



State of Idaho
Division Of Occupational and Professional Licenses
Idaho Electrical Board

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Minutes of July 11, 2022

Division Staff: Tim Frost
Michael Hyde
Yvonne Dunbar
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The meeting was called to order at 9:00 a.m. by Tim Frost.

Zero Based Regulation (ZBR) IDAPA 24.39.10 Rules of Idaho Electrical Board

Deputy Administrator Frost addressed the process and purpose of the Zero-Based Regulation. Part of the process is to go through a prospective analysis. The goal is to clarify or create flexibility and remove duplicative wording to regulate safe electrical installations in Idaho. The draft has been reviewed once and today's meeting is the second draft of the rules. There is another negotiated rulemaking meeting scheduled for August 2, 2022. Once the draft is posted to the September bulletin there will be 21 days for comment. Then there will be two more negotiated rulemaking meetings scheduled; dates to be determined.

The first three sections of the rule are standard of what is seen in any rule chapter.

000 – Legal Authority – Title 67, Chapter 26, Idaho Code, and Title 67, Chapter 94, Idaho Code, were added pursuant to negotiated hearing comments.

002.03 – Recognized License – Removed, as the language is duplicative of Section 67-9409, Idaho Code, and Rule 100.

003.02.a – Permits and Inspections – Deputy Administrator Frost stated Section 54-1013, Idaho Code permits the board to connect renewal of a license or registration to payment of outstanding civil penalties, and permit or other fees, have been paid in full and all outstanding correction notices have been satisfactorily resolved.

003.12 – Temporary Installations Connected Prior to Inspection – Removed, as the language is duplicative of statute. Jeff Fitzloff asked why this was removed, because sometimes there is a need for emergency and temporary connections which then need to be inspected.

004.01 – Residential Permits – The goal is to group specific permit types to make it more user-friendly to pull permits. The fee for most inspections is \$65.00. Deputy Administrator Frost stated comments have been received regarding Section b – Residential Dwelling Unit language. Based on negotiated

hearing comments, it was suggested to revert to the terminology of “dwelling unit”. There was also a comment to incorporate two or multi dwelling into the fee rule for subsection 2a.

004.02.d – Small Works Permit – Originally, it was suggested to delete this section. Comments were received that this section is relevant; therefore, reverted to the original text. Mr. Fitzloff stated section formerly 004.02.d which was struck out; a lot of it deals with equipment that is supplied by others and there is no way to charge the customer for this unless we have a fee. There was a concern that without definitions for the type of inspection there will be issues getting the right fees. Most local ordinances use this fee schedule. Deputy Administrator Frost will take this into consideration.

SUBCHAPTER A – ELECTRICAL LICENSING AND REGISTRATION

100 – Licensure History – Removed, as the language is duplicative of Section 67-9409, Idaho Code.

101 – Applications – The application process is in statute and details what is required for an application. DOPL has a staggered system by which licenses are set forth under Section 54-1015.

101 – Journeyman and Master Electrician Continuing Education and 102 Apprentice Continuing Training – Deputy Administrator Frost said in the first rule these were combined and feedback from industry was that this was not easy to follow, therefore, these rules were separated. Continuing education was under rule 300 and that language was pulled and simplified for rule 101. The statute separates out continuing education for electricians and apprentices and defines continuation training and when it applies. Statute 54-1007, subsection 2 calls out what the scenarios are for requiring proof of continuation training, but it gives the flexibility to the board to determine what are the elements in that continuation training. Miles Whittington asked what about the apprentices who are not going to school that hold an apprentice license so apprentices can renew every year without providing any kind of training. Deputy Administrator Frost replied that is what statute states. Apprentices are required to show proof of continuation training and does not provide a separate authority related to apprentices requiring CEs and allows a non-educational pathway for apprentices. There are two different pathways which allows for a journeyman’s license. This would disincentivize a person who is going through an educational pathway, but what the CTE pathway does is incentivizes a much quicker pathway to licensure. Todd Hall, Trax Electric, asked how does the current change of the passing test percentage to 75% help apprentices? Deputy Administrator Frost replied that currently, we have two licensure pathways that qualify someone to sit for the exam. Previously, there was a table in rule with different passing scores for different tests. The Board decided to condense this with one score of 75% because of reciprocal agreements with other states. Mr. Hall stated raising the passing score and creating a more difficult test with more calculations is making it harder for apprentices to pass the test. Deputy Administrator Frost asked if we need to look at a specialty license. That way the exam correlates to the work that is being done. Mr. Hall has been an advocate for this for years. Mr. Whittington commented that the overall purpose of a journeyman’s license is on the state test and having that continuing education helps but does not agree with the change in the passing score. Deputy Administrator Frost stated changing the test score does not guarantee reciprocity and the board will address this in ZBR. The reason DOPL is considering moving to a national entity, specifically for the journeyman’s or master’s, exam is because the scope of the license allows someone to do everything and anything and need an exam that is based on competency. Currently, our state exam does not cover all the elements of the NEC and there have been cases where state agencies have been sued because of their examination. If the state exam is different than the national exam; why is it different. There is no intent to create more barriers to the trade by considering a national exam. DOPL is in the initial stages in looking at different national exams. Mr. Hall asked if there is a possibility of requesting the Board to change the testing score to 70% temporarily. Deputy Administrator Frost

would need to discuss the scenario with legal. Larry Geyer, Quality Electric, stated that their company has worked in Oregon and Oregon's minimum reciprocal test requirement is 75% and this change has been beneficial. Jeremy Redman, IBEW Local 291, asked anyone with an apprentice registration if they had to complete a minimum of 24 hours of continuing education to renew their license. Up until 2009, they had to be enrolled in a program to receive an apprentice registration, but when they went to five-year registration, they also got rid of the requirement of being enrolled in a program and test scores have dropped. Deputy Administrator Frost will look at Section 54-1007 subsection 2.

103 – Examination and License – The goal is to simplify language in this section.

104 – Limited Electrical Installer – Aligning language with statute. There were no significant changes.

105 – Master Electrician – One piece not detailed in statute is an allowance. Someone that is currently holding a masters license is not required to hold a journeyman license.

106 – Electrical Contractor and Limited Electrical Contractor – Deputy Administrator Frost stated the board had rule changes in 2007 & 2008 related to contractor requirements, the rule changes were not spurred by statute. Deputy Administrator Frost said there were changes to statute 54-1010 in 2018 with HB479 and it wasn't until 2018 that a bill was run by the Division of Building Safety through the legislature that added the language journeyman electrician or licensed master. Mr. Fitzloff provided history and stated when the master requirement was established in 2007 or 2008. There are two different pieces; qualification to be a contractor and who supervises the job. A journeyman or master can supervise, but only a master can hold a contractor's license. This was established in rule and not statute.

106.1.2 – Electrical Contracting Work – This was omitted, as it is in Section 54-1002(1) Idaho Code. This is still being reviewed, as it may move under civil penalties.

107 – Journeyman Electrician Performing Limited Electrical Installations – Removed, as the language is duplicative of statute.

108 – Facility Accounts – Removed, as the language is duplicative of statute.

SUBCHAPTER B – LIMITED ELECTRICAL INSTALLATIONS

No changes have been made to this section.

150 – License Requirements – Deputy Administrator Frost stated there is nothing duplicative of statute in this section.

SUBCHAPTER C – EXAMINATIONS

200 – Examinations – Deputy Administrator Frost asked the audience if there were any other comments on this topic, as it was discussed earlier in the meeting. This will be discussed at the next board meeting.

SUBCHAPTER D – USE OF THE NATIONAL ELECTRICAL CODE

250 – Adoption and Incorporation by Reference of the National Electrical Code – Deputy Administrator Frost gave context on this topic of considering adoption of the 2020 National Electrical Code. Currently, the 2017 is in place with amendments adopted by the Board. At the last meeting a comment was made by a board member regarding implementing setbacks related to solar. Deputy Administrator Frost will get more clarification on this comment. The inspector team from DOPL have

come up with a few amendments for consideration regarding the NEC; these will be incorporated for the next meeting. Mike Stone stated NEMA is in support of the 2017 NEC without amendments and take into consideration on f. Article 210.12 of changing the scope of this amendment to extend beyond just bedrooms, not necessarily kitchens or laundry rooms. This should be extended because it is a life safety issue, circuit interrupters prevent fire-related deaths. Mr. Fitzloff stated an Arc-Fault Circuit-Interrupter has an electronic circuit that looks for the signature of the current and finds the unwanted arc. He is in favor of adopting the NEC without amendments. Mr. Stone added the driving force to use AF-CI's was the Consumer Product Safety Commission, who looks at the statistical information on fire-related deaths. Tom B., Bob's Electric, commented that a homebuilder may complain about the cost and asked where is the supporting data. Deputy Administrator Frost asked Mr. Stone if there was Idaho statistics he could share. Mr. Stone will research and send. Kevin Vogel commented on Section 250; suggests replacing article with section to comply with 2020 NEC manual section 2.1.5.4.

300 – Continuing Education Requirements – This rule is removed, as it is incorporated into Subsection 101.

SUBCHAPTER F – CERTIFICATION AND APPROVAL OF ELECTRICAL PRODUCTS AND MATERIALS

400.02.a – Field Evaluation – A negotiated hearing comment was received that we should remove the authority of having jurisdiction. That does not apply under the Field Evaluation; therefore, was deleted.

SUBCHAPTER G – CIVIL PENALTIES

450 – Civil Penalties – Deputy Administrator Frost stated there was a comment on advertising regarding unlicensed or unregistered practices and where does that fit in statutory authority. The first paragraph was struck out regarding the civil penalty of not more than \$200 for the first offense and not more than \$1000 for each offense that occurs thereafter but is now unstruck because it created a lot of confusion and is there a different way to be doing this. Subsection 01. Electrical Contractor has a civil penalty of not more than \$500 for the first offense and nor more than \$1000 for the second offense. We can adjust the amounts for the electrical contractor or keep it separate as is. Deputy Administrator Frost asked, do local jurisdictions not adopt fees for failed inspections? Mr. Fitzloff replied no, if local jurisdictions fail an inspection, the state would not know. Jason Hudson, AFL/CIO, requested to move all the permits and fees into their own subchapter. Deputy Administrator Frost said this is a decision for DFM, they set the criteria for adopting chapters. Mr. Vogel and Mr. Stone are in favor of adopting the NEC without amendments.

Meeting was adjourned at 11:49 a.m.

10/06/2022lp