

PROSPECTIVE ANALYSIS
IDAHO HEATING, VENTILATION & AIR CONDITIONING BOARD
IDAPA 24.39.70

RULE 100.02

Proposed Rule: Journeyman Certificate of Competency. An applicant must pass an examination designated by the Board and either (a) submit evidence of a minimum of eight thousand (8,000) hours of work experience as an apprentice making HVAC installations in accordance with the requirements of the jurisdiction in which the applicant obtained the experience and satisfactory completion of a board-approved course of instruction, or (b) submit proof of sixteen thousand (16,000) hours of HVAC experience in accordance with the requirements of the jurisdiction in which the applicant obtained the experience.

a. Examination. An applicant may sit for the exam after showing proof of completion of either the board-approved course of instruction or 16,000 hours of HVAC experience.

Current Rule: Same key elements as proposed Rule.

Legal Authority: Idaho Code § 54-5007 – mandatory
<https://legislature.idaho.gov/statutesrules/idstat/title54/t54ch50/sect54-5007/>

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

The rule further details the statutory requirement for licensure of mechanical journeymen. The statute and rule promote safe mechanical installations by setting forth education and training of journeyman. This cannot be solved through non-regulatory means.

What evidence is there that the rule, as proposed, will solve the problem?

The statute and rule requirements ensure individuals qualified through education, training, and experience are performing mechanical installations, which promotes the health and safety of the public.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
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N/A	
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State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Alaska	No State license	N/A
Montana	No State license	N/A
Nevada	No State license	N/A
Oregon	No HVAC journeyman license. There are 2 limited energy electrical licenses, Class A and Class B. https://www.oregon.gov/bcd/licensing/Pages/individual-licenses.aspx	N/A
South Dakota	No State license	N/A
Utah	No State license	N/A
Washington	No State license; however, WA requires a specialty electrician license to perform HVAC work. https://lni.wa.gov/licensing-permits/electrical/electrical-licensing-exams-education/electrician#specialty-electricians	N/A
Wyoming	No State license	N/A

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

N/A

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	Licensure fees collected are deposited in the occupational licenses fund.
Impact to Idaho businesses, with special consideration for small businesses	The rule does not negatively impact Idaho businesses.
Impact to any local government in Idaho	The rule does not negatively impact local governments in Idaho.

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	
Net change in restrictive word count	

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RULE 100.03

Proposed Rule: Contractor and Specialty Contractor Certificate of Competency. An applicant must successfully pass an examination designated by the Board and provide a compliance bond in the amount of two thousand dollars (\$2,000) which is effective for the duration of the certificate period. The specialty contractor’s scope of work is limited as set forth in Rule 100.04.a.

Current Rule: The prior rule only allowed mechanical journeymen and specialty journeymen to become contractors and specialty contractors. Otherwise, the current rule was similar to the proposed Rule.

Legal Authority: Idaho Code § 54-5007 – mandatory
<https://legislature.idaho.gov/statutesrules/idstat/title54/t54ch50/sect54-5007/>

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

The rule further details the statutory requirement for licensure of mechanical contractors and specialty contractors. This cannot be solved through non-regulatory means.

What evidence is there that the rule, as proposed, will solve the problem?

The statute and rule promote safe installations by ensuring qualified journeymen or specialty journeymen are supervising the mechanical work, which promotes the health and safety of the public.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
N/A	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Alaska	Must employ a mechanical administrator for a contractor or HVAC specialty contractor. http://ak.elaws.us/as/08.18.028 https://www.akleg.gov/basis/aac.asp#12.39.242 Rules 242-332	N/A
Montana	Contractor must register, similar to Idaho contractor's license https://leg.mt.gov/bills/mca/title_0390/chapter_0090/part_0020/section_0010/0390-0090-0020-0010.html	Idaho requires HVAC journeyman to supervise mechanical work
Nevada	Pass Business and Law and trade examinations and have employee or member who has 4 years journeyman experience in same type of work (C-1 Plumbing and Heating or C-21 Refrigeration and Air Conditioning). https://www.leg.state.nv.us/NRS/NRS-624.html#NRS624Sec260	N/A
Oregon	Limited Maintenance Specialty Contractor HVAC/R must employ a Class A or Class B Limited Energy Technician https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=227413	N/A
South Dakota	No State license – license may be required by localities	N/A
Utah	HVAC specialty trade contractor must take a 25-hour prelicensure course https://rules.utah.gov/wp-content/uploads/r156-55a.pdf https://dopl.utah.gov/contractor/contractor_application.pdf	N/A
Washington	No State license; however, WA requires an electrical contractors license, which requires an electrical administrator or master electrician. https://app.leg.wa.gov/RCW/default.aspx?cite=19.28.061	N/A
Wyoming	No State license	N/A

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

To ensure mechanical work is performed safely and in compliance with code, Idaho requires a journeyman to supervise the work.

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	Licensure fees collected are deposited in the occupational licenses fund.
Impact to Idaho businesses, with special consideration for small businesses	The rule does not negatively impact Idaho businesses.
Impact to any local government in Idaho	The rule does not negatively impact local governments in Idaho.

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	
Net change in restrictive word count	

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RULE 100.04

Proposed Rule: Specialty Journeyman Certificate of Competency. An applicant must submit evidence of a minimum of two thousand (2,000) hours of specialty-related experience in accordance with the requirements of the jurisdiction in which the applicant obtained the experience, and either (a) pass an examination designated by the Board, or (b) submit evidence of satisfactory completion of a minimum of sixty (60) hours of education in fuel gas code and piping installation methods.

a. Permitted Scope of Work. Permitted to install hearth appliances, and non-duct connected oil furnaces, the associated fuel gas piping, and venting dedicated exclusively thereto. Does not include any plumbing, electrical or duct work.

Current Rule: Same key elements as proposed Rule.

Legal Authority: Idaho Code § 54-5007 – mandatory
<https://legislature.idaho.gov/statutesrules/idstat/title54/t54ch50/sect54-5007/>

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

The rule further details the statutory requirement for licensure of limited specialty journeymen. The statute and rule promote safe installations by setting forth training for specialty journeymen. This cannot be solved through non-regulatory means.

What evidence is there that the rule, as proposed, will solve the problem?

The statute and rule requirements ensure individuals qualified through training and experience are performing the specialty mechanical services, which promotes the health and safety of the public.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
N/A	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Alaska	No State license	N/A
Montana	No State license	N/A
Nevada	No State license	N/A
Oregon	No State license	N/A
South Dakota	No State license	N/A
Utah	No State license	N/A
Washington	No State license	N/A
Wyoming	No State license	N/A

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

N/A

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	Licensure fees collected are deposited in the occupational licenses fund.
Impact to Idaho businesses, with special consideration for small businesses	The rule does not negatively impact Idaho businesses.
Impact to any local government in Idaho	The rule does not negatively impact local governments in Idaho.

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	
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RULE 300

Proposed Rule: Civil Penalties. The acts described in this section subject the violator to a civil penalty not to exceed one thousand dollars (\$1,000) for each separate count or offense.

- 01. Statute or Rule.** Failure to comply with any provision of Chapter 50, Title 54, Idaho Code or Board Rule.
- 02. Certification or Registration.** Except as provided by Section 54-5002, Idaho Code, performance of HVAC without an active certificate of competency or registration as required by Idaho Code 54-5008.
- 03. Performance Outside Scope.** Performance of any HVAC installation, alteration, or maintenance by a specialty contractor or specialty journeyman outside the scope of the specialty certificate of competency.
- 04. Employees.** Knowing employment of a person who does not hold an active certificate of competency or registration as required by Idaho Code 54-5008 and 54-5009 to perform HVAC work.
- 05. Supervision.** Working as an apprentice or specialty apprentice without the required journeyman supervision or employing an apprentice or specialty apprentice without providing the required journeyman supervision.
- 06. Fees, Permits, and Inspections.** Failure to obtain a required permit, pay applicable fees, properly post a permit, or request an inspection of any installation, alteration, improvement, or extension of any piping, venting, ductwork, appliances and appurtenances in connection with any HVAC system or subsystem of such.
- 07. Corrections.** Failure to make corrections in the time allotted in the notice on any HVAC installation.
- 08. Misrepresentation of Fees.** Misrepresentation of the permit or inspection fees to the customer.
- 09. Advertising.** Advertising to engage in the business, trade, practice, or work of a HVAC contractor as defined in Section 54-5009, Idaho Code, without holding a current and valid HVAC contractor certificate of competency issued by the Division or advertising without including the contractor certificate of competency number in the advertisement. Advertising includes, but is not

limited to: newspaper, telephone directory, community flier ads or notices; telephone, television, radio, internet, or door-to-door solicitations.

10. Order. Failure to comply with any lawful order of the Board or Division administrator.

Current Rule: Similar to proposed rule, but only allows the board to impose a \$200 civil penalty for a first violation, even if the violation is egregious.

Legal Authority: Idaho Code § 54-5005(3) – discretionary
<https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH50/SECT54-5005/>

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

This rule is geared toward ensuring compliance with the law. It cannot be solved through non-regulatory means.

What evidence is there that the rule, as proposed, will solve the problem?

When the Board’s inspectors find legal violations during their inspections, they attempt to resolve many violations through warnings. When warnings are not effective, civil penalties are assessed.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
N/A	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Alaska	Can revoke permits or license for violation https://www.akleg.gov/basis/aac.asp#13.50.025	N/A
Montana	Contractors can be assessed a civil penalty up to \$500 or \$5,000	N/A

	https://leg.mt.gov/bills/mca/title_0390/chapter_0090/part_0040/section_0010/0390-0090-0040-0010.html https://leg.mt.gov/bills/mca/title_0390/chapter_0090/part_0040/section_0010/0390-0090-0040-0010.html	
Nevada	Contractors may be fined anywhere from \$50-\$50,000, depending on the violation. https://www.leg.state.nv.us/NAC/NAC-624.html#NAC624Sec7251	N/A
Oregon	Can suspend or revoke contractor's license. https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=226423	N/A
South Dakota	No State license	N/A
Utah	fine of up to \$1,000 for 1 st violation, \$1,000 for 2 nd , and \$4,000 for subsequent instance of unprofessional or unlawful conduct https://le.utah.gov/xcode/Title58/Chapter55/58-55-S503.html https://adminrules.utah.gov/public/search/R156-55a/Current%20Rules R156-55c-501-502, R156-55a-502-503	N/A
Washington	Penalties of \$50 to \$10,000, depending on type and seriousness of offense https://app.leg.wa.gov/RCW/default.aspx?cite=19.28.131 https://app.leg.wa.gov/wac/default.aspx?cite=296-46B-915	N/A
Wyoming	No State license	N/A

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

N/A

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	The ability to impose civil penalties lies in statute. Any civil penalties collected are deposited in the occupational licenses fund.
Impact to Idaho businesses, with special consideration for small businesses	The rule does not negatively impact Idaho businesses.
Impact to any local government in Idaho	The rule does not negatively impact local governments in Idaho.

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	
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RULE 500

Proposed Rule: Starting on page 2, this Rule sets forth both the permit fee schedule based upon building type and construction cost and the required inspections.

Current Rule: Same key elements as proposed Rule.

Legal Authority: Idaho Code § 54-5016(3)
<https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH50/SECT54-5016/>

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

Permit and inspection fees are imposed to cover the costs of inspections. Inspections cannot be provided through non-regulatory means.

What evidence is there that the rule, as proposed, will solve the problem?

The Board is able to retain inspectors to perform mechanical inspections.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
N/A	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Alaska	Permits and plan reviews required	Idaho does not appear more stringent

	https://www.akleg.gov/basis/aac.asp#13.50.027	
Montana	Mechanical permit fee https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E301%2E172	N/A
Nevada	Contractor must apply for permits. (NAC 624.6966). Rules dictate how contractor conducts business and when it can obtain payments from clients based upon permits and inspections. Fees appear to be set by locality. https://www.leg.state.nv.us/NAC/NAC-624.html	N/A
Oregon	Permit and inspection fees are set by locality https://www.oregon.gov/bcd/Documents/brochures/2673.pdf	N/A
South Dakota	Set by locality	N/A
Utah	It appears localities issue permits https://le.utah.gov/xcode/Title15A/Chapter1/15A-1-S104.html?v=C15A-1-S104_2014040320140513	N/A
Washington	Each county or local jurisdiction must inspect. Counties and local jurisdictions also set the permit fees. https://app.leg.wa.gov/RCW/default.aspx?cite=19.27.050	N/A
Wyoming	Appears to be set by locality	N/A

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

N/A

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	The ability to impose permit and inspection fees arises in statute. Any fees collected are deposited in the occupational licenses fund.
Impact to Idaho businesses, with special consideration for small businesses	The requirement to obtain an HVAC permit arises in statute. As such, the rule does not negatively impact Idaho businesses.
Impact to any local government in Idaho	The rule does not negatively impact local governments in Idaho.

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	
Net change in restrictive word count	

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RULE 600

Proposed Rule: Starting on page 4, the Board adopts the 2018 International Mechanical Code, 2018 International Fuel Gas Code, and Parts V and VI of the 2018 International Residential Code with stated amendments.

Current Rule: Similar key elements as proposed Rule.

Legal Authority: Idaho Code § 54-5001 - mandatory
<https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH50/SECT54-5001/>

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

The Idaho legislature mandated the adoption of the International Mechanical Code, International Fuel Gas Code, and Parts V and VI of the International Residential Code with amendments by the Board in order to ensure safe mechanical installations. This cannot be accomplished through non-regulatory means.

What evidence is there that the rule, as proposed, will solve the problem?

The three safety codes and the Board amendments provide safe mechanical installation guidelines.

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
N/A	

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Alaska	Adopted 2012 International Mechanical Code and 2012 International Fuel Gas Code https://www.akleg.gov/basis/aac.asp#13.55.150 https://www.akleg.gov/basis/aac.asp#13.50.024 https://www.akleg.gov/basis/aac.asp#13.50.023	N/A
Montana	Adopted 2021 International Mechanical Code, 2021 International Fuel Gas Code, & 2021 International Residential Code with amendments https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E301%2E172 https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E301%2E173 https://rules.mt.gov/gateway/RuleNo.asp?RN=24%2E301%2E154	N/A
Nevada	Adopted 2018 Uniform Mechanical Code https://www.leg.state.nv.us/nac/nac-341.html NAC 341.045	N/A
Oregon	Beginning 10/1/22, 2021 International Mechanical Code and 2021 International Fuel Gas Code. Currently, 2018 editions. https://www.oregon.gov/bcd/codes-stand/Pages/omsc-adoption.aspx	N/A
South Dakota	Adopted 2015 International Mechanical Code https://sdlegislature.gov/Rules/Administrative/20425	N/A
Utah	Adopted 2018 International Mechanical Code, 2018 International Fuel Gas Code, and 2015 International Residential Code, with amendments https://le.utah.gov/xcode/Title15A/Chapter2/15A-2-S103.html?v=C15A-2-S103_2021050520210701 https://le.utah.gov/xcode/Title15A/Chapter3/15A-3-P4.html?v=C15A-3-P4_1800010118000101 https://le.utah.gov/xcode/Title15A/Chapter3/15A-3-P5.html?v=C15A-3-P5_1800010118000101	N/A

Washington	Adopted 2018 International Mechanical Code and 2018 International Fuel Gas Code, with amendments https://sbcc.wa.gov/state-codes-regulations-guidelines/state-building-code/mechanical-code-amendments https://app.leg.wa.gov/WAC/default.aspx?cite=51-52-003	N/A
Wyoming	Adopted 2021 International Mechanical Code and 2021 International Fuel Gas Code https://wsfm.wyo.gov/fire-prevention/plan-review	N/A

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

N/A

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	The rule does not have a fiscal impact.
Impact to Idaho businesses, with special consideration for small businesses	The initial code adopted is statutory. As such, the rule does not negatively impact Idaho businesses.
Impact to any local government in Idaho	The rule does not negatively impact local governments in Idaho.

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	
Net change in restrictive word count	