objectives and commonly include specialized marketing and financing studies as well as analysis, opinions, and conclusions rendered in connection with activities such as real estate brokerage, mortgage banking, and real estate counseling, including real estate tax counseling. (7-1-97)

15. Uniform Standards of Professional Appraisal Practice or USPAP. Those uniform standards adopted by the Appraisal Foundation's Appraisal Standards Board. These standards may be altered, amended, interpreted, supplemented, or repealed by the Appraisal Standards Board (ASB) from time to time. (3-13-02)

16. USPAP Course. For the purposes of licensure and license renewal, any reference to the approved USPAP course shall mean the National USPAP Course provided by Appraisal Qualifications Board Certified USPAP Instructors and Educational Providers. (4-6-05)

(BREAK IN CONTINUITY OF SECTIONS)

150. FEES (RULE 150).

Fees are established in accord with Section 54-4113, Idaho Code as follows: (7-1-93)

- 01. Application.** Application fee for License - two hundred fifty dollars (\$250). (4-11-06)
- 02. Original License.** Original License - one hundred ~~twenty-five~~ **forty** dollars (\$1~~25~~**40***). ~~(4-11-06)~~()
- 03. License Renewal.** License renewal - three hundred ~~fifty~~ **sixty-five** dollars (\$3~~50~~**65***). ~~(3-29-10)~~()
- 04. Reinstatement.** Reinstatement fees are as provided in Section 67-2614, Idaho Code - twenty-five dollars (\$25). (7-1-93)
- 05. Application for Reciprocity.** Application for reciprocity - two hundred fifty dollars (\$250*). (3-30-01)
- 06. Original License Via Reciprocity.** Original License via reciprocity - one hundred ~~twenty-five~~ dollars (\$1~~25~~**00***). ~~(4-11-06)~~()
- 07. Temporary Permit.** Temporary permit - one hundred dollars (\$100). (7-1-93)

08. Trainee Registration Fee. Trainee registration fee - fifty dollars (\$50). (3-13-02)

09. Examination and Reexamination Fees. Examination and Reexamination fees will be calculated based on the actual cost of the examination. Successful applicants will be notified of the fees at the time they are scheduled for examination. (7-1-97)

10. Continuing Education Provider Application Fee. Continuing Education Provider Application fee - one hundred dollars (\$100). ()

101. Fees are Non-Refundable. Fees are non-refundable. (7-1-93)

112. Fees Followed By Asterisk (*) Means. Proposed fees for these categories marked with an asterisk (*) include ~~twenty-five~~ **forty** dollars (~~\$2540~~) to be submitted by the state to the federal government. Title XI, Section 1109 of the FIRREA as amended requires each state to submit a roster listing of state licensed appraisers to the Appraiseral Subcommittee of the Federal Financial Institutions Examination Council “no less than annually.” The state is also required to collect from such individuals who perform appraisals in federally related transactions an annual registry fee of “not more than ~~twenty-five~~ **eighty-five** dollars (~~\$285~~),” such fees to be transmitted by the state to the federal government on an annual basis. This fee is subject to change by the Appraisal Subcommittee. (~~4-11-06~~)()

151. -- 199. (RESERVED)

200. APPLICATION (RULE 200).

01. Filing Application with Supporting Documents and Fees. Any person desiring to apply for licensure must submit a completed application with required supporting documents and appropriate fees to the Bureau at its official address. After the qualifications have been reviewed, verified and approved by the Board, the applicant will receive the pre-approved examination ~~application~~ **card** and must submit the appropriate fees to the examining entity. (~~4-11-06~~)()

02. Application Deadline Date. Completed applications must be received by the Bureau at least thirty (30) days prior to the next scheduled board meeting in order to be reviewed by the Board. Applications received less than thirty (30) days in advance will be held until a subsequent meeting. (3-13-02)

03. Eligibility for Examination. The qualified applicant will be ~~assigned to the first available~~ **sent notification on how to register for the** examination subsequent to the determination of eligibility based on documentation that the applicant has met the required education and experience requirements. (~~4-11-06~~)()

04. Trainee Registration Application. Any person desiring registration as a trainee must submit a completed application with required supporting documents and appropriate fees to the Bureau at its official address. Completed applications must be received by the Bureau at least thirty (30) days prior to the next scheduled Board meeting in order to be reviewed by the Board. (3-13-02)

05. Lack of Activity. If an applicant fails to respond to a Board request or an application has lacked activity for twelve (12) consecutive months, the application on file with the Board will be deemed denied and will be terminated upon thirty (30) days written notice, unless good cause is established to the Board. (3-29-10)

201. -- 249. (RESERVED)

250. REQUIREMENTS FOR LICENSURE (RULE 250).

All applicants for licensure in any real estate appraiser classification must comply with the following education, experience and examination requirements in addition to meeting those requirements set forth in Sections 275, 300, 350, and 400 below. (4-11-06)

01. Education. If an individual has completed the education requirements on or before December 31, 2007, the individual must submit a complete application to the board before January 1, 2011. If an individual has not completed their educational requirement on or before December 31, 2007, or submits an application on January 1, 2011 or later, the individual must complete the educational requirements which became effective January 1, 2008 and any subsequent requirements adopted prior to the individual's application date. Hours will be credited only for courses with content that follows the Required Core Curriculum as outlined by the Appraisal Qualification Board. (4-2-08)

a. Credit toward the classroom hour requirement may only be granted where the length of the educational offering is at least fifteen (15) hours, and the individual successfully completes a closed-book examination pertinent to the educational offering. (4-11-06)

b. Credit for the classroom hour requirement may be obtained from the following: (7-1-97)

i. Colleges or Universities. (7-1-97)

ii. Community or Junior Colleges. (7-1-97)

iii. Courses approved by the Appraisal Qualifications Board. (4-2-08)

iv. State or Federal Agencies or Commissions. (7-1-97)

v. Other providers approved by the Board. (7-1-97)

c. Only those courses completed preceding the date of application will be accepted for meeting educational requirements. (3-18-99)

d. Course credits that are obtained from the course provider by challenge examination without attending the course will not be accepted. (4-11-06)

e. Prior to January 1, 2008, various appraisal courses may be credited toward the classroom hour education requirement. Applicants must demonstrate that their education involved coverage of those topics listed in Subsection 250.01.e. that are required for the license classification for which application is being made. Licensed Residential and Certified Residential

must include emphasis in one (1) to four (4) unit residential properties; Certified General must include emphasis in nonresidential properties. (3-29-10)

- i. Basic appraisal principles. (4-11-06)
- ii. Basic appraisal procedures. (4-11-06)
- iii. The fifteen (15) hour national USPAP course. (4-11-06)
- iv. Market analysis and highest and best use. (4-11-06)
- v. Appraiser site valuation and cost approach. (4-11-06)
- vi. Sales comparison approach. (4-11-06)
- vii. Sales income approach. (4-11-06)
- viii. Report writing and case studies. (4-11-06)
- ix. Statistics, modeling and finance. (4-11-06)
- x. Advanced applications and case studies. (4-11-06)
- xi. Appraisal subject matter electives. (4-11-06)

f. Advanced courses will be those courses for which an introductory or basic course is required as a prerequisite. Typically classes titled “Introductory,” “Basic,” or “Principles” will not be accepted for advanced requirements. (4-11-06)

02. Experience. (7-1-97)

a. The work product claimed for experience credit must be in conformity with ~~the USPAP or shall be in compliance with generally accepted standards which were in effect at the time those appraisals were prepared.~~ (3-13-02)()

b. All appraisal experience must be obtained as a registered trainee or as a licensed appraiser. (4-11-06)

c. Only experience gained during the five (5) years immediately preceding application will be considered for evaluation. (4-11-06)

d. Acceptable non field appraisal experience includes, but is not limited to the following: Fee and Staff appraisal analysis, ad valorem tax appraisal, condemnation appraisal, technical review appraisal, appraisal analysis, review appraisal, real estate counseling, highest and best use analysis, and feasibility analysis/study. (4-11-06)

e. Each applicant applying for licensure must verify completion of the required experience via affidavit, under oath subject to penalty of perjury, and notarized on a form

provided by the Board. (4-11-06)

i. The Board requires submission of a log that details hours claimed for experience credit. The log must include the following: (3-29-10)

- (1) Type of property; (3-29-10)
- (2) Address of the property; (3-29-10)
- (3) Report date; (3-29-10)
- (4) Description of work performed; (3-29-10)
- (5) Number of work hours; (3-29-10)
- (6) Complexity; (3-29-10)
- (7) Approaches to value; (3-29-10)
- (8) Appraised value; (3-29-10)
- (9) Scope of supervising appraiser's review; and (3-29-10)
- (10) Supervision. (3-29-10)

ii. The Board reserves the right to contact an employer for confirmation of length and extent of experience claimed. This may require an employer to submit appraisal reports and/or an affidavit. (7-1-97)

iii. The Board may request submission of written reports or file memoranda that substantiate an applicant's claim for experience credit. (4-11-06)

f. Ad valorem tax appraisers must demonstrate the use of techniques to value properties similar to those used by appraisers and effectively use the process as defined in Subsection 010.08, Field Real Estate Appraisal Experience in order to receive experience credit. (3-29-10)

03. Examination. Successful completion of an examination appropriate to the license classification being applied for and approved by the Board pursuant to the guidelines of the Appraisal Qualifications Board. (4-11-06)

251. -- 274. (RESERVED)

275. REGISTERED TRAINEE REAL ESTATE APPRAISER (RULE 275).

01. Qualification. Each applicant for registration as an appraiser trainee must meet the following requirements: (4-11-06)

a. Education. Beginning July 1, 2006, all applicants for registration as a trainee must document completion of at least seventy-five (75) classroom hours of courses in subjects related to real estate appraisal as follows: (4-11-06)

i. Basic Appraisal Principles - not less than thirty (30) hours specifically including Real Property Concepts and Characteristics, Legal Considerations, Influences on Real Estate Values, Types of Value, Economic Principles, Overview of Real Estate Markets and Analysis, and Ethics and How They Apply in Appraisal Theory and Practice; and (4-11-06)

ii. Basic Appraisal Procedures - not less than thirty (30) hours specifically including Overview of Approaches to Value, Valuation Procedures, Property Description, and Residential Applications; and (4-11-06)

iii. National USPAP Course - not less than fifteen (15) hours. (4-11-06)

b. Experience. All applicants for registration as a trainee must retain and identify at least one (1) licensed real estate appraiser who agrees to provide the supervision required by law and rule. The supervising appraiser shall: (4-11-06)

i. Hold a current and unrestricted Idaho license as a Certified Residential Appraiser or a Certified General Appraiser; and (4-11-06)

ii. Submit evidence of completion of an approved four-hour continuing education course regarding the role of a supervising appraiser. (3-29-10)

iii. Not have been disciplined by the Board within the previous four (4) years ~~from acting as a supervisor~~; and ~~(4-11-06)~~ ()

iv. Not be registered to provide supervision responsibilities to more than three (3) appraiser trainees at any one (1) time; and (4-11-06)

v. Be responsible for the training and direct supervision of the appraiser trainee; and (4-11-06)

vi. Accept responsibility for all appraisal reports by signing and certifying that the report is in compliance with USPAP; and (4-11-06)

vii. Review all appraiser trainee appraisal report(s); and (4-11-06)

viii. Personally inspect each appraised property with the appraiser trainee until the supervising appraiser determines the appraiser trainee is competent in accordance with the Competency Provision of USPAP for the property type. (4-11-06)

c. Examination. Each trainee applicant shall document successful passage of examinations in each of the prerequisite courses required for registration as a trainee. (4-11-06)

02. Scope and Practice. An Appraiser Trainee shall not be involved in the appraisal of any property that exceeds the lawful scope of practice of the supervising appraiser. The

appraiser trainee shall be subject to USPAP. (4-11-06)

a. Each appraiser trainee is permitted to have more than one (1) supervising appraiser provided a supervising appraiser is not registered to more than three (3) trainees at any one (1) time. (4-11-06)

b. An appraisal log shall be maintained for each supervising appraiser by the appraiser trainee and shall include no less than the following for each appraisal: (4-11-06)

i. Type of property. (4-11-06)

ii. Date of report. (4-11-06)

iii. Address of subject property. (4-11-06)

iv. Description of work performed by the trainee and the scope of review and supervision of the supervisor. (4-11-06)

v. Number of work hours. (4-11-06)

vi. Signature and license number of the supervising appraiser. (4-11-06)

c. An appraiser trainee shall be entitled to obtain copies of all appraisal reports prepared by the trainee. (4-11-06)

03. Continuing Education. Prior to the second renewal and for each ~~renewal~~ continuing education cycle thereafter as provided in Section 275 of this rule, an appraiser trainee shall be required to obtain: ~~(3-29-10)()~~

a. The equivalent of ~~fifteen~~ thirty (~~15~~30) classroom hours of instruction in approved courses or seminars during the ~~twelve~~ twenty-four (~~12~~24) month period preceding the renewal. Once every twenty-four (24) months, registered appraiser trainees will be required to attend an approved seven-hour USPAP update course or the equivalent. The course must cover the most recent USPAP edition. ~~(3-29-10)()~~

b. All continuing education shall be in compliance with Subsections 401.01 through 401.05. (3-29-10)

c. Continuing education credit may also be granted for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities that are determined to be equivalent to obtaining continuing education. (4-11-06)

d. The purpose of continuing education is to ensure that the appraiser trainee participates in a program that maintains and increases skill, knowledge and competence in real estate appraising. (4-11-06)

(BREAK IN CONTINUITY OF SECTIONS)

350. CERTIFIED RESIDENTIAL REAL ESTATE APPRAISER CLASSIFICATION APPRAISER QUALIFICATION CRITERIA (RULE 350).

The State Certified Residential Real Estate Appraiser classification applies to the appraisal of residential properties of four (4) or less units without regard to transaction value or complexity. Applicants must meet the following education, experience and examination requirements in addition to complying with Section 250. Subsequent to being certified every licensee must annually meet the continuing education requirement. (4-11-06)

01. Education. Prior to January 1, 2008, as a prerequisite to taking the examination for licensure as an Idaho Certified Residential Real Estate Appraiser, each applicant shall present evidence satisfactory to the board of having successfully completed not less than one hundred twenty (120) classroom hours of courses in subjects related specifically to real estate appraisal that have been approved by the board. Each applicant must have successfully completed not less than ninety (90) classroom hours of study related to those topics outlined under Subsection 250.01.e., the basic principles of real estate appraising and thirty (30) classroom hours of advanced residential or non-residential specialized courses relating to the topics specified at Subsection 250.01.e. Not less than fifteen (15) and no more than twenty (20) classroom hours of studies within the last five (5) years specifically relating to the USPAP, and Code of Ethics; will be credited to the classroom hour requirement. Beginning on January 1, 2008, as a prerequisite to taking the examination for licensure as an Idaho Certified Residential Real Estate Appraiser, each applicant shall: (3-30-07)

a. Hold an Associate Degree or higher from an accredited college or university or document successful completion of no less than twenty-one (21) college semester credit hours in English Composition, Principles of Economics (micro or macro), Finance, Algebra, Geometry or higher mathematics, Statistics, Computer Science, and Business or Real Estate Law; and (4-2-08)

b. Document registration as an Appraiser Trainee and completion of the education required for licensure as a Licensed Residential Real Estate Appraiser or hold a current license as a Licensed Residential Real Estate Appraiser; and (4-11-06)

c. Document the successful completion of not less than fifty (50) classroom hours of courses in subjects related to real estate appraisal as follows: (4-11-06)

i. Statistics, Modeling and Finance - not less than fifteen (15) hours specifically including Statistics; Valuation Models (AVM's and Mass Appraisal); and Real Estate Finance; and (4-11-06)

ii. Advanced Residential Applications and Case Studies - not less than fifteen (15) hours specifically including Complex Property, Ownership and Market Conditions; Deriving and Supporting Adjustments; Residential Market Analysis; and Advanced Case Studies; and (4-11-06)

iii. Appraisal Subject Matter Electives - not less than twenty (20) hours and may include hours over the minimum shown in Subsection 350.01.c. (4-11-06)

02. Experience. Experience is a prerequisite to sit for the licensure examination: (4-11-06)

a. Document two thousand five hundred (2,500) hours of appraisal experience in no less than twenty-four (24) months (see Subsection 250.02). Experience documentation in the form of reports or file memoranda should be available to support the claim for experience. (4-11-06)

b. Two thousand (2,000) hours of the experience shall be from residential field appraisal experience. The balance of five hundred (500) hours may include non field experience, refer to Subsection 250.02.d. (4-11-06)

c. Examination. Successful completion of the Certified Residential Appraiser examination approved by the Board pursuant to the guidelines of the Appraisal Qualifications Board. ()

351. -- 399. (RESERVED)

400. CERTIFIED GENERAL REAL ESTATE APPRAISER CLASSIFICATION APPRAISER QUALIFICATION CRITERIA (RULE 400).

The State Certified General Real Estate Appraiser classification applies to the appraisal of all types of real property. Applicants must meet the following examination, education, and experience requirements in addition to complying with Section 250. Subsequent to being certified, an individual must meet the continuing education requirement. (4-2-08)

01. Education. Prior to January 1, 2008, as a prerequisite to taking the examination for licensure as an Idaho State Certified General Real Estate Appraiser, each applicant shall present evidence satisfactory to the board of having successfully completed not less than one hundred eighty (180) classroom hours of courses in subjects related specifically to real estate appraisal approved by the board. Each applicant must have successfully completed not less than one hundred sixty (160) classroom hours of study related to those topics outlined under Subsection 250.01.e. Not less than fifteen (15) and no more than twenty (20) classroom hours of studies within the last five (5) years specifically relating to the USPAP, and Code of Ethics; and one hundred (100) classroom hours of advanced non residential specialized courses relating to the topics specified at Subsection 250.01.e. Beginning on January 1, 2008, as a prerequisite to taking the examination for licensure as an Idaho Certified General Real Estate Appraiser, each applicant shall: (3-30-07)

a. Hold a Bachelors Degree or higher from an accredited college or university or document successful completion of no less than thirty (30) college semester credit hours in English Composition, Micro Economics, Macro Economics, Finance, Algebra, Geometry or higher mathematics, Statistics, Computer Science, and Business or Real Estate Law, and two (2) elective courses in accounting, geography, ag economics, business management, or real estate; and (4-2-08)

b. Document registration as an Appraiser Trainee and document the successful completion of not less than two hundred twenty-five (225) classroom hours of courses in subjects related to real estate appraisal as follows: (3-29-10)

- i. Statistics, Modeling and Finance: not less than fifteen (15) hours specifically including Statistics; Valuation Models (AVM's and Mass Appraisal); and Real Estate Finance; (3-29-10)
- ii. General Appraiser Market Analysis and Highest and Best Use: not less than thirty (30) hours; (3-29-10)
- iii. General Appraiser Sales Comparison Approach: not less than thirty (30) hours specifically including Value Principles, Procedures, Identification and Measurement of Adjustments, Reconciliation, and Case Studies; (3-29-10)
- iv. General Appraiser Site Valuation and Cost Approach: not less than thirty (30) hours; (3-29-10)
- v. General Appraiser Income Approach: not less than sixty (60) hours specifically including Overview, Compound Interest, Lease Analysis, Income Analysis, Vacancy and Collection Law, Estimating Operating Expenses and Reserves, Reconstructed Income and Expense Statement, Stabilized Net Operating Income Estimate, Direct Capitalization, Discounted Cash Flow, Yield Capitalization, Partial Interest, and Case Studies; (3-29-10)
- vi. General Appraiser Report Writing and Case Studies: not less than thirty (30) hours specifically including Writing and Reasoning Skills, Common Writing Problems, Report Options and USPAP Compliance, and Case Studies; and (3-29-10)
- vii. Appraisal Subject Matter Electives: not less than thirty (30) hours and may include hours over the minimum shown in Subsection 400.01.b.; or (3-29-10)
- c. Document licensure as a Licensed Residential Real Estate Appraiser and the successful completion of not less than one hundred fifty (150) classroom hours of courses in subjects related to real estate appraisal as follows: (3-29-10)
 - i. Statistics, Modeling and Finance: not less than fifteen (15) hours specifically including Statistics; Valuation Models (AVM's and Mass Appraisal); and Real Estate Finance; and (4-11-06)
 - ii. General Appraiser Market Analysis and Highest and Best Use: not less than fifteen (15) hours; and (3-29-10)
 - iii. General Appraiser Sales Comparison Approach: not less than fifteen (15) hours specifically including Value Principles, Procedures, Identification and Measurement of Adjustments, Reconciliation, and Case Studies; and (3-29-10)
 - iv. General Appraiser Site Valuation and Cost Approach: not less than fifteen (15) hours; and (3-29-10)
 - v. General Appraiser Income Approach: not less than forty-five (45) hours specifically including Overview, Compound Interest, Lease Analysis, Income Analysis, Vacancy

and Collection Law, Estimating Operating Expenses and Reserves, Reconstructed Income and Expense Statement, Stabilized Net Operating Income Estimate, Direct Capitalization, Discounted Cash Flow, Yield Capitalization, Partial Interest, and Case Studies; and (3-29-10)

vi. General Appraiser Report Writing and Case Studies: not less than fifteen (15) hours specifically including Writing and Reasoning Skills, Common Writing Problems, Report Options and USPAP Compliance, and Case Studies; and (3-29-10)

vii. Appraisal Subject Matter Electives: not less than thirty (30) hours and may include hours over the minimum shown in Subsection 400.01.c.; or (3-29-10)

d. Document licensure as a Certified Residential Real Estate Appraiser and the successful completion of not less than one hundred five (105) classroom hours of courses in subjects related to real estate appraisal as follows: (3-29-10)

i. General Appraiser Market Analysis and Highest and Best Use: not less than fifteen (15) hours; and (3-29-10)

ii. General Appraiser Sales Comparison Approach: not less than fifteen (15) hours specifically including Value Principles, Procedures, Identification and Measurement of Adjustments, Reconciliation, and Case Studies; and (3-29-10)

iii. General Appraiser Site Valuation and Cost Approach: not less than fifteen (15) hours; and (3-29-10)

iv. General Appraiser Income Approach: not less than forty-five (45) hours specifically including Overview, Compound Interest, Lease Analysis, Income Analysis, Vacancy and Collection Law, Estimating Operating Expenses and Reserves, Reconstructed Income and Expense Statement, Stabilized Net Operating Income Estimate, Direct Capitalization, Discounted Cash Flow, Yield Capitalization, Partial Interest, and Case Studies; and (3-29-10)

v. General Appraiser Report Writing and Case Studies: not less than fifteen (15) hours specifically including Writing and Reasoning Skills, Common Writing Problems, Report Options and USPAP Compliance, and Case Studies. (3-29-10)

02. Experience. Experience is a prerequisite to sit for the licensure examination: (4-11-06)

a. Document three thousand (3,000) hours of appraisal experience in no less than thirty (30) months (See Subsection 250.02). Experience documentation in the form of reports or file memoranda should be available to support the claim for experience. (4-11-06)

b. One thousand five hundred (1,500) hours of the experience must be nonresidential appraisal experience. The balance of one thousand five hundred (1,500) hours may be solely residential experience or can include up to five hundred (500) hours of nonfield experience as outlined in Subsection 250.02.d. (4-11-06)

c. Examination. Successful completion of the Certified General Appraiser

examination approved by the Board pursuant to the guidelines of the Appraisal Qualifications Board. ()

401. CONTINUING EDUCATION (RULE 401).

All certified/licensed appraisers must comply with the following continuing education requirements: (7-1-97)

01. Purpose of Continuing Education. The purpose of continuing education is to ensure that the appraiser participates in a program that maintains and increases his skill, knowledge and competency in real estate appraising. (7-1-97)

02. Hours Required. The equivalent of ~~fifteen~~ ~~thirty~~ (~~1530~~) classroom hours of instruction in courses or seminars during ~~each year~~ the twenty-four (24) months prior to renewal is required. If the licensee completes two (2) or more courses having substantially the same content during any one (1) ~~renewal period~~ continuing education cycle, the licensee only will receive continuing education credit for one (1) of the courses. (~~3-29-10~~)()

a. A classroom hour is defined as fifty (50) minutes out of each sixty (60) minute segment. (7-1-93)

b. Credit toward the classroom hour requirement may be granted only where the length of the educational offering is at least two (2) hours. (7-1-97)

c. Credit for the classroom hour requirement may be obtained by accredited courses which have been approved by the Appraisal Qualification Board and by courses approved by Real Estate Appraiser Boards of states with reciprocity with Idaho. All other courses must have approval of the Board, which shall require documentation including the instructors and their qualifications, course content, length of course, and its location. Courses shall be approved for a period of four (4) years. (4-6-05)

d. Once every twenty-four (24) months, Idaho State Certified/Licensed Real Estate Appraisers and registered trainees will be required to attend an approved seven (7) hour USPAP update course or the equivalent. The course must cover the most recent USPAP edition. (~~3-29-10~~)()

03. Credit for Appraisal Educational Processes and Programs. Continuing education credit may also be granted for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities which are determined to be equivalent to obtaining continuing education. Credit for educational processes and programs continuing education shall not exceed one-half (1/2) of the total continuing education credits required for a renewal period. (4-2-08)

04. Credit for Attending the Licensure Board Meetings. Continuing education credit may be granted for a maximum of two (2) hours each ~~renewal period~~ continuing education cycle for time spent attending one (1) Board meeting. Members of the board shall not be entitled to continuing education credit for board service. (~~4-2-08~~)()

05. Requirement When a Certificate/License Is Cancelled. For each year (less than five (5)) in which a license is lapsed, canceled, or otherwise non-renewed, fifteen (15) hours of continuing education must be documented, including a seven (7) hour USPAP update course, prior to reinstatement. The course must cover the most recent USPAP edition. ~~(3-30-07)~~()

06. Special Exemption. The Board shall have authority to make exceptions for reasons of individual hardship, including health, when certified by a medical doctor, or other good cause. The appraiser must provide any information requested by the Board to assist in substantiating hardship cases. This exemption is granted at the sole discretion of the Board.

(3-29-10)

(BREAK IN CONTINUITY OF SECTIONS)

500. TEMPORARY PRACTICE (RULE 500).

01. Requirements for Issuance. A permit to temporarily practice may be issued to individuals coming to Idaho who are certified/licensed in another state and are either transferring to Idaho or have a temporary assignment in Idaho. (7-1-93)

02. ~~Provide~~ Proof of Current Certification or Licensure. ~~The applicant *M*ust provide proof of current certification or licensure in good standing in another state or meet the requirements as set forth in these rules;~~ be listed on the National Registry, maintained by the Appraisal Subcommittee, as current and in good standing and comply with Section 54-4115(3), Idaho Code, regarding irrevocable consent. ~~(7-1-93)~~()

03. Assignments and Length of Time Permit Will Be Issued. Permit to temporarily practice will be issued on a per appraisal assignment basis for a period not to exceed six (6) months. A temporary permit may be extended one (1) time only. (3-18-99)

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.25.01 - RULES OF THE IDAHO DRIVING BUSINESSES LICENSURE BOARD

DOCKET NO. 24-2501-1101 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2012 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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 fee rule. The action is authorized pursuant to Section 54-5403, 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:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [August 3, 2011 Idaho Administrative Bulletin, Vol. 11-8, pages 223 and 224.](#)

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-5404, Idaho Code.

Rule 175.01 is being amended to increase the application fee from \$50 to \$75, the original instructor license and the annual renewal fee from \$50 to \$100, and the original business license fee and the annual renewal fee from \$500 to \$600. The anticipated impact is a total positive increase of \$9,750 to the dedicated fund based on 225 current licensees.

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

There is no negative impact on general or dedicated funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Cherie Simpson at 208 334-3233.

DATED this 4th day of November, 2011.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W State

Boise, ID 83702
Phone: (208) 334-3233
Fax: (208) 334-3945

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 Section 54-5403, 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 August 17, 2011.

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 Board of Driving Businesses was established in 2009. The Board's expenses have been exceeding the revenue brought in by fees. This change will help balance the Board's annual budget and maintain the services necessary to preserve the health and safety of the public.

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

Rule 175.01 is being amended to increase the application fee from \$50 to \$75, the original instructor license and the annual renewal fee from \$50 to \$100, and the original business license fee and the annual renewal fee from \$500 to \$600. The anticipated impact is a total positive increase of \$9,750 to the dedicated fund based on 225 current licensees.

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:

There is no negative impact on general or dedicated funds.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule changes were discussed in a noticed open meeting.

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 Cherie Simpson at (208) 334-3233.

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 August 24, 2011.

DATED this 7th day of July, 2011.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 24-2501-1101

175. FEES (RULE 175).

- 01. Fees.** The following fees are established by the Board: (4-7-11)
- a.** Initial application processing fee - ~~fifty~~ seventy-five dollars (~~\$50~~75).
(4-7-11)()
 - b.** Original instructor license fee and renewal fee - ~~fifty~~ one hundred dollars (~~\$50~~100).
(4-7-11)()
 - c.** Instructor apprentice permit fee - fifty dollars (\$50). (4-7-11)
 - d.** Original business license fee and renewal fee - ~~five~~ six hundred dollars (~~\$5~~600).
(4-7-11)()
 - e.** Reinstatement fee - twenty-five dollars (\$25). (4-7-11)
- 02. Refund of Fees.** All fees are non-refundable. (4-7-11)