

TITLE 54. PROFESSIONS, VOCATIONS, AND BUSINESSES
CHAPTER 50. INSTALLATION OF HEATING, VENTILATION
AND AIR CONDITIONING MECHANICAL SYSTEMS

§54-5001. Declaration of policy

The purpose of this chapter is to ensure that installation of all heating, ventilation and air conditioning mechanical systems in the state of Idaho shall be in accordance with the provisions of the Idaho Mechanical Code. The Idaho Mechanical Code shall be based upon the provisions of the 2012 2003 International Mechanical Code, the 2012 2003 International Fuel Gas Code, and parts V and VI only of the 2012 2003 International Residential Code as published by the International Code Council. The Idaho Mechanical Code applicable to industry and including amendments, revisions, and later editions of these codes as shall include amendments adopted by the Idaho mechanical heating, ventilation and air conditioning board, which may include provisions from later editions of the underlying International Mechanical Code, International Fuel Gas Code, and mechanical provisions of the International Residential Code. Nothing in this chapter shall require a local government to adopt or implement a mechanical inspection program unless such local government chooses to do so by an ordinance duly adopted. By January 1, 2005, Local governments that issue mechanical permits and perform mechanical or fuel gas activities shall, by ordinance, adopt and enforce the codes as prescribed by this chapter.

§ 54-5001A. License essential to engage in business -- Licensure authority exclusive to the state

(1) It shall be unlawful for any person, partnership, company, firm, association or corporation, to act, or attempt to act, as a mechanical contractor in this state until such person, partnership, company, firm, association or corporation, shall possess a valid active license as a mechanical contractor, as herein defined, issued pursuant to the provisions of this chapter by the administrator of the division of building safety.

(2) It shall be unlawful for any person, partnership, company, firm, association or corporation, to act, or attempt to act, as a specialty mechanical contractor in this state until such person, partnership, company, firm, association or corporation, shall possess a valid active license as a specialty mechanical contractor, as herein defined, issued pursuant to the provisions of this chapter by the administrator of the division of building safety.

(3) It shall be unlawful for any person to act as a master mechanical technician in this state until such person shall possess a valid certificate of competency as a master mechanical technician, as herein defined, issued pursuant to the provisions of this act, by the administrator of the division of building safety.

(4) It shall be unlawful for any person to act as a mechanical journeyman in this state until such person shall possess a valid certificate of competency as a mechanical journeyman, provided, however, that any person shall possess a valid master mechanical technician's certificate of competency pursuant to this chapter may act as a mechanical journeyman.

(3) It shall be unlawful for any person to act as a mechanical specialty journeyman in this state until such person shall possess a valid certificate of competency as a mechanical specialty journeyman, as herein defined, issued pursuant to the provisions of this act, by the administrator of the division of building safety, provided however, that any person who has been issued a master mechanical technician's certificate of competency or a mechanical journeyman's certificate of competency pursuant to this act may act as a specialty electrician.

(4) Licensure of mechanical contractors, specialty mechanical contractors, master mechanical technicians, mechanical journeymen, specialty mechanical journeymen and the registration of mechanical apprentices and mechanical specialty trainees shall be within the exclusive jurisdiction of the state pursuant to this chapter and no local jurisdiction shall have the authority to require additional licensure or to require payment of any fees in order for any licensee to engage in the mechanical construction trade within the local jurisdiction or to issue licenses to persons licensed under this chapter which are inconsistent with the provisions of this chapter or rules promulgated by the division of building safety. The state shall investigate all local infractions and state violations of this chapter and prosecute the same. The local jurisdictions will assist the state by requesting investigations within their jurisdictions. Nothing in this chapter shall restrict a city or county from imposing stricter public safety rules, notwithstanding any provision of Idaho Code.

(4) On or after January 1, 2018, no building official or such other authority of any county, municipality charged with the responsibility of issuing mechanical permits shall issue any permit without first requesting presentment of an Idaho mechanical contractor's license or specialty contractor's license. Such license number shall be conspicuously entered on the face of a permit so issued; provided however, a permit may be issued to a person otherwise exempt from the provisions of this chapter provided such permit shall conspicuously contain the phrase "no mechanical contractor's license provided" on the face of the permit. No authority charged with the duty of issuing such permit shall be required to verify that the person applying for such permit is exempt as provided in this chapter.

§54-5002. Exceptions

Certificate of competency requirements of this chapter shall not apply to:

(1) Any person who installs or maintains a **mechanical** heating, ventilation and air conditioning system in a single or duplex family dwelling, including accessory buildings, quarters and grounds in connection with such dwelling; provided that such person owns or a contract purchaser of the premises; and provided further that such person shall comply with the **code, standards and rules** applicable to **mechanical** heating, ventilation and air conditioning installation or repairs as provided in this chapter.

(2) Farm buildings located outside the incorporated limits of any city; and a farm building is hereby defined to be a zoned property and designated and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products

and includes sheds, barns, corrals or fences. The definition does not include a place for human habitation or a place of regular employment where agricultural products are extracted, processed, treated or packaged; a place used by the public; or conditioned live stock housing.

(3) Logging, mining or construction camps when mechanical heating, ventilation or air conditioning installations are made to conform to recommendations of the department of health and welfare.

(4) Work on mechanical heating, ventilating and air conditioning systems on premises owned or operated by an employer who regularly employs maintenance or construction heating, ventilation and air conditioning journeymen workers, provided that alterations, extensions and new construction shall comply with the code minimum standards and rules applicable to mechanical heating, ventilation and air conditioning installations practices in accordance with the provisions of this chapter.

Nothing in this chapter shall pertain to:

(15) Modular buildings, as defined in section 39-4301, Idaho Code, that are constructed in the state of Idaho for installation on building sites outside the state; provided however, that no modular building shall be installed on a building site in the state of Idaho until it has been approved and bears the insignia of approval of the division as being in compliance with the requirements set forth in section 39-4304, Idaho Code.

§54-5003. Definitions

As used in this chapter:

(1) "Certificate of competency" – a type of license issued to an individual recognizing that the individual has met the minimum levels of competency established by the mechanical board for a certain certificate.

(2) "Farm building" means a structure designed and constructed to house farm implements, hay, grain, livestock, or other horticultural products. The definition includes sheds, barns, corrals and fences. This definition does not include places of human habitation or places of regular employment where agricultural products are extracted, processed, treated or packaged; places used by the public; or conditioned livestock housing.

~~(3)~~ "Local government" means any incorporated city or any county in the state.

(4) "License" – Documentation issued by the Division of Building Safety authorizing a firm or individual to engage in the mechanical business in the state of Idaho.

(5) "Master Mechanical Technician" – A person who has the necessary qualifications, training, experience, and technical knowledge to plan, layout, or design the installation of mechanical systems, or to supervise such planning, layout, or design, shall, for the purposes of this chapter, be known as a master mechanical technician. A master mechanical technician certificate of competency supersedes a mechanical journeyman certificate of competency, and a master mechanical technician may perform any and all work that falls under the definition of a mechanical journeyman without having to maintain that certificate of competency.

(6) “Mechanical Heating, ventilation and air conditioning apprentice” means any person who, as his principal occupation, is **registered with the division of building safety** engaged in learning and assisting in installation, improvement, extension, alteration or repair of **mechanical HVAC systems**. An apprentice shall perform **mechanical HVAC work under the supervision of an mechanical HVAC journeyman or HVAC contractor**.

(7) “Mechanical Heating, ventilation and air conditioning contractor” means **any person, partnership, company, firm, association or corporation engaged in, conducting, or carrying on the business of installing, fabricating, repairing or servicing mechanical equipment** any person who fabricates, installs, maintains, services and repairs warm air heating and water heating systems, heat pumps, complete with warm air appliances including, but not limited to, boilers, pool heaters, space heaters, decorative gas and solid-fuel burning appliances, and gas, propane, electric or oil-fired water heaters; ventilating systems complete with blowers and plenum chambers; air conditioning systems complete with air conditioning unit and the ducts, registers, flues, humidity and thermostatic controls of air, liquid or gas temperatures below fifty (50) degrees Fahrenheit or ten (10) degrees celsius, and air filters in connection with any of these systems.

(8) “Mechanical contractor designated representative – An individual who has met the minimum qualifications established by the board to serve as the individual qualifier for the contractor license.

(9) “Mechanical Heating, ventilation and air conditioning journeyman” means any person who, as his principal occupation, is engaged in the installation, improvement, extension, alteration or repair of **mechanical HVAC systems** and who is familiar with the provisions of this chapter and who works in the employ and under the direction of an **mechanical contractor**.

(10) “Mechanical Heating, ventilation and air conditioning specialty contractor including specialty limited heating contractor” means **any person, partnership, company, firm, association or corporation engaged in, conducting, or carrying on a specific limited aspect of the business of installing, fabricating, repairing or servicing mechanical equipment** any person who, as his principal occupation, is engaged in a specific aspect of the heating, ventilation and air conditioning trade that includes, but is not limited to, such aspects as gas piping, gas appliances and installation, or decorative gas-fired appliances.

(11) “Mechanical Heating, ventilation and air conditioning specialty journeyman including specialty limited heating journeyman” means any person who, as his principal occupation, is engaged in a specific aspect of the installation, improvement, extension, alteration or repair of **mechanical HVAC systems** that includes, but is not limited to, such aspects as gas piping, gas appliances and installation, or decorative gas-fired appliances. A specialty journeyman is familiar with the provisions of this chapter and works in the employ and under the direction of an **mechanical HVAC contractor or an mechanical HVAC specialty contractor**.

(12) “Mechanical Heating, ventilation and air conditioning specialty trainee apprentice including specialty limited heating trainee apprentice” means any person who, as his principal occupation, is engaged in learning and assisting in a specific aspect of installation, improvement, extension, alteration or repair of **mechanical HVAC**

systems that includes, but is not limited to, such aspects as gas piping, gas appliances and installation, or decorative gas-fired appliances. A specialty traine shall perform mechanical HVAC work under the supervision of an mechanical HVAC journeyman, or mechanical HVAC specialty journeyman or HVAC contractor or an HVAC specialty contractor.

(13) “Mechanical” HVAC systems include but are not limited to heating, ventilating, cooling and refrigeration systems, incinerators, gas piping, and other miscellaneous heat-producing appliances.

(14) “Registration” A certificate, not rising to the level of a certificate of competency or license, issued by the Division of Building Safety acknowledging that an individual is engaged in the business of installing, servicing, or maintaining mechanical equipment in Idaho.

(15) “Specialty limited heating” as it applies to the definitions of “mechanical heating, ventilation and air conditioning specialty apprentice trainee,” “mechanical heating, ventilation and air conditioning specialty contractor” and “mechanical heating, ventilation and air conditioning specialty journeyman” means any person who installs, maintains, services and repairs LP gas-fired appliances, LP fuel gas piping and related exhaust venting. The definition of specialty limited heating shall exclude boilers, hydronic systems, ducted forced air systems, ventilating and air conditioning systems, systems with a BTU input rating over three hundred thousand (300,000), **and** solid fuel and electric fueled systems. A “specialty limited heating journeyman” is required to meet the experience requirement and either the education or examination requirement set forth in this section to receive a certificate of competency. The education of a “specialty limited heating journeyman” shall include one hundred twenty (120) hours of instruction approved by the board of professional-technical education in LP gas specialty education. The experience requirement of a “specialty limited heating journeyman” shall be two (2) years of experience working in the trade, in compliance with the requirements of the state in which the applicant received his supervision or as a registered mechanical HVAC apprentice or registered mechanical HVAC specialty trainee apprentice making mechanical HVAC installation on the job under the supervision of a qualified mechanical HVAC journeyman or mechanical HVAC specialty journeyman. The examination required in this section shall be developed by the board of professional-technical education division of building safety and approved by the Idaho mechanical HVAC board.

§54-5004. Inspection of mechanical installations – Notice of defects – Order to disconnect

The administrator of the division of building safety may, during reasonable hours, inspect, reinspect or test any mechanical installation coming under the provisions of this chapter. If, upon inspection, any mechanical installation is found not to be in conformity with the provisions of this chapter, the person, partnership, company, firm, association or corporation making such installation shall be immediately notified. The notice, which may be issued via electronic means, shall clearly indicate any and all defects to be corrected and specify a definite period of time during which such corrections shall be made. The

administrator may disconnect, or cause to be disconnected, any mechanical equipment in cases of emergency where necessary for safety of life or property,

§54-5005. Rules – Inspections—Permits – Fees

(1) The administrator of the division of building safety is hereby authorized and directed to enforce rules consistent with this chapter for the administration of this chapter and to effectuate the purposes thereof, and for the examination and licensing of mechanical contractors, specialty electrical contractors, master mechanical technicians, mechanical journeymen, specialty mechanical journeymen, and to make inspections of mechanical installations referred to in section 54-5001, Idaho Code, and to issue permits covering such installations, and to establish and collect the fees therefore.

(2) The administrator of the division of building safety may make mechanical inspections for another state or local jurisdiction upon request by an appropriate official of the requesting jurisdiction. Such inspections shall be made in accordance with the applicable codes and ordinances of the requesting jurisdiction. Fees charged for such inspection services shall be sufficient to cover direct costs and allocable overhead costs incurred by the division in providing the services.

§54-5006. Idaho ~~mechanical heating, ventilation and air conditioning board~~

(1) The Idaho ~~mechanical heating, ventilation and air conditioning board~~, referred to as the board, is hereby created and made part of the division of building safety. It shall be the responsibility and duty of the administrator of the division of building safety to administer and enforce the provisions of this chapter, and the board shall make, promulgate and publish such rules as may be necessary to carry out the provisions of this chapter. Except as may be limited or prohibited by law, such rules so made and promulgated shall have the force of statute.

(2) The board shall consist of seven (7) members appointed by the governor, who shall serve at the pleasure of the governor. All board members shall be appointed for a term of three (3) years. Whenever a vacancy occurs, the governor shall forthwith appoint a qualified person to fill the vacancy for the unexpired portion of the term. All members of the board shall be United States citizens, residents of the state of Idaho for not less than two (2) years, and qualified by knowledge, integrity and experience to properly perform the functions of the board. All members of the board shall take, subscribe and file with the secretary of state an oath of office in the form, manner and time as prescribed by chapter 4, title 59, Idaho Code.

(3) Of the seven (7) board members, two (2) members shall be **employees representing** active HVAC **mechanical** contractors; **each of these representatives** with **will have** not less than five (5) years' experience in the HVAC **mechanical** contracting business; one (1) member shall be a city official; one (1) member shall be a county official; one member shall be a private sector mechanical engineer with experience in mechanical system design; and one (1) member shall be a **n employee**

representing a mechanical HVAC specialty contractor; and one (1) member shall be a member of the general public with an interest in the rights of consumers of **mechanical** HVAC services.

(4) The board shall meet within thirty (30) days after the appointment of all its members and thereafter at such times as may be expedient and necessary for the proper performance of its duties. At the board's first meeting and every two (2) years thereafter, the members shall elect one (1) of their number to be chairman and one (1) of their number to serve as vice-chairman. A majority of the board shall constitute a quorum for the transaction of business and not less than two (2) quorum meetings shall be held each year. The board may delegate to any member, or its chairman or other employees **of the division of building safety**, the power to make investigations and hold hearings at any place it may deem proper, and to report findings to it; and may delegate to its chairman and employees **of the division of building safety** the performance of ministerial functions.

(5) Each member of the board shall be compensated as provided in section 59-509(n), Idaho Code.

§54-5007. Powers and duties of the board – Limitation

(1) The board shall have the general administration and supervision of the design, construction, installation improvement, extension and alteration of **mechanical** heating, ventilation and air conditioning systems, except that which has been heretofore and hereinafter exempted from the jurisdiction of this board, in connection with all buildings, residences and structures in this state including buildings, residences and structures owned by the state or any political subdivision thereof.

(2) The division of building safety shall enforce the minimum standards and requirements as provided by this chapter.

(3) The board may exercise such powers and duties as are reasonably necessary to carry out the provisions of this chapter, and it may, among other things:

~~(1) Establish the fees to be charged for reviewing plans, investigations, permits and inspections of heating, ventilation and air conditioning systems, under the jurisdiction of the state, and to establish such other fees as it deems necessary.~~

~~(a) Hold public meetings and attend or be represented at such meetings, within or without the state, prepare and publish rules pertaining to this chapter, and such other information as may be necessary, **and distribute this information to those engaged in the mechanical business and the public at large** furnish copies thereof to those engaged in the business, trade, practice or work of heating, ventilation and air conditioning and to the public upon request.~~

~~***(b) Furnish standards and procedures and prescribe reasonable rules for examinations, qualification, licensure, registration and certification of mechanical contractors, specialty mechanical contractors, master mechanical technicians, mechanical journeymen, mechanical apprentices, and mechanical specialty contractors.***~~

~~***(c) Furnish standards and procedures and prescribe reasonable rules to provide for the licensure of mechanical contractors and mechanical specialty contractors.***~~

(d) Furnish standards and procedures and prescribe reasonable rules for the certification of master mechanical technicians, mechanical journeymen, and mechanical specialty journeymen.

(e) Furnish standards and procedures and prescribe reasonable rules for the registration of mechanical apprentices, mechanical specialty trainees, and mechanical facility accounts.

~~(f3)~~ Establish by administrative rule **civil penalties not to exceed one thousand dollars (\$1,000) for each count or separate offense, to be paid for the violations of this chapter and rules of the Idaho plumbing board and the administrator of the division of building safety; and to establish by administrative rule the process by which appeals from the imposition of civil penalties may be heard.** the fines to be paid for citations issued and shall hear appeals regarding the imposition of civil penalties for violations of this chapter and rules of the board. The board is authorized to affirm, reject, decrease or increase the penalty imposed by the administrator. However, in no case shall the penalty exceed one thousand dollars (\$1,000) for each offense.

The powers and duties of the board within the jurisdictional boundaries of local governments that have chosen to adopt and enforce mechanical codes shall be limited to those powers and duties needed to enforce the requirements governing a **license, certificate of competency or registration.** Each local government that has chosen to adopt and enforce mechanical codes shall establish fees to be charged for permits and inspections within its jurisdiction.

§54-5008. Administrator of the division of building safety

The administrator shall exercise such powers and duties as are reasonably necessary to enforce standards provided in this chapter, and he may, among other things

(1) Serve as secretary to the Idaho **mechanical** heating, ventilation and air conditioning board.

(2) Appoint state mechanical inspectors who shall be authorized to enter and inspect by and through a properly identified person, at reasonable hours, **mechanical** heating, ventilation and air conditioning **installations** systems.

(3) Promulgate administrative rules establishing the fees to be charged for permits and inspections of mechanical installations.

~~(43)~~ Make **mechanical** HVAC inspections for another state or local jurisdiction upon request by an appropriate building official. Such inspections shall be made in accordance with the applicable codes of the requesting jurisdiction. Fees charged for such inspection services shall **cover the costs of providing the services** be as provided in the rules promulgated by the board.

~~(54)~~ Notwithstanding the exception provided in section 54-5002(5), Idaho Code, the administrator may make inspections of modular buildings constructed in Idaho upon written request from the manufacturer. Such inspections shall be made in accordance with the **approved plans and specifications applicable to the modular building being inspected** codes adopted in this chapter. Inspection fees for such inspections shall be as provided in section 39-4303, Idaho Code. The administrator may issue an insignia of approval if the buildings are in compliance with the requirements set forth in chapter 43, title 39, Idaho Code.

(65) Summon witnesses to appear and testify before him on any matter within the provisions of this chapter. No person shall be required to testify outside the county wherein he resides or where his principal place of business is located. Such summons to testify shall be issued and served in like manner as a subpoena to witness issued from the district court, or in other manner consistent with the procedure of the division of building safety. In case any witness shall fail or refuse to appear and testify upon being summoned as herein provided, the clerk of the district court of the county shall, upon demand by said administrator or his designated agent, issue a subpoena reciting the demand therefore and summoning the witness to appear and testify at a time and place fixed. Violation of such subpoena or disobedience thereto shall be deemed and punished as a violation of any other subpoena issued from the district court.

(76) Administer oaths and take affirmations of witnesses appearing before him or a duly appointed hearing officer; and have the power to appoint competent persons to issue subpoenas, administer oaths and take testimony.

(87) Impose civil penalties **for violations of this chapter, or administrative rules adopted by the board and the administrator, or for violations of the provisions of chapter 6, title 48, Idaho Code, relating to consumer protection,** as provided in this chapter and rules of the board.

§54-5009. Requirements for licenses, certificates of competency, and registrations

The Idaho **mechanical** heating, ventilating and air conditioning board shall provide standards and procedures and prescribe reasonable rules for examination, qualification and certification of **mechanical** heating, ventilating and air conditioning contractors, journeymen, **mechanical master technicians, mechanical** apprentices, specialty contractors, **mechanical** specialty journeymen and **mechanical** specialty **trainees** apprentices. HVAC contractors and specialty contractors shall provide a bond in the amount of two thousand dollars (\$2,000) or evidence of such coverage by a corporate industry group bond acceptable to the board. **Applicants for mechanical contractor's and mechanical specialty contractor's licenses shall provide certificates issued by an insurance company authorized to do business in the state of Idaho showing that the applicant has procured and has in effect:**

(a) A general liability insurance policy, including products and completed operations insurance covering the applicant's operations in the sum of not less than three hundred thousand dollars (\$300,000) single limit.

(b) A worker's compensation insurance policy unless the applicant provides a statement from the applicant detailing why such a certificate of coverage is not required for the applicant.

The name of the insurance company, the insured and policy number shall be made available only to persons or their insurers in the event they are bringing forward a claim against the contractor. Required insurance coverage shall be maintained at all times when a contractor's license is active.

§54-5010. Certificate a prerequisite

On and after July 1, 2004, ~~it~~ shall be unlawful for any person, ~~or~~ firm, ~~or~~ partnership, **company,** association or corporation to engage in the business, trade, practice or work

of heating, ventilating and air conditioning, refrigeration or other work covered by this chapter in this state unless such person or responsible person representing such firm, partnership, company, association or corporation has successfully passed an examination as provided herein and has been issued a the requisite state license, certificate of competency, or registration in accord with the provisions of this chapter.

§54-5011. Classification of licenses, competency and registration

(1) There shall be ~~three (3)~~ **four (4)** classifications of competency applicable to in the mechanical the business, trade, practice or work of heating, ventilation and air conditioning as follows; these competencies; definitions of these competencies are found in section 54-5003:

~~(1)~~ — An apprentice shall be any person who, as his principal occupation, is engaged in learning and assisting in the installation, improvement, extension and alteration or repair of HVAC systems. An apprentice shall not perform HVAC work except under the supervision of an HVAC journeyman or HVAC contractor. This classification applies to a specialty apprentice as defined in section 54-5003, Idaho Code.

~~(a2)~~ A mechanical journeyman shall be any person who, as his principal occupation, is engaged in the installation, improvement, extension and alteration or repair of HVAC systems. And who is familiar with the provisions of this chapter and who works in the employ of an HVAC contractor and who has successfully completed all trade required classes as directed by the board. This classification applies to specialty journeyman as defined in section 54-5003, Idaho Code.

(b) A mechanical master technician

(c) A mechanical specialty journeyman

(2) There shall be two (2) classifications of license applicable to the mechanical business, trade, practice, or work as follow; definitions of these licensure classifications are found in section 54-5003:

~~(a3)~~ A mechanical heating, ventilation and air conditioning contractor shall be any business, trade, partnership, company, firm or association engaged in, but not limited to, the business, trade, practice or work of installing, maintaining or repairing heating, ventilation or air conditioning appliances, or gas-fired equipment that requires special venting or gas supply piping systems or subsystems in the state of Idaho.

~~(b4)~~ A mechanical heating, ventilation and air conditioning specialty contractor shall be any person who, as his principal occupation, is engaged in a specific aspect of the heating, ventilation and air conditioning trade that includes, but is not limited to, such aspects as gas piping, gas appliances and installation, or decorative gas-fired appliances. A certificate of competency issued for the installation of hearth and barbecue products shall include the authority for all low voltage work necessary to complete the installations.

(3) There shall be four (4) classes of registration applicable to mechanical work:

(1) Mechanical apprentice

- (2) Mechanical specialty trainee**
- (3) Mechanical facility account**
- (4) Mechanical contractor designated representative**

§54-5012. Examinations – Notification – Application

(1) The Idaho mechanical heating, ventilation and air conditioning board shall establish by rule the requirements as to the education, continuing education and examinations relating to classifications of competency.

(2) Times and places for examinations shall meet minimum requirements as be determined by the board; the division shall schedule the examinations, and all applicants shall be notified thereof.

(3) All applications for examination shall be filed with the board division on a form provided by the board administrator. When any person is designated and authorized to be or act as an agent for the applicant, such authorization shall be in writing, signed by the applicant and the person designated, a certified copy of which shall be filed with the board division. All applications shall expire and be cancelled after a period of one (1) year if the applicant fails to appear for examination within such period.

§54-5013. Certificate of competency

On and after July 1, 2004, a A certificate of competency in the form of a card shall be issued to an applicant upon successful completion of the examination. The card shall include the holder's name, classification for which the applicant was examined is licensed, the expiration date of the certificate of competency year for which the card is current, the holder's signature, certificate number, and the signature of the administrator of the division of building safety. Certificates of competency may be issued for terms of up to three (3) years at the discretion of the administrator.

§54-5014. Fees for examination, certificates of competency and registration of apprentices

The administrator of the division of building safety shall set in administrative rule the fees for examination, certificates of competency, licenses, and registrations. Said fees shall not exceed those contained in the following schedule:

(2) One-year licenses:

<u>(a) Mechanical contractor license</u>	<u>\$100.00</u>
<u>(b) Specialty mechanical contractor license</u>	<u>\$100.00</u>

(3) Three-year certificates of competency, in accordance with sections 54-5008 and 54-5013, Idaho Code:

<u>(a) Master mechanical technician</u>	<u>\$225.00</u>
<u>(b) Mechanical journeyman</u>	<u>\$225.00</u>
<u>(c) Specialty mechanical journeyman</u>	<u>\$ 75.00</u>

(4) Three-year registrations:

<u>(a) Specialty trainee registration and working license</u>	<u>\$ 30.00</u>
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(b) Contractor designated representative \$ 30.00
(i) At the time the specialty trainee applies for a specialty mechanical journeyman certificate of competency, the pro rata value of any remaining time on a specialty trainee working license shall be credited toward the purchase of the specialty mechanical journeyman certificate of competency.

(5) Five-year registrations:

(a) Mechanical apprentice registration and working license \$ 50.00
(i) At the time the apprentice applies for a mechanical journeyman certificate of competency, the pro rata value of any remaining time on a mechanical apprentice working license shall be credited toward the purchase of the mechanical journeyman certificate of competency.

(6) Miscellaneous fees:

(a) Application fee for original license \$ 35.00
(b) Revival fee for expired license \$ 35.00
(c) Application for examination \$ 35.00
(d) Examination fee for DBS administered exams \$ 75.00
(e) Activation or deactivation of license \$ 35.00

(1) Application for examination.

(a) HVAC contractor or specialty contractor _____ \$ 35.00

(b) HVAC journeyman or specialty journeyman _____ \$ 35.00

(2) _____ Certificate of competency, initial issue, valid for one (1) year; or may be issued at the annual rate for up to three (3) years.

(a) HVAC contractor or specialty contractor _____ \$ 75.00

(b) HVAC journeyman or specialty journeyman _____ \$ 50.00

(3) _____ Renewal of certificate of competency, valid for one (1) year; or may be issued for up to three (3) years.

(a) HVAC contractor or specialty contractor _____ \$ 50.00

(b) HVAC journeyman, or specialty journeyman _____ \$ 25.00

**** Each apprentice and specialty *trainee* apprentice is required to register with the division of building safety and maintain such registration during the entire period in which work experience is accrued. An apprentice registration shall be valid for five (5) years and shall expire on the last day of the month in which it is set to expire unless renewed. A specialty apprentice registration shall be valid for two (2) years and shall expire on the last day of the month in which it is set to expire unless renewed. The registration fee for an apprentice shall be fifty dollars (\$50.00), and the registration fee for a specialty apprentice shall be twenty dollars (\$20.00). *The board shall establish requirements for renewal of apprentice and specialty apprentice registrations.***

§54-5015. Certificate expiration – Renewal – Reinstatement

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

(2) Renewal of a certificate may be requested within sixty (60) days prior to the expiration date. Any certificate which has expired may be revived at any time within **two (2) one (1)-year**s from the first day of the final month of the certification period **of the expiration date**, by payment of a **thirty-five dollars (\$35.00)** revival fee in addition to the full annual renewal fee **covering the period of time since the expiration date and the balance of allowable time remaining on the certificate of competency**, and if any, **and** all outstanding civil penalties, permits or other fees and penalties.

(3) Any person **partnership, company, firm, association or corporation** 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 **issuance of a new certificate requires** proof of payment of any and all outstanding civil penalties, permits or other fees and penalties. **The applicant must also demonstrate that any outstanding correction notices and notices of violation have been satisfactorily resolved.**

§54-5015A. Revocation or suspension of license, certificate, or registration – Hearings – Taking testimony – Judicial review

The administrator shall have the power to revoke or suspend any certificate, **license, or registration** if:

(a) The license, certificate, or registration same was obtained through error or fraud; or

(b) if the holder thereof is shown to be grossly incompetent, or has willfully violated any of the rules prescribed by the board; or

(c) If the holder has violated the provisions of this chapter; or

(d) If the holder as prescribed in this chapter; or has, after due notice, failed or refused to correct, within the specified time, any HVAC-**mechanical** installation not in compliance with the provisions of this chapter; or

(e) If the holder has failed to pay within the time provided, civil penalties which have become final by operation of law, provided; **or**

(f) If the holder has violated any of the provisions of chapter 6, title 48, Idaho Code, relating to consumer protection including, but not limited to, making fraudulent misrepresentations to consumers.

Before any certificate shall be revoked or suspended, the holder thereof shall have written notice enumerating the charges against him, and shall be given a hearing by said administrator, and have an opportunity to produce testimony in his behalf, at a time and place specified in said notice, which time shall not be less than five (5) days after the service thereof. The proceedings shall be governed by the provisions of chapter 52, title 67, Idaho Code. Any party aggrieved by the action of the administrator shall be entitled to judicial review thereof in accordance with the provisions of chapter 52, title 67, Idaho Code.

§54-5016. ~~License~~ Certificate to be displayed and certificate or registration carried on the job

(1) All holders of a valid ~~license~~ certificate of competency for the classification of contractor or specialty contractor shall display a sign or card for public view in the holder's place of business.

(2) All journeymen, specialty journeymen, apprentices, and specialty trainees ~~apprentices~~ shall have their certificate of competency or ~~annual~~ registration card available at all times while on the job.

§54-5017. Exclusive jurisdiction of the state – Restriction on requirement for additional licenses or fees – Clarification of certification, licensing and permitting requirements.

(1) Only the administrator of the division of building safety of the state of Idaho is authorized and empowered to conduct examinations and to pass upon the qualifications of applicants, and to grant and issue certificates of competency and registration of apprentices and trainees as are found to be qualified to engage in the mechanical trade, work or practice of heating, ventilation and air conditioning.

(2) No local jurisdiction shall have the authority to require additional certification or registration or to require payment of any fees in order for any mechanical HVAC contractor, specialty contractor, journeyman, limited journeyman, specialty journeyman, apprentice or specialty trainee ~~apprentice~~ to engage in the mechanical heating, ventilation and air conditioning trade within the local jurisdiction or to issue certificates to persons certified or registered under the provisions of this chapter.

(3) Nothing in this chapter shall restrict a city or county from imposing stricter public safety rules, notwithstanding any provision of Idaho Code.

(4) A certificate issued pursuant to chapter 26, title 54, Idaho Code, or a license issued pursuant to chapter 10, title 54, Idaho Code, shall be acceptable for all mechanical HVAC installation work that falls within the scope of the certificate or license that has been issued. This will allow:

~~(a) Individuals holding a current HVAC or electrical license or a current plumbing certification to install electrical circuitry from the disconnecting means to a water heater and electrical connections to the water heater as long as the disconnect is in sight from the unit and the circuit from the disconnecting means to the water heater is no more than fifty (50) feet long;~~

~~(a)~~ Individuals holding a current mechanical HVAC or electrical license to install:

(i) Electrical space heaters with no attached ductwork;

(ii) Electrical connections to mechanical HVAC equipment from the disconnecting means to the unit as long as the disconnect is in sight from the equipment ~~unit~~ and the circuit from the disconnecting means to the mechanical HVAC equipment is no more than fifty (50) feet long; and

(iii) Ventilating fans, except ducted range hoods in residences;

~~(b)~~ Individuals holding either an mechanical HVAC certification or plumbing certification to install:

- (i) Boilers ~~that are not otherwise subject to inspection by the industrial commission or its authorized agent;~~
 - (ii) Fuel piping
 - (iii) Piping for hydronic systems; and
 - (iv) Piping for steam and hot water boiler or chilled water systems;
 - (~~cd~~) **Mechanical** HVAC licensees to install control wiring of twenty-four (24) volts or less for mechanical HVAC equipment ~~systems comprising~~ of five (5) tons or less in capacity.
- (5) Notwithstanding any other provision of this section, plumbing certificate holders are not authorized to install control wiring ~~for~~ mechanical HVAC equipment, regardless of voltage.

§54-5018. Permits required – Exception – Local government fees allowed

(1) ~~On and after January 1, 2005, it~~ shall be unlawful for any person, firm, partnership, company, association or corporation to do or cause to be done, whether acting as principal, agent or employee, any construction, installation, improvement, extension or alteration of any mechanical heating, ventilation or air conditioning system, in any building, residence or structure in the state of Idaho, without first obtaining a permit from the authority having jurisdiction, authorizing work to be done, except that no permit shall be required to perform work related to repair or maintenance of an existing mechanical HVAC system.

(2) To the extent that a plumbing or electrical installation permit issued by the Idaho division of building safety includes any part of an mechanical HVAC system installation, or an mechanical HVAC installation permit issued by the division includes any part of a plumbing or electrical installation, the permit issued and inspection performed shall be sufficient to satisfy the permitting and inspection requirement of the other division programs entities.

(3) The plumbing, mechanical HVAC and electrical boards shall promulgate rules adopting fees that allow the division of building safety program entity issuing a permit to charge, in addition to the permit fee it would originally charge, additional permit fees that relate to the mechanical HVAC portion of an installation for which a plumbing or electrical installation permit is being obtained, or the electrical and plumbing portions of an installation for which an mechanical HVAC permit is being obtained.

(4) No provision of this chapter shall preclude local governments from collecting fees for permits and inspections where such work is regulated and enforced by city or county code or ordinance. ~~Municipalities may also require fees for permits and inspections in areas designated by local code or ordinance as areas of city impact.~~

§54-5019. Permits – Applications – Fees

(1) ~~On and after January 1, 2005, a~~Any person, firm, partnership, company, association or corporation entitled to receive a permit shall make application to the division of building safety board on a form or in a format approved provided by the division board. The application shall require a description of the work proposed to be done, the location, ownership and use of the premises.

- (2) ~~Until fees are established by rule of the board, the following fees shall be paid:~~
- (a) ~~Residential single and duplex family dwelling, a fifty dollar (\$50.00) base permit fee plus an inspection fee of:~~
- ~~(i) Thirty five dollars (\$35.00) for the first furnace, furnace-air conditioner combination, heat pump, air conditioner, evaporative cooler, unit heater, space heater, decorative gas-fired appliance, incinerator, boiler, pool heater, and similar fixtures or appliances, plus~~
 - ~~(ii) Fifteen dollars (\$15.00) for any additional furnace, furnace-air conditioner combination, heat pump, air conditioner, evaporative cooler, unit heater, space heater, decorative gas-fired appliance, incinerator, boiler, pool heater, and similar fixtures or appliances. Fee includes ducts, vents and flues attached thereto.~~
 - ~~(iii) Fifteen dollars (\$15.00) for the first exhaust or ventilation duct such as dryer vents, range hood vents, cook stove vents, bath fan vents, and similar exhaust and ventilation ducts, plus~~
 - ~~(iv) Five dollars (\$5.00) for any additional exhaust and ventilation ducts.~~
 - ~~(v) Fifteen dollars (\$15.00) for the first fixture or appliance outlet of the fuel gas piping system, plus~~
 - ~~(vi) Five dollars (\$5.00) for any additional outlets of the fuel gas piping system.~~
- (b) ~~Multifamily, commercial, institutional, industrial and all other installations, a fifty dollar (\$50.00) base permit fee for each building, plus an inspection fee based on the selling price of the completed installation including equipment, appliances, piping systems, materials, and labor of:~~
- ~~(i) Three percent (3%) of the value of the installation through twenty thousand dollars (\$20,000), plus~~
 - ~~(ii) Two percent (2%) of the value of the installation in excess of twenty thousand dollars (\$20,000) through one hundred thousand dollars, plus~~
 - ~~(iii) One percent (1%) of the value of the installation in excess of one hundred thousand dollars (\$100,000) through two hundred thousand dollars (\$200,000), plus~~
 - ~~(iv) One-half percent (1/2%) of the value of the installation in excess of two hundred thousand dollars (\$200,000).~~
- (c) ~~Plan check and technical service, a fifty dollar (\$50.00) minimum fee plus fifty dollars (\$50.00) per hour.~~
- (d) ~~Additional and inspections, a fifty dollar (\$50.00) minimum fee plus an additional fifty dollars (\$50.00) per hour before approval of the installation if the following services are necessary:~~
- ~~(i) Trips to inspect when the permittee had given notice to the inspector that the work was ready for inspection when it was not, or if the permittee has not clearly given the location of the installation either by directions or maps, or if the inspector cannot gain access to make the inspection;~~
 - ~~(ii) Trips to inspect corrections required by the inspector as the result of the permittee improperly responding to a corrective notice;~~

- ~~(iii) Each trip necessary to remove a red tag from the job site;~~
- ~~(iv) When corrections have not been made in the prescribed time, unless an extension has been requested and granted.~~

~~(3)~~ **(2)** Expiration of permits. Each permit issued by the division of building safety HVAC bureau or authority having jurisdiction, shall expire by limitation and become null and void if the work authorized by such permit is not commenced within ninety (90) days from the date of issuance of such permit or if the work authorized by such permit is suspended or abandoned at any time after work is commenced for a period of one hundred eighty (180) days. A permit may be renewed for an additional year upon receiving approval from the division bureau or authority having jurisdiction, and payment of a fifty dollar (\$50.00) renewal fee.

~~(4)~~ **(3)** No permit. Failure to acquire and post and send permit and to pay required fees in the prescribed time may result in the assessment of an investigative double fee. ~~Any additional offenses within a twelve (12) month period for failure to acquire, post and send permit and to pay required fees in the prescribed time shall result in the assessment of a triple fee.~~

§54-5020. Inspection by agent

A designated, qualified, properly identified agent of the division of building safety or the authority having jurisdiction, as applicable, shall inspect work performed under each permit to ensure compliance with the provisions of this chapter and rules promulgated by the board, and applicable codes and ordinances as adopted.

§54-5021. Approval and certification of inspection

The inspector shall either approve the portion of the work completed at the time of inspection, or shall notify the permit holder of a failure to comply with the provisions of this chapter or rules as promulgated by the board. When final inspection has been made and the work is approved, the inspector shall certify to the permit holder by securely attaching an inspector's tag to the equipment or by another approved method documenting ~~stating~~ completion of the final inspection.

§54-5022. Request for inspection – Fee for reinspection

(1) It shall be the duty of the permit holder to notify the division of building safety at least one (1) business day prior to the desired inspection, Saturdays, Sundays and holidays excluded, that the project is ready for inspection. If a reinspection is required after the final inspection due to a failure to meet requirements of this chapter, a fee not to exceed the actual cost of reinspection may ~~shall~~ be charged.

(2) Local governments that have adopted mechanical codes shall by ordinance establish times within which permit holders shall notify the authority of the desire for an inspection.

§54-5023. Appointment and qualification of inspectors – No financial interest

(1) The administrator of the division of building safety, or the local government having jurisdiction, as the case may be, shall appoint such number of inspectors as are necessary for the effective enforcement of this chapter.

(2) All state mechanical inspectors shall be knowledgeable in **mechanical** HVAC installations and demonstrate knowledge of this chapter and rules of the administrator and the board. All inspectors, including those working for local governmental **entities**, shall be certified by rule of the HVAC board as commercial or residential mechanical inspectors, depending upon the duties assigned **type of work being inspected. The mechanical board shall promulgate rules defining acceptable bodies providing certifications.**

(3) No **mechanical** inspector shall be permitted to be engaged or financially interested in **any** business, trade, practice or work related to this chapter, or sell any supplies connected to the **mechanical** HVAC business, nor act as an agent, directly or indirectly, for any person, firm, copartnership, association or corporation so engaged in the **mechanical** HVAC business. The qualifications and requirements as set forth in this section shall apply to inspectors employed by a municipality.

(4) Each local government mechanical inspector shall be certified as a mechanical inspector.

A new mechanical inspector hired by the state or local jurisdiction shall obtain the requisite certification within twelve (12) months of his date of hire or the date when he assumed his current responsibilities. During this twelve (12) month initiation period, the inspector may conduct mechanical inspections only under the direct supervision of a properly certified mechanical inspector, with the supervising inspector signing off on all inspections.

§54-5024. Violation—Misdemeanor – Penalty

It shall be a misdemeanor for any person, firm, partnership, company, association or corporation by and through a member, representative or agent to:

- (1) Engage in the **mechanical** business, trade, practice or work of HVAC without a **n appropriate license, certificate of competency or registration;**
- (2) Perform work without a permit as provided in this chapter;
- (3) Violate any provision of this chapter or the rules made by both the administrator of the division of building safety and the Idaho **mechanical** heating, ventilating and air conditioning board;
- (4) Refuse to perform any duty lawfully enjoined upon him by the administrator within the prescribed time; or
- (5) Fail, neglect or refuse to obey any lawful order given or made by the administrator. Such person, firm, partnership, company, association or corporation shall be subject to the civil penalties established by administrative rule but not to exceed one thousand dollars (\$1,000). Each day of such violation shall constitute a separate offense. A violation shall be considered a second or additional offense only if it occurs within one (1) year of the first violation.

§54-50253. Attorney general – Prosecuting attorneys

It shall be the right and duty of the attorney general or the prosecuting attorneys of the various counties to represent and appear for the people in the state of Idaho and the administrator of the division of building safety in all actions and proceedings involving any question under this chapter or under any order or act of the administrator and perform such other services as required.

§54-50264. Idaho mechanical heating, ventilation and air conditioning board fund created

All money received by the board or the division of building safety under the terms and provisions of this chapter, shall be paid into the state treasury as directed by the provisions of section 59-5014, Idaho Code, and shall be placed, by the state treasurer, to the credit of the Idaho mechanical heating, ventilation and air conditioning board fund, which fund is hereby created as a dedicated fund. All such moneys hereafter placed in said fund, are hereby set aside and perpetually appropriated to the division of building safety to carry out into effect the provisions of this chapter.

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