

## ***BUSINESS COMMITTEE***

### **IDAPA 07 - DIVISION OF BUILDING SAFETY**

#### **07.05.01 - RULES OF THE PUBLIC CONTRACTORS LICENSE BOARD**

##### **DOCKET NO. 07-0501-0801 (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 2009 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 54-1904 and 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 July 2, 2008 Idaho Administrative Bulletin, Vol. 08-7, pages 24 through 26.

**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 54-1907, Idaho Code. The rulemaking sets a fee of five hundred fifty dollars (\$550) for a Class Unlimited license.

**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: Since licensing fees for the Division of Building Safety are dedicated funds, there will be no impact on the General Fund. Because it is anticipated that few contractors will apply for the "unlimited" class license, the fiscal impact on the dedicated funds should be negligible.

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

DATED this 28th day of July 2008.

## ***BUSINESS COMMITTEE***

---

***DIVISION OF BUILDING SAFETY  
Rules of the Public Contractors License Board***

***Docket No. 07-0501-0801  
PENDING FEE RULE***

---

Steve Keys  
Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 855-2164

### ***THE FOLLOWING NOTICE WAS PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE***

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2008.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. 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 July 16, 2008.

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Sections 54-1910 and 54-1911, Idaho Code, authorize the Public Works Contractors License Board to establish, by rule, such written or oral examinations it deems necessary to administer to applicants for public works contractor licenses. Currently, the Board has no such rule. This rulemaking is intended to address this deficiency and come into compliance with the controlling statute. The rulemaking establishes requirements and procedures for licensing examinations and it establishes a licensing and renewal fee for a new classification of license.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The 2008 Legislature passed House Bill No. 476 adding an "unlimited" class public works contractor license and authorizing the Public Works Contractors License Board to promulgate rules setting the initial licensing fee and renewal fee for this license. Temporary rulemaking is necessary to meet the July 1, 2008 effective date of the legislation.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

**BUSINESS COMMITTEE**

---

**DIVISION OF BUILDING SAFETY**  
**Rules of the Public Contractors License Board**

**Docket No. 07-0501-0801**  
**PENDING FEE RULE**

---

The rulemaking sets a fee of five hundred fifty dollars (\$550) for a Class Unlimited license.

**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:

Since licensing fees for the Division of Building Safety are dedicated funds, there will be no impact on the General Fund. Because it is anticipated that few contractors will apply for the “unlimited” class license, the fiscal impact on the dedicated funds should be negligible.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the need for temporary rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 23, 2008.

DATED this 28th day of May, 2008.

***THE FOLLOWING IS THE TEXT OF THE PENDING FEE RULE***

**112. EXAMINATION.**

The Board shall approve all subject areas and topics to be included in the examinations to become licensed as a public works contractor. ( )

**01. Frequency of Conducting of Examinations.** ( )

**a. Examinations for all classes of licenses under the Public Contractors laws and rules will be given a minimum of four (4) times each year in at least three (3) locations:** ( )

**i. One (1) to be in north Idaho;** ( )

**ii. One (1) to be in southwest Idaho; and** ( )

**iii. One (1) to be in southeast Idaho.** ( )

**b. The applicant will be notified in writing of the date, time, and location at which the examinations will be given, following approval of the application.** ( )

**02. Professional Testing Services.** In lieu of the administration by the administrator

**BUSINESS COMMITTEE**

**DIVISION OF BUILDING SAFETY**  
**Rules of the Public Contractors License Board**

**Docket No. 07-0501-0801**  
**PENDING FEE RULE**

of the examination for licenses pursuant to this rule, the administrator may contract with a professional testing service to administer the examination, and require license applicants to pay to the testing service the fee that they have set for the examination and to take such examination at the time set by such service with the exception of Class D applicants. After taking such examination, an official copy of the applicant's test score must be provided to the administrator before the license will be granted. If the examination is conducted in this fashion, the Division of Building Safety may charge and retain the application fee provided for by Section 54-1911, Idaho Code, to cover the cost of reviewing the applicant's application. ( )

a. Class D applicants will utilize the existing in-house, open-book examination. ( )

b. Class D licensees pursuing an upgrade must reapply and pass the examination administered by the professional testing service. ( )

03. Required Score. The applicant must receive a final grade of seventy percent (70%) or higher prior to issuance of the appropriate license. ( )

04. Failed Examinations. ( )

a. An applicant receiving less than a passing score on a first or second examination may be reexamined without reapplication. ( )

b. Before being reexamined after failing an examination the third time, an applicant must resubmit the application and fee. ( )

c. Before being reexamined after any further failures, an applicant for reexamination must wait until the expiration of sixty (60) days from the date of the failed examination and resubmit the application and fee for each subsequent examination. ( )

~~1123~~. -- 198. (RESERVED).

**(BREAK IN CONTINUITY OF SECTIONS)**

**201. FEES.**

**01. Public Works Contractor Licensing Fees.** Initial licensing and renewal fees for each class of public works contractor ~~and construction manager~~ licenses shall be, in accordance with Sections 54-1904 ~~and 54-4510~~, Idaho Code, as follows: (3-19-07)( )

a. The fee for a Class Unlimited license shall be five hundred and fifty dollars (\$550). ( )

b. The fee for a Class A license shall be two hundred and fifty dollars (\$250). (3-19-07)

## BUSINESS COMMITTEE

---

**DIVISION OF BUILDING SAFETY**  
**Rules of the Public Contractors License Board**

**Docket No. 07-0501-0801**  
**PENDING FEE RULE**

---

- ~~bc.~~ The fee for a Class AA license shall be three hundred and fifty dollars (\$350). (3-19-07)
- ~~ed.~~ The fee for a Class AAA license shall be four hundred and fifty dollars (\$450). (3-19-07)
- ~~de.~~ The fee for a Class B license shall be one hundred and fifty dollars (\$150). (3-19-07)
- ~~ef.~~ The fee for a Class C license shall be one hundred dollars (\$100). (3-19-07)
- ~~fg.~~ The fee for a Class D license shall be fifty dollars (\$50). (3-19-07)

~~042.~~ **Construction Manager Licensing Fees.** Initial licensing and renewal fees for construction manager licenses shall be, in accordance with Section 54-4510, Idaho Code, as follows: (3-19-99)( )

- a. The fee for initial examination and licensing shall be two hundred dollars (\$200). (3-19-99)
- b. The fee for license renewal shall be two hundred dollars (\$200). (3-19-99)
- c. The fee for an inactive license shall be fifty dollars (\$50). (3-19-99)
- d. The fee for license reinstatement shall be two hundred dollars (\$200). (3-19-99)
- e. The fee for administering the examination shall be the standard fee established for taking that examination. (3-19-99)
- f. The fee for issuing and for reinstating a certificate of authority shall be one hundred dollars (\$100). (3-19-99)

~~023.~~ **Payment of Fees.** Fees shall be payable to "Division of Building Safety -- Public Works Contractors." (3-20-04)

~~034.~~ **Application Filed With Fees.** Required fees shall accompany all applications. An application filed without the required fees shall be deemed incomplete and returned to the applicant. (3-20-04)