

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 478

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO ELECTRICAL INSPECTIONS AND PLUMBING CODE ENFORCEMENT; AMENDING
2 SECTION 54-1001B, IDAHO CODE, TO PROVIDE THAT CITIES AND COUNTIES MAY
3 CONDUCT ELECTRICAL CODE INSPECTIONS PURSUANT TO THE IDAHO ELECTRICAL
4 CODE; AMENDING SECTION 54-2601, IDAHO CODE, TO PROVIDE THAT CITIES AND
5 COUNTIES MAY CONDUCT CERTAIN LOCAL PLUMBING CODE ENFORCEMENT ACTIV-
6 TIES PURSUANT TO THE IDAHO STATE PLUMBING CODE AND TO MAKE TECHNICAL
7 CORRECTIONS; AMENDING SECTION 54-2617, IDAHO CODE, TO PROVIDE FOR
8 COUNTY PERMIT ISSUANCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING
9 SECTION 54-2619, IDAHO CODE, TO PROVIDE FOR COUNTY ENFORCEMENT AND TO
10 MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-2620, IDAHO CODE, TO
11 PROVIDE FOR COUNTY ENFORCEMENT AND TO MAKE A TECHNICAL CORRECTION; AND
12 DECLARING AN EMERGENCY.
13

14 Be It Enacted by the Legislature of the State of Idaho:

15 SECTION 1. That Section 54-1001B, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 54-1001B. STATE INSPECTION PROVISIONS INAPPLICABLE WHEN INSTALLATION
18 COVERED BY MUNICIPAL ORDINANCE. (1) The provisions of this act chapter re-
19 lating to state inspection, except as provided in section 54-1001C, Idaho
20 Code, shall not apply within the corporate limits of incorporated cities and
21 villages which,:

22 (a) Within cities or counties that, by ordinance or building code,
23 prescribe the manner in which wires or equipment to convey current and
24 apparatus to be operated by such current shall be installed, provided
25 that the provisions of the Idaho electrical code are used as the minimum
26 standard in the preparation of such ordinances or building codes and
27 provided that actual inspections are made; or

28 (b) Within cities or counties that receive inspections from another
29 city or county that conducts inspections pursuant to paragraph (a) of
30 this subsection, provided that the provisions of the Idaho electrical
31 code shall be used as the standard for such inspections.

32 (2) A city or county that conducts electrical code enforcement inspec-
33 tions shall do so only in compliance with the provisions of this section.

34 (3) A city or county that has not previously instituted and implemented
35 an electrical code enforcement program prior to the effective date of this
36 act may elect to implement such a program by passing an ordinance evidencing
37 the intent to do so. A city or county may contract with a public or private
38 entity to administer its electrical code enforcement program pursuant to the
39 provisions of this section.

40 (4) A city or county that chooses to conduct its own electrical code en-
41 forcement inspections or to receive such inspections from another city or
42 county shall provide the division of occupational and professional licenses

1 notice of such decision in writing at least thirty (30) days prior to imple-
 2 mentation.

3 (5) A city or county that terminates a permitting and inspection pro-
 4 gram established pursuant to this section shall notify the division of oc-
 5 cupational and professional licenses in writing of its intent to terminate
 6 such program. Upon termination of a city or county permitting and inspection
 7 program, the division of occupational and professional licenses shall pro-
 8 vide electrical code enforcement services in the jurisdiction for a minimum
 9 of one (1) year.

10 SECTION 2. That Section 54-2601, Idaho Code, be, and the same is hereby
 11 amended to read as follows:

12 54-2601. DECLARATION OF POLICY AND PURPOSE OF ACT -- IDAHO STATE
 13 PLUMBING CODE. (1) The purpose of this act is to provide certain ~~minimum~~
 14 standards and requirements for the use of and the design, construction,
 15 installation, improvement, extension and alteration of materials, piping,
 16 venting, fixtures, appliances and appurtenances in relation to plumbing and
 17 plumbing systems hereinafter defined, and to provide that all plumbing and
 18 plumbing systems in the state shall be designed, constructed, installed, im-
 19 proved, extended and altered in substantial accord with the uniform plumbing
 20 code published by the international association of plumbing and mechanical
 21 officials, and as it shall be amended, revised, compiled and published from
 22 time to time and as subsequent editions, amendments or revisions thereto
 23 shall be adopted by the Idaho plumbing board through the negotiated rulemak-
 24 ing process. Any amendments, revisions or modifications made to the uniform
 25 plumbing code by the board shall be made by administrative rules promulgated
 26 by the board. The uniform plumbing code together with any amendments, revi-
 27 sions or modifications made by the board shall collectively constitute and
 28 be named the Idaho state plumbing code. The board shall conduct a minimum
 29 of two (2) public hearings with notice of such public hearings provided in
 30 accordance with the provisions of section 74-204, Idaho Code.

31 (2) Cities or counties electing to implement a plumbing code enforce-
 32 ment program shall do so only in compliance with the provisions of this
 33 section. Cities or counties may elect to implement a plumbing enforcement
 34 program by passing an ordinance evidencing the intent to do so. Cities or
 35 counties that perform plumbing code enforcement activities shall, except as
 36 provided in subsection (3) of this section, by ordinance adopt the uniform
 37 plumbing code together with any amendments thereto made by the board, which
 38 shall collectively constitute and be named the Idaho state plumbing code.
 39 The effective date of any edition of the code adopted by the board shall be
 40 January 1 of the year following its adoption.

41 (3) Cities or counties may further amend the Idaho state plumbing
 42 code adopted by the board in conformance with this section to address lo-
 43 cal concerns ~~provided that~~ as long as such amendments prescribe at least an
 44 equivalent level of protection to that contained in the uniform plumbing
 45 code. Provided however, that no code other than the uniform plumbing code
 46 together with any amendments, revisions or modifications made by the board
 47 ~~which that~~ collectively constitute the Idaho state plumbing code may serve
 48 as the ~~minimum~~ standard for plumbing installations in such city or county. A
 49 city or county electing to amend the Idaho state plumbing code as adopted by

1 the board may do so only after a finding by the city or county that good cause
 2 exists for such an amendment and that such amendment is reasonably neces-
 3 sary. Prior to making a finding of good cause for such an amendment, the city
 4 or county shall conduct a public hearing. Notice of the time and place of
 5 the public hearing shall be published in the official newspaper or paper of
 6 general circulation within the city or county. Written notice of such public
 7 hearing and the text of the proposed amendment shall be given by the city or
 8 county to the board not less than thirty (30) days prior to such hearing.

9 (4) The remaining provisions of this act shall not apply, except as
 10 hereinafter provided, to cities or counties if such cities or counties enact
 11 ordinances or codes prescribing the Idaho state plumbing code and amend-
 12 ments it may make thereto in accordance with this section for all plumbing
 13 installations which shall be considered the equal ~~minimum~~ standards, and
 14 requirements including the enforcement thereof as provided by this act.

15 (5) A city or county that enforces plumbing codes shall do so only in
 16 compliance with the provisions of this section and the Idaho state plumbing
 17 code. A city or county that performs plumbing code enforcement activities
 18 pursuant to this section may perform plumbing code enforcement activities
 19 for other cities or counties. The provisions of the Idaho state plumbing
 20 code shall be used as the standard for plumbing code enforcement activities
 21 pursuant to this section.

22 (6) A city or county that has not previously instituted and implemented
 23 a plumbing code enforcement program prior to the effective date of this act
 24 may elect to implement such a program by passing an ordinance evidencing the
 25 intent to do so. A city or county may contract with a public or private entity
 26 to administer its plumbing code enforcement program pursuant to the provi-
 27 sions of this section.

28 (7) A city or county that chooses to conduct its own plumbing code en-
 29 forcement inspections or to receive such inspections from another city or
 30 county shall provide the division of occupational and professional licenses
 31 notice of such decision in writing at least thirty (30) days prior to imple-
 32 mentation.

33 (8) A city or county that terminates a permitting and inspection pro-
 34 gram established pursuant to this section shall notify the division of oc-
 35 cupational and professional licenses in writing of its intent to terminate
 36 such program. Upon termination of a city or county permitting and inspection
 37 program, the division of occupational and professional licenses shall pro-
 38 vide plumbing code enforcement services in the jurisdiction for a minimum of
 39 one (1) year.

40 SECTION 3. That Section 54-2617, Idaho Code, be, and the same is hereby
 41 amended to read as follows:

42 54-2617. CERTIFICATE EXPIRATION -- RENEWAL -- INACTIVE LICENSE --
 43 TEMPORARY CONTRACTOR LICENSE -- RULES FOR STAGGERED SCHEDULE. (1) Certifi-
 44 cates of competency shall be issued for a period of three (3) years and shall
 45 expire three (3) years from the date of issue, unless sooner revoked or sus-
 46 pended.

47 (2) A certificate of competency for plumbing contractor or journey-
 48 man may be renewed at any time during the month prior to its expiration by
 49 providing proof of completion of the continuing education requirements as

1 established by the board and compliance with all other renewal requirements
2 of statute or rule. A certificate of competency for plumbing specialty
3 contractor and specialty journeyman may be renewed at any time during the
4 month prior to its expiration by compliance with all renewal requirements of
5 statute or rule.

6 (3) Failure of any holder to timely renew a certificate of competency
7 shall cause lapse of the certificate, but it may be revived within two (2)
8 years without examination only upon payment of the full initial fee.

9 (4) The administrator may renew, on an inactive basis, a certificate of
10 competency for a plumbing contractor or specialty contractor who is not en-
11 gaged in plumbing contracting in this state. The board shall fix and collect
12 an inactive license fee for such an inactive license renewal in an amount
13 not to exceed thirty-six dollars (\$36.00). A plumbing contractor or spe-
14 cialty contractor holding an inactive license may not engage in the practice
15 of plumbing contracting or specialty contracting in this state. A plumbing
16 contractor or specialty contractor's inactive license may be converted to an
17 active license by paying a processing fee of thirty dollars (\$30.00) to the
18 administrator, by providing proof of completion of the continuing education
19 requirements for the duration of the inactive period that would have been re-
20 quired during that period for an active license, and by furnishing a compli-
21 ance bond in the amount of two thousand dollars (\$2,000) or evidence of such
22 coverage by a corporate industry group bond acceptable to the board.

23 (5) In the event that a plumbing contractor dies or becomes otherwise
24 incapacitated, a temporary plumbing contractor certificate of competency
25 may be issued to an applicant who holds an active Idaho journeyman certifi-
26 cate of competency to represent the firm, company, copartnership, associa-
27 tion or corporation previously represented by the deceased or incapacitated
28 contractor. The holder of a temporary contractor certificate of competency
29 may perform all the acts a plumbing contractor is authorized to do by this
30 chapter and the rules promulgated by the board, with the exception of procur-
31 ing a new permit from the division of occupational and professional licenses
32 or from a city or a county or soliciting new work. A temporary contractor
33 certificate of competency shall be valid for a period not longer than ninety
34 (90) days from the date it is issued, and it may be renewed one (1) time by the
35 administrator upon written request of the holder of the certificate.

36 (6) The board shall promulgate rules to provide for a staggered sched-
37 ule of issuing and renewing certificates of competency.

38 SECTION 4. That Section 54-2619, Idaho Code, be, and the same is hereby
39 amended to read as follows:

40 54-2619. MUNICIPAL FEES FOR PERMITS, INSPECTIONS -- EXCEPTIONS. No
41 provision of this act shall deprive counties or incorporated cities, includ-
42 ing those specially chartered, from collections of fees from permits and in-
43 spections. Notwithstanding the provisions of sections 50-304, 50-306, and
44 50-606, Idaho Code, no counties or cities, including those specially char-
45 tered, shall require occupational license fees from plumbing contractors
46 and journeymen who possess a valid certificate of competency issued by the
47 administrator of the division of occupational and professional licenses,
48 except those counties or cities that have qualified plumbing inspectors.

1 SECTION 5. That Section 54-2620, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 54-2620. PERMITS REQUIRED -- EXCEPTIONS. (1) It shall be unlawful for
4 any person, firm, copartnership, association or corporation to do, or cause
5 or permit to be done, after the adoption of this act, whether acting as prin-
6 cipal, agent or employee, any construction, installation, improvement, ex-
7 tension or alteration of any plumbing system in any building, residence or
8 structure, or service lines thereto, in the state of Idaho, without first
9 procuring a permit from the division of occupational and professional li-
10 censes authorizing such work to be done, except:

11 (a) Within the boundaries of counties or incorporated cities, in-
12 cluding those specially chartered, where such work is regulated and
13 enforced by an ordinance or code equivalent to this chapter pursuant to
14 the provisions of section 54-2601, Idaho Code; or

15 (b) Within such additional area within five (5) miles of the city limits
16 over which such city has elected to exercise jurisdiction relative to
17 building drains and building sewers pursuant to section 50-606, Idaho
18 Code, on buildings, residences and structures being converted from an
19 on-site sewage disposal system to a sewage disposal system supplied by
20 the city, where such work is regulated and enforced by an ordinance or
21 code equivalent to this chapter. Cities shall provide the division of
22 occupational and professional licenses written notice of the area over
23 which such jurisdiction will be exercised. No city may exercise such
24 jurisdiction within the limits of another city unless both cities have
25 agreed by ordinance to allow such jurisdiction. For purposes of this
26 chapter, building drain and building sewer will be defined according to
27 the definition found in the uniform plumbing code or as adopted by the
28 board, pursuant to section 54-2601, Idaho Code.

29 (2) Permits shall be issued only to a person holding a valid certifi-
30 cate of competency, to a firm, copartnership, association or corporation
31 represented by a person holding a valid certificate of competency, or to a
32 person excepted or for work excepted from the certificate of competency re-
33 quirements pursuant to section 54-2602(1) (a), (e), (f), (g), or (i), Idaho
34 Code. Permits shall not be required for plumbing work described in section
35 54-2602(1) (b), (c), or (d), Idaho Code.

36 (3) Provided, a licensed plumber is hereby authorized, after making
37 application for permit and pending receipt of permit, to proceed and com-
38 plete improvements or alterations to plumbing systems when the cost of said
39 improvement or alteration does not exceed the sum of five hundred dollars
40 (\$500). Inspection of such work shall be the responsibility of the permit
41 holder pending an official inspection, which shall be made within sixty (60)
42 days after notification of inspection.

43 SECTION 6. An emergency existing therefor, which emergency is hereby
44 declared to exist, this act shall be in full force and effect on and after its
45 passage and approval.