

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 501

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO LOCAL GOVERNMENT; REPEALING SECTION 50-606, IDAHO CODE,
2 RELATING TO POLICE POWERS OF MAYOR; AMENDING SECTION 54-1001B, IDAHO
3 CODE, TO PROVIDE THAT CERTAIN INSPECTION PROVISIONS ARE INAPPLICABLE
4 WHEN INSTALLATIONS ARE COVERED BY LOCAL GOVERNMENT ORDINANCES;
5 AMENDING SECTION 54-1001C, IDAHO CODE, TO PROVIDE FOR CERTAIN
6 INSPECTIONS WITHIN ANY LOCAL GOVERNMENT AND TO PROVIDE FOR CERTAIN
7 COSTS; AMENDING SECTION 54-1003A, IDAHO CODE, TO REVISE DEFINITIONS;
8 AMENDING SECTION 54-1005, IDAHO CODE, TO PROVIDE THAT NO PROVISION
9 OF THIS CHAPTER SHALL PRECLUDE LOCAL GOVERNMENTS FROM COLLECTING
10 CERTAIN FEES; AMENDING SECTION 54-1019, IDAHO CODE, TO PROVIDE THAT
11 CERTAIN INSPECTORS EMPLOYED BY LOCAL GOVERNMENTS ELECTING TO CLAIM
12 CERTAIN EXEMPTIONS MUST POSSESS CERTAIN QUALIFICATIONS; AMENDING
13 SECTION 54-2601, IDAHO CODE, TO PROVIDE FOR AN EXCEPTION TO THE
14 APPLICATION OF LAWS; AMENDING SECTION 54-2619, IDAHO CODE, TO PROVIDE
15 THAT NO PROVISIONS OF THIS ACT SHALL DEPRIVE LOCAL GOVERNMENTS FROM
16 COLLECTION OF CERTAIN FEES, TO PROVIDE THAT NO LOCAL GOVERNMENT SHALL
17 REQUIRE CERTAIN OCCUPATIONAL LICENSE FEES AND TO PROVIDE A CORRECT
18 CODE REFERENCE; AMENDING SECTION 54-2620, IDAHO CODE, TO PROVIDE
19 PROVISIONS RELATING TO LOCAL GOVERNMENTS AND REQUIREMENTS FOR PERMITS
20 AND TO PROVIDE PROVISIONS RELATING TO CERTAIN EXCEPTIONS; AND AMENDING
21 SECTION 54-2627, IDAHO CODE, TO PROVIDE THAT CERTAIN INSPECTORS POSSESS
22 CERTAIN REQUIREMENTS.
23

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

25 SECTION 1. That Section 50-606, Idaho Code, be, and the same is hereby
26 repealed.

27 SECTION 2. That Section 54-1001B, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 54-1001B. INSPECTION PROVISIONS INAPPLICABLE WHEN INSTALLATION
30 COVERED BY ~~MUNICIPAL~~ LOCAL GOVERNMENT ORDINANCE. The provisions of this act
31 relating to state inspection, except as provided in section 54-1001C, shall
32 not apply within the ~~corporate limits of incorporated cities and villages~~
33 jurisdictional boundaries of local governments which, by ordinance or
34 building code, prescribe the manner in which wires or equipment to convey
35 current and apparatus to be operated by such current shall be installed,
36 provided that the provisions of the National Electrical Code are used as the
37 minimum standard in the preparation of such ordinances or building codes and
38 provided that actual inspections are made.

39 SECTION 3. That Section 54-1001C, Idaho Code, be, and the same is hereby
40 amended to read as follows:

1 54-1001C. INSPECTIONS WITHIN ~~MUNICIPALITIES~~ LOCAL GOVERNMENT
 2 JURISDICTION -- WHEN AUTHORIZED. The administrator of the division of
 3 building safety may make electrical inspections within any ~~city local~~
 4 government upon written request from the ~~mayor or manager of such city local~~
 5 government. Such inspections shall be made in accordance with the local
 6 ordinance or building code. Service of the inspector shall be furnished at
 7 cost, such cost to be paid monthly to the administrator by the ~~city local~~
 8 government requesting inspection service.

9 SECTION 4. That Section 54-1003A, Idaho Code, be, and the same is hereby
 10 amended to read as follows:

11 54-1003A. DEFINITIONS. (1) Electrical Contractor. Except as provided
 12 in section 54-1016, Idaho Code, any person, partnership, company, firm,
 13 association or corporation engaging in, conducting, or carrying on the
 14 business of installing wires or equipment to carry electric current or
 15 installing apparatus to be operated by such current, or entering into
 16 agreements to install such wires, equipment or apparatus, shall for the
 17 purpose of this act be known as an electrical contractor. An electrical
 18 contractor, prior to being issued a license, shall be required to provide
 19 proof of liability insurance in the amount of three hundred thousand dollars
 20 (\$300,000) and proof of worker's compensation insurance if applicable.

21 (2) Journeyman Electrician. Except as provided in section 54-1016,
 22 Idaho Code, and subsections (3), (4), (5) and (6) of this section, any person
 23 who personally performs or supervises the actual physical work of installing
 24 electric wiring or equipment to convey electric current, or apparatus to be
 25 operated by such current, shall, for the purpose of this act, be known as a
 26 journeyman electrician.

27 (3) Apprentice Electrician. Any person who, for the purpose of
 28 learning the trade of journeyman electrician, engages in the installation
 29 of electric wiring, equipment, or apparatus while under the constant
 30 on-the-job supervision of a qualified journeyman electrician shall, for the
 31 purpose of this act, be known as an apprentice electrician.

32 (4) Maintenance Electrician. Any person who is regularly employed
 33 to service, maintain or repair electrical apparatus, or to make minor
 34 repairs or alterations to existing electrical wires or equipment located
 35 on his employer's premises shall, for the purpose of this act, be known as a
 36 maintenance electrician.

37 (5) Master Electrician. A person who has the necessary qualifications,
 38 training, experience and technical knowledge to plan, ~~layout~~ lay out or
 39 design the installation of electrical wiring or equipment, or to supervise
 40 such planning, layout, or design, and who performs or supervises such
 41 planning, layout or design, shall, for the purpose of this act, be known as a
 42 master electrician.

43 (6) Specialty Electrician. A person having the necessary
 44 qualifications, training, experience and technical knowledge to install,
 45 alter, repair and supervise the installing, altering or repairing of special
 46 classes of electrical wiring, apparatus or equipment within categories
 47 adopted by the board. Specialty electricians shall perform work only within
 48 the scope of the specialty category for which the person is licensed.

1 (7) Specialty Electrical Contractor. Except as provided in section
2 54-1016, Idaho Code, any person, partnership, company, firm, association
3 or corporation engaging in, conducting or carrying on the business of
4 installing, altering or repairing special classes of electrical wiring,
5 apparatus or equipment within categories adopted by the board or entering
6 into agreements to perform such specialty work, shall for the purpose of this
7 act be known as a specialty electrical contractor. Specialty electrical
8 contractors shall perform work only within the scope of the specialty
9 category for which the contractor is licensed. A specialty electrical
10 contractor, prior to being issued a license, shall be required to provide
11 proof of liability insurance in the amount of three hundred thousand dollars
12 (\$300,000) and proof of worker's compensation insurance if applicable.

13 (8) Specialty Electrical Trainee. Any person who, for the purpose of
14 learning the trade of a specialty electrician, engages in the installation
15 of electrical wiring, equipment or apparatus while under the constant
16 on-the-job supervision of a qualified specialty electrician shall, for the
17 purpose of this act, be known as a specialty electrical trainee.

18 (9) Local Government. Any incorporated city or any county in the state.

19 SECTION 5. That Section 54-1005, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 54-1005. RULES -- INSPECTIONS -- INSPECTION TAGS AND FEES. (1) The
22 administrator of the division of building safety is hereby authorized and
23 directed to enforce rules consistent with this act for the administration
24 of this act and to effectuate the purposes thereof, and for the examination
25 and licensing of electrical contractors, journeyman electricians, master
26 electricians, specialty electricians, specialty electrical contractors,
27 specialty electrical trainees and apprentice electricians, and to make
28 inspections of electrical installations referred to in section 54-1001,
29 Idaho Code, and to issue inspection tags covering such installations, and to
30 collect the fees established therefor.

31 (2) The administrator of the division of building safety may make
32 electrical inspections for another state or local jurisdiction upon
33 request by an appropriate building official. Such inspections shall be
34 made in accordance with the applicable electrical codes of the requesting
35 jurisdiction. Fees charged for such inspection services shall be as
36 provided in the rules promulgated by the board. No provision of this chapter
37 shall preclude local governments from collecting fees for permits and
38 inspections where such work is regulated and enforced by city or county code.

39 (3) Individuals, firms, cooperatives, corporations, or municipalities
40 selling electricity, hereinafter known as the power supplier, shall not
41 connect with or energize any electrical installation, coming under the
42 provisions of this act, unless the owner or a licensed electrical contractor
43 has delivered to the power supplier an inspection tag, issued by the
44 administrator, covering the installation to be energized. Immediately
45 after an installation has been energized, the power supplier shall deliver
46 to the administrator or his authorized agent, the inspection tag covering
47 such installation.

48 (4) It shall be unlawful for any person, partnership, company, firm,
49 association or corporation other than a power supplier, to energize any

1 electrical installation coming under the provisions of this act unless an
2 application for an electrical inspection tag, covering such installation,
3 together with the inspection fee herein provided, has been forwarded to the
4 administrator.

5 SECTION 6. That Section 54-1019, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 54-1019. QUALIFICATIONS OF INSPECTORS. The administrator of the
8 division of building safety shall appoint the number of deputy electrical
9 inspectors as may be required for the effective enforcement of the
10 provisions of this chapter. All inspectors shall be skilled in electrical
11 installations with not less than four (4) years of actual experience as a
12 journeyman electrician, shall possess certificates of competency prior
13 to appointment, and shall be fully familiar with the provisions of this
14 chapter and rules made both by the administrator and the Idaho electrical
15 board. No inspector employed by the division of building safety and assigned
16 to the enforcement of the provisions of this chapter shall be engaged or
17 financially interested in an electrical business, trade, practice or work,
18 or the sale of any supplies connected therewith, nor shall he act as an agent,
19 directly or indirectly, for any person, firm, copartnership, association
20 or corporation so engaged. Inspectors employed by ~~municipalities~~ local
21 governments electing to claim exemption under this chapter must possess
22 the qualifications set forth in this section. Inspectors employed by the
23 division of building safety shall take and pass, before the end of their
24 probationary period, the general inspector's test administered by the
25 educational testing service, or future tests developed by the educational
26 testing service for that purpose, or such examination developed for similar
27 purposes, and administered by another testing agency, which the Idaho
28 electrical board may select. The board may also promulgate rules relative to
29 the applicability of this provision to existing electrical inspectors with
30 permanent status in the division.

31 SECTION 7. That Section 54-2601, Idaho Code, be, and the same is hereby
32 amended to read as follows:

33 54-2601. DECLARATION OF POLICY AND PURPOSE OF ACT. The purpose of
34 this act is to provide certain minimum standards and requirements for the
35 use of and the design, construction, installation, improvement, extension
36 and alteration of materials, piping, venting, fixtures, appliances and
37 appurtenances in relation to plumbing and plumbing systems hereinafter
38 defined, and to provide that all plumbing and plumbing systems shall
39 be designed, constructed, installed, improved, extended and altered
40 in substantial accord with the Uniform Plumbing Code published by the
41 International Association of Plumbing and Mechanical Officials, and as
42 it shall be amended, revised, compiled and published from time to time
43 and as such amendments or revisions shall be adopted by the Idaho plumbing
44 board; provided that the provisions of this act shall not apply, except as
45 hereinafter provided, to ~~cities if such cities have~~ a local government,
46 meaning any incorporated city or any county in the state, who has or

1 enacts ordinances or codes prescribing the equal minimum standards and
2 requirements including the enforcement thereof as provided by this act.

3 SECTION 8. That Section 54-2619, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 54-2619. ~~MUNICIPAL LOCAL GOVERNMENT~~ FEES FOR PERMITS, INSPECTIONS
6 -- EXCEPTIONS. No provision of this act shall deprive ~~incorporated cities,~~
7 ~~including those specially chartered,~~ local governments from collections
8 of fees from permits and inspections. Notwithstanding the provisions of
9 sections 50-304, and 50-306 ~~and 50-606~~, Idaho Code, no ~~cities, including~~
10 ~~those specially chartered,~~ local government shall require occupational
11 license fees from plumbing contractors and journeymen who possess a valid
12 certificate of competency issued by the administrator of the division
13 of building safety, except those cities that have qualified plumbing
14 inspectors.

15 SECTION 9. That Section 54-2620, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 54-2620. PERMITS REQUIRED -- EXCEPTIONS. It shall be unlawful
18 for any person, firm, copartnership, association or corporation to do,
19 or cause or permit to be done, after the adoption of this act, whether
20 acting as principal, agent or employee, any construction, installation,
21 improvement, extension or alteration of any plumbing system in any building,
22 residence or structure, or service lines thereto, in the state of Idaho,
23 without first procuring a permit from the division of building safety
24 authorizing such work to be done, ~~except:~~ ~~(1) Within the jurisdictional~~
25 ~~boundaries of incorporated cities, including those specially chartered~~
26 local governments, where such work is regulated and enforced by an ordinance
27 or code equivalent to this chapter.

28 ~~(2) Within such additional area within five (5) miles of the city~~
29 ~~limits over which such city has elected to exercise jurisdiction relative to~~
30 ~~building drains and building sewers pursuant to section 50-606, Idaho Code,~~
31 ~~on buildings, residences and structures being converted from an on site~~
32 ~~sewage disposal system to a sewage disposal system supplied by the city,~~
33 ~~where such work is regulated and enforced by an ordinance or code equivalent~~
34 ~~to this chapter. Cities shall provide the division of building safety~~
35 ~~written notice of the area over which such jurisdiction will be exercised.~~
36 ~~No city may exercise such jurisdiction within the limits of another city~~
37 ~~unless both cities have agreed by ordinance to allow such jurisdiction. For~~
38 ~~purposes of this chapter building drain and building sewer will be defined~~
39 ~~according to the definition found in the uniform plumbing code or as adopted~~
40 ~~by the board, pursuant to section 54-2601, Idaho Code.~~

41 Permits shall be issued only to a person, or to a firm, copartnership,
42 association or corporation represented by a person holding a valid
43 certificate of competency, or to a person who does his own work in a family
44 dwelling as defined in section 54-2602(1)(a), Idaho Code, except that
45 permits shall not be required for plumbing work as defined in section
46 54-2602(1)(b), (1)(c) and (1)(d), Idaho Code.

1 Provided, a licensed plumber is hereby authorized, after making
2 application for permit and pending receipt of permit, to proceed and
3 complete improvements or alterations to plumbing systems, when the cost
4 of said improvement or alteration does not exceed the sum of five hundred
5 dollars (\$500). Inspection of such work shall be the responsibility of the
6 permit holder pending an official inspection, which shall be made within
7 sixty (60) days after notification of inspection.

8 SECTION 10. That Section 54-2627, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 54-2627. APPOINTMENT OF INSPECTORS -- QUALIFICATIONS -- UNLAWFUL
11 PRACTICES. The administrator of the division of building safety shall
12 appoint such number of inspectors as may be required for the effective
13 enforcement of this act. All inspectors shall be skilled in plumbing
14 installations with not less than five (5) years actual experience, shall
15 possess certificates of competency prior to appointment, and shall be
16 fully familiar with the provisions of this act and rules made by both the
17 administrator and the Idaho plumbing board. No inspector employed by the
18 division of building safety and assigned to the enforcement of this act
19 shall be engaged or financially interested in a plumbing business, trade,
20 practice or work, or the sale of any supplies connected therewith, nor
21 shall he act as an agent, directly or indirectly, for any person, firm,
22 copartnership, association or corporation so engaged. Inspectors employed
23 by ~~municipalities~~ local governments electing to claim exemption under this
24 act must possess the qualifications set forth in this section.