

HB0058S04 compared with HB0058S02

~~{Omitted text}~~ shows text that was in HB0058S02 but was omitted in HB0058S04
inserted text shows text that was not in HB0058S02 but was inserted into HB0058S04

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1

Building Inspector Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Thomas W. Peterson

Senate Sponsor: Calvin R. Musselman

2

3 LONG TITLE

4 General Description:

5 This bill modifies provisions relating to building inspectors.

6 Highlighted Provisions:

7 This bill:

8 ▶ defines terms;

9 ▶ directs the Uniform Building Code Commission to:

10 • collect data pertaining to building inspectors;

11 • publish gathered data on an annual basis; and

12 • report the data annually to the Legislature;

13 ▶ expands the scope for the Division of Professional Licensing to spend money from surcharges;

15 ▶ ~~{establishes requirements for a private home inspector;}~~

16 ▶ adds unlawful and unprofessional conduct provisions for licensed building inspectors acting as
qualified building officials;

18 ▶ requires a local regulator to hire or contract with a qualified building official; and

19 ▶ makes technical and conforming changes.

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Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

AMENDS:

15A-1-105 , as enacted by Laws of Utah 2024, Chapter 375 , as enacted by Laws of Utah 2024, Chapter 375

15A-1-202 , as last amended by Laws of Utah 2024, Chapters 375, 431 , as last amended by Laws of Utah 2024, Chapters 375, 431

15A-1-203 , as last amended by Laws of Utah 2021, Chapters 199, 344 , as last amended by Laws of Utah 2021, Chapters 199, 344

15A-1-209 , as last amended by Laws of Utah 2024, Chapter 72 , as last amended by Laws of Utah 2024, Chapter 72

15A-1-302 , as last amended by Laws of Utah 2024, Chapter 431 , as last amended by Laws of Utah 2024, Chapter 431

58-56-9 , as last amended by Laws of Utah 2024, Chapter 375 , as last amended by Laws of Utah 2024, Chapter 375

58-56-9.1 , as enacted by Laws of Utah 2007, Chapter 145 , as enacted by Laws of Utah 2007, Chapter 145

58-56-9.3 , as last amended by Laws of Utah 2018, Chapter 229 , as last amended by Laws of Utah 2018, Chapter 229

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **15A-1-105** is amended to read:

15A-1-105. Third-party inspection firms.

(1) As used in this section:

(a) "Building permit applicant" means ~~[a person]~~ an individual who applies to a local regulator for a building permit.

(b) "Inspection" means a physical examination of all aspects of a structure to ensure compliance with the State Construction Code.

(c) "Local regulator" means the same as that terms is defined in Section ~~[15A-1-102]~~ 15A-1-202.

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- 45 (d) "Third-party inspection firm" means an entity that[is]:
46 [~~(i) licensed under Title 58, Chapter 56, Building Inspector and Factory Built Housing Licensing;~~]
48 [~~(ii)~~] (i) employs or contracts with { ~~certified~~ } ~~licensed~~ building inspectors to enforce building codes
adopted in this title;
50 (ii) is independent, but may include a building inspector for an adjacent city or county; and
52 (iii) is included on the local regulator's third-party inspection firm list.
53 (e) "Third-party inspection firm list" means a list of:
54 (i) for a first, second, third, or fourth class county, or a municipality located within a first, second, third,
or fourth class county, three or more third-party inspection firms approved by the local regulator; or
57 (ii) for a fifth or sixth class county, or a municipality located within a fifth or sixth class county, one or
more third-party inspection firms approved by the local regulator.
60 (2)
(a) Subject to the provisions of this section and Subsections 10-6-160(2) and 17-36-55(2), after
submitting a request for inspection, a building permit applicant may engage a third-party inspection
firm from the local regulator's third-party inspection firm list to conduct or complete an inspection
for the scope of work identified under the original request for inspection.
65 (b) If a building permit applicant wishes to engage a third-party inspection firm in accordance with
Subsection (2)(a), the building permit applicant shall first notify the local regulator of the third-party
inspection firm the building permit applicant intends to engage.
69 (c) Upon completing the inspection, the third-party inspection firm shall submit the inspection report to
the local regulator.
71 (d)
(i) The local regulator shall pay the cost of the inspection to the third-party inspection firm after the
local regulator receives the third-party inspection report indicating the third-party inspection firm
completed the inspection.
74 (ii) This section does not require a local regulator to pay for an inspection that exceeds the scope of
work identified under the original request for inspection.
76 (3)
(a) The local regulator shall issue a certificate of occupancy to the building permit applicant if the third-
party inspection firm:
78 (i) completes the inspection; and

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(ii) submits the inspection report to the local regulator.

(b) The local regulator shall promptly issue the certificate of occupancy or letter of completion after the third-party inspection firm submits the final inspection report to the local regulator as described in Subsection (3)(a)(ii).

(4) A local regulator is not liable for any inspection performed by a third-party inspection firm.

Section 2. Section **15A-1-202** is amended to read:

15A-1-202. Definitions.

As used in this chapter:

(1) "Agricultural use" means a use that relates to the tilling of soil and raising of crops, or keeping or raising domestic animals.

(2)

(a) "Approved code" means a code, including the standards and specifications contained in the code, approved by the division under Section 15A-1-204 for use by a compliance agency.

(b) "Approved code" does not include the State Construction Code.

(3) "Building" means a structure used or intended for supporting or sheltering any use or occupancy and any improvements attached to it.

(4) "Building permit applicant" means the same as that term is defined in Section 15A-1-105.

(5) "Code" means:

(a) the State Construction Code; or

(b) an approved code.

(6) "Commission" means the Uniform Building Code Commission created in Section 15A-1-203.

(7) "Compliance agency" means:

(a) an agency of the state or any of its political subdivisions [~~which~~] that issues permits for construction regulated under the codes;

(b) any other agency of the state or its political subdivisions specifically empowered to enforce compliance with the codes;

(c) a third-party inspection firm as defined in Section 15A-1-105; or

(d) any other state agency [~~which~~] that chooses to enforce codes adopted under this chapter by authority given the agency under a title other than this part and Part 3, Factory Built Housing and Modular Units Administration Act.

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(8) "Construction code" means standards and specifications published by a nationally recognized code authority for use in circumstances described in Subsection 15A-1-204(1), including:

- 114 (a) a building code;
- 115 (b) an electrical code;
- 116 (c) a residential one and two family dwelling code;
- 117 (d) a plumbing code;
- 118 (e) a mechanical code;
- 119 (f) a fuel gas code;
- 120 (g) an energy conservation code;
- 121 (h) a swimming pool and spa code;
- 122 (i) a manufactured housing installation standard code; and
- 123 (j) Modular Building Institute Standards 1200 and 1205, issued by the International Code Council, except as specifically modified by provisions of this title governing modular units.

126 (9) "Construction project" means the same as that term is defined in Section 38-1a-102.

127 (10) "Executive director" means the executive director of the Department of Commerce.

128 (11) "Legislative action" includes legislation that:

- 129 (a) adopts a new State Construction Code;
- 130 (b) amends the State Construction Code; or
- 131 (c) repeals one or more provisions of the State Construction Code.

132 (12)

(a) "Local regulator" means a political subdivision of the state that employs or contracts a qualified building official and is empowered to engage in the regulation of construction, alteration, remodeling, building, repair, installation, inspection, or other activities subject to the codes.

136 (b) "Local regulator" [~~may include~~] includes the local regulator's designee.

137 (13) "Membrane-covered frame structure" means a nonpressurized building with a structure composed of a rigid framework to support a tensioned membrane that provides a weather barrier.

140 (14) "Not for human occupancy" means use of a structure for purposes other than protection or comfort of human beings, but allows people to enter the structure for:

- 142 (a) maintenance or repair; or
- 143 (b) the care of livestock, crops, or equipment intended for agricultural use which are kept there.

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(15) "Opinion" means a written, nonbinding, and advisory statement issued by the commission concerning an interpretation of the meaning of the codes or the application of the codes in a specific circumstance issued in response to a specific request by a party to the issue.

149 (16) "Qualified building official" means an individual who:

150 (a) has at least six years of experience as an architect, engineer, inspector, plan examiner, contractor or
superintendent of construction, or any combination of these;

152 (b) is actively {~~certified~~} ~~licensed~~ as a combination inspector in accordance with Section 58-56-9; and

154 (c) has completed 40 hours of management training as the division establishes by rule made in
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, or is a certified
building official.

157 [(16)] (17) "Remote yurt" means a membrane-covered frame structure that:

158 (a) is no larger than 710 square feet;

159 (b) is not used as a permanent residence;

160 (c) is located in an unincorporated county area that is not zoned for residential, commercial, industrial,
or agricultural use;

162 (d) does not have plumbing or electricity;

163 (e) is set back at least 300 feet from any river, stream, lake, or other body of water; and

164 (f) is registered with the local health department.

165 [(17)] (18) "State regulator" means an agency of the state [which] that is empowered to engage in the
regulation of construction, alteration, remodeling, building, repair, and other activities subject to the
codes adopted pursuant to this chapter.

167 Section 3. Section **15A-1-203** is amended to read:

168 **15A-1-203. Uniform Building Code Commission -- Unified Code Analysis Council.**

171 (1) There is created a Uniform Building Code Commission to advise the division with respect to the
division's responsibilities in administering the codes.

173 (2) The commission shall consist of 13 members as follows:

174 (a) one member shall be a heating, ventilation, and air conditioning contractor licensed by the state;

176 (b) one member shall be a {~~licensed~~} certified building inspector nominated by the Utah League of
Cities and Towns;

178 (c) one member shall be a licensed professional engineer;

179 (d) one member shall be a licensed architect;

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- 180 (e) one member shall be:
- 181 (i) a licensed architect who specializes in residential architecture; or
- 182 (ii) a residential home designer;
- 183 (f) one member shall be a member of an association of building owners;
- 184 (g) one member shall be a fire official;
- 185 (h) four members shall be contractors licensed by the state, of which:
- 186 (i) two shall be general contractors, one of which shall specialize in residential construction;
- 188 (ii) one shall be an electrical contractor; and
- 189 (iii) one shall be a plumbing contractor;
- 190 (i) one member shall be from the general public and have no affiliation with the construction industry or
real estate development industry; and
- 192 (j) one member shall be from the Division of Facilities Construction and Management of the
Department of Government Operations.
- 194 (3)
- (a) The executive director shall appoint each commission member after submitting a nomination to the
governor for confirmation or rejection.
- 196 (b)
- (i) If the governor rejects a nominee, the executive director shall submit an alternative nominee until the
governor confirms the nomination.
- 198 (ii) An appointment is effective after the governor confirms the nomination.
- 199 (4)
- (a) Except as required by Subsection (4)(b), as terms of commission members expire, the executive
director shall appoint each new commission member or reappointed commission member ~~[to]~~ for a
four-year term.
- 202 (b) ~~[Notwithstanding the requirements of Subsection (4)(a), the]~~ The executive director shall adjust, at
the time of appointment or reappointment, ~~[adjust]~~ the length of terms to ensure that the terms of
commission members are staggered so that approximately half of the commission is appointed every
two years.
- 206 (5) When a vacancy occurs in the commission membership for any reason, the executive director shall
appoint a replacement for the unexpired term.
- 208 (6)

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- (a) A commission member may not serve more than two full terms.
- 209 (b) A commission member who ceases to serve may not again serve on the commission until after the expiration of two years after the day on which service ceased.
- 211 (7) A majority of the commission members constitute a quorum and may act on behalf of the commission.
- 213 (8) A commission member may not receive compensation or benefits for the commission member's service, but may receive per diem and travel expenses in accordance with:
- 215 (a) Section 63A-3-106;
- 216 (b) Section 63A-3-107; and
- 217 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- 219 (9)
- (a) The commission shall [~~annually designate~~] designate annually one of the commission's members to serve as chair of the commission.
- 221 (b) The division shall provide a secretary to facilitate the function of the commission and to record the commission's actions and recommendations.
- 223 (10) The commission shall:
- 224 (a) in accordance with Section 15A-1-204, report to the Business and Labor Interim Committee;
- 226 (b) act as an appeals board as provided in Section 15A-1-207;
- 227 (c) establish advisory peer committees on either a standing or ad hoc basis to advise the commission with respect to matters related to a code, including a committee to advise the commission regarding health matters related to a plumbing code;[~~and~~]
- 230 (d) assist the division in overseeing code-related training in accordance with Section 15A-1-209[~~:~~] ;
- 232 (e) collect, with the assistance of the division, data related to the building inspection process, including building code interpretation and enforcement, throughout the state through the following methods:
- 235 (i) surveying and interviewing stakeholders;
- 236 (ii) visiting building sites and building departments; and
- 237 (iii) any other reasonable data collection method;
- 238 (f) use the data outlined in Subsection (10)(e) to:
- 239 (i) issue guidance to the division for providing education using surcharges described in Subsection 15A-1-209(5);
- 241 (ii) issue opinions regarding the proper interpretation of commonly disputed code items;

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- 243 (iii) send letters of concern to local regulators, building officials, third-party firms, and contractors who
246 are found to be incorrectly interpreting, enforcing, or complying with code; and
248 (iv) issue a publicly available report annually, before October 1, on the performance of local regulators
249 within the state on the following:
251 (A) interpreting and enforcing of the building code consistent with this chapter;
253 (B) interpreting code for all building permit applicants and all inspectors consistently and equitably;
254 (C) following consistent and equitable building inspection processes for all permit holders and across
255 all inspectors;
256 (D) meeting inspection timelines as described in Subsection 10-6-160(2);
257 (E) responding to building permit applicants in a timely manner;
258 (F) maintaining adequate training, oversight, and use of employed and contracted qualified building
259 inspectors; and
260 (G) employing or contracting with a qualified building inspector;
261 (g) annually make a summary of data collected in accordance with Subsection (10)(f) publicly available
262 through the Division of Professional Licensing; and
263 (h) annually present the report described in Subsection (10)(f)(iv) and the summary required in
264 Subsection (10)(g), to the Business and Labor Interim Committee before October 1.
265 (11)
266 (a) In a manner consistent with Subsection (10)(c), the commission shall ~~[jointly create]~~ create jointly
267 with the Utah Fire Prevention Board an advisory peer committee known as the ["Unified Code
268 Analysis Council"] to review fire prevention and construction code issues that require definitive
269 and specific analysis.
270 (b) The commission and Utah Fire Prevention Board shall provide jointly, by rule made in accordance
271 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~[provide]~~ for:
272 (i) the appointment of members to the Unified Code Analysis Council; and
273 (ii) procedures followed by the Unified Code Analysis Council.
274 Section 4. Section **15A-1-209** is amended to read:
275 **15A-1-209. Building permit requirements -- Geologic, fault hazard, or geotechnical report.**
276 (1) As used in this section, "project" means a "construction project" as defined in Section 38-1a-102.
277 (2)

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- (a) The division shall develop a standardized building permit numbering system for use by any compliance agency in the state that issues a permit for construction.
- 279 (b) The standardized building permit numbering system described under Subsection (2)(a) shall include a combination of alpha or numeric characters arranged in a format acceptable to the compliance agency.
- 282 (c) A compliance agency issuing a permit for construction shall use the standardized building permit numbering system described under Subsection (2)(a).
- 284 (d) A compliance agency may not use a numbering system other than the system described under Subsection (2)(a) to define a building permit number.
- 286 (3)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall adopt a standardized building permit form by rule.
- 288 (b) The standardized building permit form created under this Subsection (3) shall include fields for indicating the following information:
- 290 (i) the name and address of the owner of each parcel of property on which the project will occur;
- 292 (ii) the name and address of the contractor for the project;
- 293 (iii)
- (A) the address of the project; or
- 294 (B) a general description of the project;
- 295 (iv) the county in which the property on which the project will occur is located;
- 296 (v) the tax parcel identification number of each parcel of the property; and
- 297 (vi) ~~whether~~the permit ~~applicant is~~ applicant's role as an original contractor or owner-builder.
- 299 (c) The standardized building permit form created under this Subsection (3) may include any other information the division considers useful.
- 301 (d) A compliance agency shall issue a permit for construction only on a standardized building permit form approved by the division.
- 303 (e) A permit for construction issued by a compliance agency under Subsection (3)(d) shall print the standardized building permit number assigned under Subsection (2) in the upper right-hand corner of the building permit form in at least 12-point font.
- 306 (f)

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- (i) Except as provided in Subsection (3)(f)(ii), a compliance agency may not issue a permit for construction if the information required by Subsection (3)(b) is not completed on the building permit form.
- 309 (ii) If a compliance agency does not issue a separate permit for different aspects of the same project, the compliance agency may issue a permit for construction without the information required by Subsection (3)(b)(vi).
- 312 (g) A compliance agency may require additional information for the issuance of a permit for construction.
- 314 (4) A local regulator issuing a single-family residential building permit application shall include in the application or attach to the building permit the following notice prominently placed in at least 14-point font: "Decisions relative to this application are subject to review by the chief executive officer of the municipal or county entity issuing the single-family residential building permit and appeal under the International Residential Code as adopted by the Legislature."
- 320 (5)
- (a) A compliance agency shall:
- 321 (i) charge a 1% surcharge on a building permit the compliance agency issues; and
- 322 (ii) transmit 85% of the amount collected to the division [~~to be used by the division~~] for use in accordance with Subsection (5)(c).
- 324 (b) The division shall deposit the portion of the surcharge transmitted to the division [~~shall be deposited~~] as a dedicated credit.
- 326 (c)
- (i) The division shall use [~~30%~~] 40% of the money received under Subsection (5)(a)(ii) to:
- 328 (A) provide education to building inspectors, and individuals working to become building inspectors, regarding the codes and code amendments under Section 15A-1-204 that are adopted, approved, or being considered for adoption or approval[~~;~~] ; and
- 332 (B) collect data as outlined in Subsection 15A-1-203(10)(e).
- 333 (ii) The division shall use 10% of the money received under Subsection (5)(a)(ii) to provide education to individuals licensed in construction trades or related professions through a construction trade association or a related professional association.

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(iii) The division shall transmit [~~60%~~ 50%] of the money received under Subsection (5)(a)(ii) to the Office of the Property Rights Ombudsman created in Title 13, Chapter 43, Property Rights Ombudsman Act, to provide education and training regarding:

(A) the drafting and application of land use laws and regulations; and

(B) land use dispute resolution.

(6)

(a)

(i) A compliance agency that receives a geologic report, fault hazard report, or geotechnical report as part of a building permitting process or another infrastructure permitting process shall submit the final report to the Utah Geological Survey within 90 days after the day on which the compliance agency receives the report.

(ii)

(A) When submitting a report, the compliance agency shall indicate what portion of the report is confidential.

(B) [~~The~~] In accordance with Subsection 79-3-202(2), the Utah Geological Survey shall keep confidential [~~those~~] the portions of the report that the compliance agency indicates are confidential[~~in accordance with Subsection 79-3-202(2)~~].

(b)

(i) If submitting a physical copy of a report, a compliance agency shall mail or deliver the physical copy of the report to the address shown on the Utah Geological Survey website.

(ii) The Utah Geological Survey shall return the physical copy of a report to the compliance agency submitting the report after the Utah Geological Survey completes digital scanning of the report.

(c) If submitting a digital copy of a report, a compliance agency shall:

(i) submit the digital copy in a form [~~approved by~~]the Utah Geological Survey approves; and

(ii)

(A) submit the digital copy through an online process [~~approved by~~]the Utah Geological Survey approves;

(B) email the digital copy to an email address provided on the Utah Geological Survey's public website; or

(C) mail or deliver the digital copy to the address described in Subsection (6)(b).

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(d) A compliance agency may include in a contract related to a geologic report, fault hazard report, or geotechnical report, a statement that:

369 (i) the compliance agency shall share a copy of the report with the Utah Geological Survey in accordance with this Subsection (6); and

371 (ii) the Utah Geological Survey may use information in the report as provided in Section 79-3-202 subject to keeping portions of the report confidential as provided in Subsection (6)(a)(ii).

374 (e) A compliance agency may not be held liable for the use or reliance on a geologic report, fault hazard report, or geotechnical report shared with the Utah Geological Survey by:

377 (i) the Utah Geological Survey; or

378 (ii) a person [~~who~~] that obtains information from the Utah Geological Survey that is based on the geologic report, fault hazard report, or geotechnical report.

379 Section 5. Section **15A-1-302** is amended to read:

380 **15A-1-302. Definitions.**

As used in this part:

383 (1) "Compliance agency" means the same as that term is defined in Section 15A-1-202.

384 (2) "Construction documents" means the same as that term is defined by Modular Building Institute Standards 1200.

386 (3) "Decal" means a form of certification, created by the Division of Facilities Construction and Management and issued by a third party inspection agency, to be permanently attached to a module, panelized system, or modular building unit indicating that the module, panelized system, or modular building unit has been constructed to meet or exceed applicable building code requirements.

391 (4) "Factory built housing" means a manufactured home or mobile home.

392 (5) "Factory built housing set-up contractor" means an individual licensed by the division to set up or install factory built housing on a temporary or permanent basis.

394 (6) "HUD Code" means the National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. Sec. 5401 et seq.

396 (7) "Local regulator" means the same as that term is defined in Section 15A-1-202.

397 (8) "Manufactured home" means a transportable factory built housing unit constructed on or after June 15, 1976, according to the HUD Code, in one or more sections, that:

399 (a) in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet; and

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- 401 (b) is built on a permanent chassis and designed to be used as a dwelling with or without a permanent
foundation when connected to the required utilities, and includes the plumbing, heating, air-
conditioning, and electrical systems.
- 404 (9) "Manufacturing plant" means the same as that term is defined by Modular Building Institute
Standards 1200.
- 406 (10) "Mobile home" means a transportable factory built housing unit built before June 15, 1976, in
accordance with a state mobile home code which existed prior to the HUD Code.
- 409 (11) "Modular manufacturer" means the entity responsible for manufacturing a panelized system or
module.
- 411 (12) "Modular unit" or "modular building unit" means a structure:
- 412 (a) constructed from one or more modules or panelized systems that is manufactured in accordance with
the State Construction Code and transported to a location;
- 414 (b) the purpose of which is for human habitation, occupancy, or use; and
- 415 (c) is not a factory-built house, manufactured home, or mobile home.
- 416 (13) "Module" means a three-dimensional, volumetric section of a modular building unit designed and
approved to be transported as a single section, independent of other sections, to a location for onsite
construction.
- 419 (14) "Private home inspector" means an individual who:
- 420 (a) offers services to the public; and
- 421 (b) examines residential dwellings and the components of a residential dwelling to identify potential
issues associated with the sale or purchase of real property.
- 423 [(14)] (15) "Offsite construction" means a modular building unit that:
- 424 (a) is designed and constructed in compliance with this part;
- 425 (b) is wholly or in substantial part fabricated in a manufacturing plant for installation at an onsite
location; and
- 427 (c) has been manufactured in such a manner that all parts or processes cannot be inspected at the end
site location without disassembly, potentially resulting in damage or destruction to the modular
building unit.
- 430 [(15)] (16) "Onsite construction" means:
- 431

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- (a) the preparation of a location where a modular building unit will be installed, including preparation of site foundation, construction of any necessary supporting structure, and preparation to connect the modular building unit to necessary utilities; and
- 435 (b) assembly and installation of one or more modules or panelized systems in accordance with construction documents into a modular building unit, including completion of any site-related construction and connecting the modular building unit to necessary utilities.
- 439 [(16)] (17) "Panelized system" means a closed wall, roof, or floor component that is constructed at a manufacturing plant or by a modular manufacturer in a manner that prevents the construction from being fully inspected at an onsite location without disassembly, damage, or destruction.
- 443 [(17)] (18) "State regulator" means the same as that term is defined in Section 15A-1-202.
- 444 [(18)] (19) "Third party inspection agency" means an entity approved by the Division of Facilities Construction and Management to be qualified to inspect a module or panelized system for compliance with the construction documents, compliance control, and applicable code.
- 448 [(19)] (20) "Third party inspector" means a person who:
- 449 (a) is qualified to inspect a modular building unit for compliance with construction documents, compliance control, and applicable building code;
- 451 (b) works under the direction of a third party inspection agency;
- 452 (c) has been licensed by the division under Section 15A-1-307; and
- 453 (d) is approved by the Division of Facilities Construction and Management to conduct third party inspections, as described in Section 15A-1-307.
- 455 [(20)] (21) "Unregistered modular unit" means a modular unit that:
- 456 (a) has not been inspected as required by this title; or
- 457 (b) does not have a required decal.
- 457 Section 6. Section **58-56-9** is amended to read:
- 458 **58-56-9. Qualifications of inspectors -- Contract for inspection services.**
- 460 (1) [An] A building inspector employed by a local regulator, state regulator, or compliance agency to enforce the codes shall:
- 462 [(a)]
- (i) ~~meet minimum qualifications as established by the division in collaboration with the commission;~~
- 464 [(ii) ~~be certified by a nationally recognized organization which promulgates construction codes; or~~
- 466 [(iii) ~~pass an examination developed by the division in collaboration with the commission;~~

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- 468 ~~[(b)]~~ (a) be currently {~~licensed~~{}} ~~certified~~ by the division as meeting ~~[those]~~ the minimum
qualifications~~;~~ the division establishes in collaboration with the commission, by rule made in
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 472 ~~[(e)]~~ (b) be subject to disciplinary or other action if the ~~[licensee]~~ building inspector engages in
unlawful or unprofessional conduct.
- 474 (2) A local regulator, state regulator, or compliance agency may contract for the services of a
~~[licensed]~~ building inspector not regularly employed by the regulator or agency.
- 476 (3) A private home inspector shall:
- 477 (a) be currently {~~certified~~-} ~~licensed~~ by the division as meeting the minimum qualifications the division
establishes in collaboration with the commission, by rule in accordance with the provisions of Title
63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 480 (b) be subject to disciplinary or other action if the individual engages in unlawful or unprofessional
conduct.
- 482 ~~[(3)]~~ (4) In accordance with Section 58-1-401, the division may:
- 483 (a) refuse to issue a {~~license~~{}} ~~certification~~ to an applicant;
- 484 (b) refuse to renew the {~~license of a licensee~~{}} ~~certification of an individual~~};
- 485 (c) revoke, suspend, restrict, or place on probation the {~~license of a licensee~~{}} ~~certification of an~~
~~individual~~};
- 487 (d) issue a public or private reprimand;
- 488 (e) issue a citation to {~~a licensee~~{}} ~~an individual~~}; and
- 489 (f) issue a cease and desist order.
- 488 Section 7. Section **58-56-9.1** is amended to read:
- 489 **58-56-9.1. Unlawful conduct.**
- 492 (1) ~~[—Unlawful conduct is as]~~ "Unlawful conduct" means the same as that term is defined in
[Subsection 58-1-501(1) and includes:] Section 58-1-501.
- 494 (2) "Unlawful conduct" includes:
- 495 ~~[(1)]~~ (a) engaging in the sale of factory built housing without being registered with the division as a
dealer, unless the sale is exempt under Section 58-56-16;
- 497 ~~[(2)]~~ (b) selling factory built housing within the state as a dealer without collecting and remitting to the
division the fee required by Section 58-56-17;
- 499

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[3] (c) acting as a building inspector or representing oneself to be acting as a building inspector, unless {licensed{}} certified or [exempted from licensure] exempt under this chapter or using the title building inspector or any other description, words, letters, or abbreviation indicating that the person is a building inspector if the person has not been {licensed{}} certified under this chapter;

504 [(4)] (d) acting as a building inspector beyond the scope of the {license{}} certification held under this chapter;[and]

506 [(5)] (e) hiring or employing in any manner an {unlicensed person{}} individual {who is not certified} as a building inspector, unless [exempted] exempt from {licensure{}} certification under this chapter[-] ; and

509 (f) as a building official, directing or knowingly allowing an employed or contracted inspector to perform beyond the scope of the inspector's {certification-} license held under this chapter.

509 Section 8. Section **58-56-9.3** is amended to read:

510 **58-56-9.3. Unprofessional conduct.**

515 (1) [Unprofessional conduct is as] "Unprofessional conduct" means the same as that term is defined in [Subsection 58-1-501(2) and includes:] Section 58-1-501.

517 [(1)] (2) "Unprofessional conduct" includes:

518 (a) as a building inspector:

519 (i) knowingly failing to inspect or issue correction notices for code violations [which] that when left uncorrected would constitute a hazard to the public health and safety; and

522 (ii) [-and-]knowingly failing to require [that] compliance with correction notices[-are-complied-with-as-a building inspector];

524 [(2)] (b) the use of alcohol or the illegal use of drugs while performing duties [as-a-building-inspector or-at-any-time-]to the extent that the inspector is physically or mentally impaired and unable to effectively perform the duties of an inspector;

527 [(3)] (c) gross negligence in the performance of official duties as [a-building] an inspector;

528 [(4)] (d) the personal use of information or knowingly revealing information to unauthorized persons when that information has been obtained by [a-building] an inspector as a result of the inspector's employment, work, or position as an inspector;

531 [(5)] (e) unlawful acts or practices [which] that are clearly unethical under generally recognized standards of conduct of [a-building] an inspector;

533

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- [(6)] (f) engaging in fraud or knowingly misrepresenting a fact relating to the performance of duties and responsibilities as [a-building] an inspector;
- 535 [(7)] (g) a building inspector knowingly failing to require that all plans, specifications, drawings, documents, and reports be stamped by architects, professional engineers, or both as established by law;
- 538 [(8)] (h) a building inspector knowingly failing to report to the division an act or omission of a {licensee{}} certified individual under [Title 58, Chapter 55, Utah Construction Trades Licensing Act] Chapter 55, Utah Construction Trades Licensing Act, which when left uncorrected constitutes a hazard to public health and safety;
- 542 [(9)] (i) [a-building] an inspector knowingly failing to report to the division unlicensed practice persons who are required to be licensed under [Title 58, Chapter 55, Utah Construction Trades Licensing Act] Chapter 55, Utah Construction Trades Licensing Act;
- 546 [(10)] (j) a building inspector's approval of work [which] that materially varies from approved documents that have been stamped by an architect, professional engineer, or both unless authorized by the licensed architect, professional engineer, or both;
- 549 [(11)] (k) a building inspector failing to produce verification of current licensure and current certifications for the codes upon request of the division, a compliance agency, or a contractor or property owner whose work is being inspected;
- 552 [(12)] (l) a building inspector requiring work that materially varies from the [building]-codes adopted by the state, including amendments;
- 554 (m) an inspector failing to make reasonable efforts to maintain a current knowledge of amendments to code;
- 556 (n) falsifying inspection reports or purporting to perform an inspection that was not actually performed as an inspector;
- 558 (o) an inspector engaging in retaliatory actions against individuals or companies that file complaints or question the local regulator's decisions;
- 560 (p) an inspector accepting what would reasonably be viewed as a bribe, including monetary, goods, materials, or other benefits in the course of duty;
- 562 (q) any willful, fraudulent, or deceitful act by an inspector, caused by an inspector, or at an inspector's direction that causes material injury to another;
- 564

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[(13)] (r) nondelivery of goods or services by a registered dealer [~~which~~] that constitutes a breach of contract by the dealer;

566 [(14)] (s) the failure of a registered dealer to pay a subcontractor or supplier any amounts to which that subcontractor or supplier is legally entitled;[~~and~~]

568 [(15)] (t) any other activity [~~which~~] that is defined as unprofessional conduct by division rule in accordance with the provisions of Title 63G, Chapter 3, Utah Administrative Rulemaking Act[-] ;
and

571 (u) a building official knowingly or willfully allowing an inspector contracted or employed within the building official's jurisdiction or firm to engage in the actions listed in Subsections (2)(a) through (2)(t).

571 Section 9. **Effective date.**

This bill takes effect on {~~May 7, 2025~~} January 1, 2026.

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