



LEGISLATURE OF THE STATE OF IDAHO



Sixty-sixth Legislature

First Regular Session - 2021

IN THE _____

BILL NO. _____

BY _____

AN ACT

RELATING TO INSTALLATION OF HEATING, VENTILATION AND AIR CONDITIONING SYSTEMS; AMENDING SECTION 54-5013, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTIFICATE RENEWAL AND REINSTATEMENT; AND AMENDING SECTION 54-5017, IDAHO CODE, TO PROVIDE THAT PERMIT FEES SHALL BE ESTABLISHED BY RULE AND TO PROVIDE CORRECT TERMINOLOGY.

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

SECTION 1. That Section 54-5013, Idaho Code, be, and the same is hereby amended to read as follows:

54-5013. CERTIFICATE EXPIRATION -- RENEWAL -- REINSTATEMENT. (1) As used in this section, "certification period" means the period for which a certificate of competency was issued under section 54-5012, Idaho Code.

(2) ~~Certificates of competency shall expire twelve (12) calendar months from the date of issue, or at midnight on the last day of the final month of the certification period, unless renewed, as provided in this section, or unless sooner revoked, or suspended.~~

(23) ~~Renewal of a certificate may be requested within sixty (60) days prior to of the expiration date. Any expired certificate which has expired may be revived at any time without examination within one two (±2) years from the first day of the final month of the certification period, by payment of a thirty-five dollar (\$35.00) revival fee; in addition to the full annual renewal fee, required under section 54-5012, Idaho Code; and if any, all outstanding civil penalties, permits fees, or other fees and penalties.~~

(34) ~~Any person whose certificate has been revoked may, after the expiration of one (1) year from the date of such revocation, but not before, apply for a new certificate. Successful application shall require satisfactory proof of payment of any and all outstanding civil penalties, permits fees, or other fees and penalties.~~

(5) The administrator of the division of building safety may renew, on an inactive basis, the certificate of competency of an HVAC contractor or specialty contractor who is not engaged in HVAC contracting or specialty contracting in this state. The Idaho heating, ventilation and air conditioning board shall fix and collect an inactive license fee for such an inactive license renewal in an amount not to exceed thirty-six dollars (\$36.00) per year. An HVAC contractor or specialty contractor holding an inactive license may not engage in the practice of HVAC contracting or specialty contracting in this state. An HVAC contractor's or specialty contractor's inactive license may be converted to an active license by paying a processing fee of thirty dollars (\$30.00) and furnishing the compliance bond required by section 54-5007, Idaho Code.

1 SECTION 2. That Section 54-5017, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 54-5017. PERMITS -- APPLICATION -- FEES. (1) ~~On and after January 1,~~
4 ~~2005,~~ Any person, firm, partnership, company, association or corporation
5 entitled to receive a permit, shall make application to the board on a form
6 provided by the board. The application shall require a description of the
7 work proposed to be done, the location, ownership and use of the premises.

8 (2) ~~Until Permit fees are established by rule of the board, the follow-~~
9 ~~ing fees shall be paid:~~

10 (a) ~~Residential single and duplex family dwelling, a fifty dollar~~
11 ~~(\$50.00) base permit fee plus an inspection fee of:~~

12 (i) ~~Thirty five dollars (\$35.00) for the first furnace, furnace-~~
13 ~~air conditioner combination, heat pump, air conditioner, evapora-~~
14 ~~tive cooler, unit heater, space heater, decorative gas fired ap-~~
15 ~~pliance, incinerator, boiler, pool heater, and similar fixtures~~
16 ~~or appliances, plus~~

17 (ii) ~~Fifteen dollars (\$15.00) for any additional furnace, fur-~~
18 ~~nace air conditioner combination, heat pump, air conditioner,~~
19 ~~evaporative cooler, unit heater, space heater, decorative~~
20 ~~gas fired appliance, incinerator, boiler, pool heater, and sim-~~
21 ~~ilar fixtures or appliances. Fee includes ducts, vents and flues~~
22 ~~attached thereto.~~

23 (iii) ~~Fifteen dollars (\$15.00) for the first exhaust or ventila-~~
24 ~~tion duct such as dryer vents, range hood vents, cook stove vents,~~
25 ~~bath fan vents, and similar exhaust and ventilation ducts, plus~~

26 (iv) ~~Five dollars (\$5.00) for any additional exhaust and ventila-~~
27 ~~tion ducts.~~

28 (v) ~~Fifteen dollars (\$15.00) for the first fixture or appliance~~
29 ~~outlet of the fuel gas piping system, plus~~

30 (vi) ~~Five dollars (\$5.00) for any additional outlets of the fuel~~
31 ~~gas piping system.~~

32 (b) ~~Multifamily, commercial, institutional, industrial and all other~~
33 ~~installations, a fifty dollar (\$50.00) base permit fee for each build-~~
34 ~~ing, plus an inspection fee based on the selling price of the completed~~
35 ~~installation including equipment, appliances, piping systems, materi-~~
36 ~~als, and labor of:~~

37 (i) ~~Three percent (3%) of the value of the installation through~~
38 ~~twenty thousand dollars (\$20,000), plus~~

39 (ii) ~~Two percent (2%) of the value of installation in excess of~~
40 ~~twenty thousand dollars (\$20,000) through one hundred thousand~~
41 ~~dollars (\$100,000), plus~~

42 (iii) ~~One percent (1%) of the value of the installation in excess~~
43 ~~of one hundred thousand dollars (\$100,000) through two hundred~~
44 ~~thousand dollars (\$200,000), plus~~

45 (iv) ~~One half percent (1/2%) of the value of the installation in~~
46 ~~excess of two hundred thousand dollars (\$200,000).~~

47 (c) ~~Plan check and technical service, a fifty dollar (\$50.00) minimum~~
48 ~~fee plus fifty dollars (\$50.00) per hour.~~

1 (3) Additional and reinspections, ~~a fees.~~ A fifty dollar (\$50.00)
2 minimum fee plus an additional fifty dollars (\$50.00) per hour before ap-
3 proval of the installation may be imposed if the following services are
4 necessary:

5 (i)a) Trips to inspect when the permittee had given notice to the inspec-
6 tor that the work was ready for inspection when it was not, or if the per-
7 mittee has not clearly given the location of the installation either by
8 directions or maps, or if the inspector cannot gain access to make the
9 inspection;

10 (ii)b) Trips to inspect corrections required by the inspector as a re-
11 sult of the permittee improperly responding to a corrective notice;

12 (iii)c) Each trip necessary to remove a red tag from the job site;

13 (iv)d) When corrections have not been made in the prescribed time, un-
14 less an extension has been requested and granted.

15 (4) Expiration of permits. Every permit issued by the HVAC ~~bureau~~
16 program or authority having jurisdiction, shall expire by limitation and
17 become null and void if the work authorized by such permit is not commenced
18 within ninety (90) days from the date of issuance of such permit or if the
19 work authorized by such permit is suspended or abandoned at any time after
20 work is commenced for a period of one hundred eighty (180) days. A permit may
21 be renewed for an additional year upon receiving approval from the ~~bureau~~
22 program or authority having jurisdiction, and payment of a fifty dollar
23 (\$50.00) renewal fee.

24 (5) No permit. Failure to acquire, post and send permit and to pay re-
25 quired fees in the prescribed time may result in the assessment of a double
26 fee. Any additional offenses within a twelve (12) month period for failure
27 to acquire, post and send permit and to pay required fees in the prescribed
28 time shall result in the assessment of a triple fee.

STATEMENT OF PURPOSE

RS 427-06

The purpose of this legislation is to eliminate outdated and unnecessary provisions of Idaho Code, and is consistent with the Governor's Red Tape Reduction goals. Section 54-5017, Idaho Code enumerates numerous fees to be charged by the Division of Building Safety for HVAC installations under its jurisdiction until such fees are established by rule of the Board (emphasis added). This is unnecessary statutory language as fees have existed in administrative rule since 2008.

Additionally, this legislation would extend from one (1) year to two (2) years the time in which licensed HVAC contractors and specialty contractors would have to revive an expired license without having to complete an examination. Upon expiration of the license, current statute provides that such person has one (1) year in which to revive the license without having to take an examination in order to obtain it again. This revival period would be extended to two (2) years.

Finally, this legislation allows for HVAC contractors or specialty contractors to put their contractor license in an "inactive" status if they did not need to maintain it for any reason.

FISCAL NOTE

There is not expected to be any negative fiscal impact to general or federal funds, to HVAC contractors or those who may make or be interested in HVAC installations within the industries, or to local jurisdictions as a result of the elimination of outdated and unnecessary statutory text related to fees.

The contractor license revival portion of this proposal is not expected to have an adverse effect on HVAC contractors or specialty contractors in the sense that the same revival or licensure fees that are currently required to be paid as a result of reviving a license within one (1) year, will remain the same if the license is revived within two (2) years. It may have an adverse effect on the HVAC dedicated fund inasmuch as with additional time in which to revive a license, the HVAC program will not likely see the same volume of revivals each year because the licensee is afforded an additional year in which to revive. Given how many contractors may be expected to be in an expired status at any given time, and the fees they would not need to pay with a longer revival period - the Board expects the revival portion of this proposal has the potential to adversely impact the HVAC fund in the amount of \$2775.

There is also expected to be a slight negative fiscal impact to the HVAC dedicated fund related to the inactive license portion of this legislation due to a reduction of fees associated with the inactive status in the amount of \$1700. HVAC contractors who put their license inactive will see a positive fiscal impact due to the yearly fee being less and not needing to maintain a bond.

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Statement of Purpose/Fiscal Note

Bill No.