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**IDAPA 07
TITLE 01
CHAPTER 08**

07.01.08 - RULES GOVERNING ELECTRICAL INSPECTION TAG APPEALS

000. LEGAL AUTHORITY.

The Idaho Electrical Board is authorized under Sections 54-1005 and 54-1006(5), Idaho Code, to adopt rules concerning the administrative appeals of electrical inspection tags to the administrator of the Division of Building Safety. (7-1-98)

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 07.01.08, "Rules Governing Electrical Inspection Tag Appeals," Division of Building Safety. The rules contained in this chapter govern the appeal of electrical inspection tags issued by the Electrical Bureau on electrical installations that do not meet the requirements of state law, the administrative rules promulgated by the Electrical Board, or the National Electrical Code as adopted by Idaho law. (7-1-98)

002. WRITTEN INTERPRETATIONS.

This agency has no written interpretations of this chapter. The referenced code may be obtained from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101. (7-1-98)

003. EXEMPTION FROM ATTORNEY GENERAL'S ADMINISTRATIVE PROCEDURE RULES FOR CONTESTED CASES.

Pursuant to Section 67-5206(5), Idaho Code, the procedures contained in Subchapter B, "Contested Cases," of IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," Sections 100 through 799 do not apply to electrical inspection tag appeals. (7-1-98)

004. REASONS FOR EXEMPTION FROM ATTORNEY GENERAL'S ADMINISTRATIVE PROCEDURE RULES.

In order to protect consumers from unsafe electrical installations and to prevent unnecessary delays and increased costs in construction projects, the rules of procedure in this chapter are adopted to promote the speedy resolution of contested cases involving electrical inspection tags. (7-1-98)

005. -- 010. (RESERVED).

011. APPEALS.

In order to determine the suitability of materials and methods of wiring and to provide for interpretations of the provisions of the National Electrical Code, the creation of an electrical appeals board is hereby authorized by the administrator of the Division of Building Safety, to be composed of three (3) members of the Idaho Electrical Board, or an electrical supervisor and two (2) members of the Idaho Electrical Board, as determined and selected by the administrator upon receipt of a written notice of appeal as set forth below. (7-1-98)

01. Notice of Appeal. A person, firm, or corporation making an electrical installation subject to the provisions of Title 54, Chapter 10, Idaho Code, may appeal, to the administrator, a decision by the Electrical Bureau chief, chief electrical inspector, or other electrical inspector, that a particular electrical installation is not in conformance with Idaho Code, these rules, or the National Electrical Code as adopted by Idaho law. An appeal must be lodged by filing a written notice of appeal with the administrator within ten (10) days of the date of issuance of a notice of defects issued pursuant to Section 54-1004, Idaho Code. The notice of appeal shall state in particular the reasons why the appellant contends that the notice of defects is incorrect. (7-1-98)

02. Filing Date. If mailed, the notice of appeal shall be considered filed as of the date of postmark. The mailing address for filing such notice of appeal shall be to the administrator, Division of Building Safety, P.O. Box 83720, Boise, Idaho, 83720-0028. (7-1-98)

03. Appeals Board. The members of the Idaho Electrical Board and other persons appointed by the administrator to act as the appeals board, are authorized to hold hearings at the Division of Building Safety in Boise, Idaho, to determine the merits of an appeal filed pursuant to this rule. (7-1-98)

04. Function of Appeals Board. The members of the Idaho Electrical Board, acting as an appeals board, shall not have the authority to grant variances from the National Electrical Code; its sole function as an appeals board shall be to determine whether the materials or method of wiring utilized by the appellant meets the requirements of the National Electrical Code. (11-5-81)

05. Appeals Hearing Fee. An appeals hearing fee of one hundred dollars (\$100) shall be charged to an appellant for each appeal brought before the appeals board. The appeals hearing fee shall accompany the notice of appeal. When the appeal is found in favor of the appellant, the appeals hearing fee shall be returned to the appellant. (11-5-81)

06. Conditions Disqualifying Board Member. No Idaho Electrical Board member shall sit on an appeals board in which he or his employer, employee, business partner or any person related to him, is the appellant in the matter. or where he has a pecuniary interest in the outcome of the matter to be decided by the appeals board. (7-1-98)

07. Rules of Evidence. The rules of evidence for the hearing are governed by the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code. (11-5-81)

08. Limitations of Appeal. The filing of an appeal does not stay or discontinue a red tag, disconnect order, or notification to the power company not to energize, in situations where the defect is of a nature so as to be an imminent threat to life or property. (11-5-81)

09. Preliminary Order. Within five (5) days of the conclusion of the administrative hearing, the appeals board shall issue a preliminary order. The preliminary order will become a final order without further notice unless reviewed by the administrator, or review is requested by any party to the inspection tag appeal, pursuant to the provisions of Section 67-5245, Idaho Code. When a preliminary order is reviewed by the administrator, the administrator will issue a final order pursuant to the requirements of Sections 67-5245 and 67-5246, Idaho Code. (7-1-98)

10. Motions for Reconsideration. Motions for reconsideration of the appeal board's preliminary order or of the administrator's final order are not allowed. (7-1-98)

012. -- 999. (RESERVED).

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