

## **Chapter 1 General Chapter**

### **Part 1 General Provisions**

#### **15A-1-101 Titles.**

- (1) This title is known as the "State Construction and Fire Codes Act."
- (2) This chapter is known as "General Chapter."

Enacted by Chapter 14, 2011 General Session

#### **15A-1-102 Definitions.**

As used in this title:

- (1) "Board" means the Utah Fire Prevention Board created in Section 53-7-203.
- (2) "Division" means the Division of Professional Licensing created in Section 58-1-103, except as provided in:
  - (a) Part 4, State Fire Code Administration Act; and
  - (b) Chapter 5, State Fire Code Act.
- (3) "State Construction Code" means the State Construction Code adopted by:
  - (a) Chapter 2, Adoption of State Construction Code;
  - (b) Chapter 2a, Tall Wood Buildings of Mass Timber Construction Incorporated as Part of State Construction Code;
  - (c) Chapter 3, Statewide Amendments Incorporated as Part of State Construction Code;
  - (d) Chapter 4, Local Amendments Incorporated as Part of State Construction Code; and
  - (e) Chapter 6, Additional Construction Requirements.
- (4) "State Fire Code" means the State Fire Code adopted by Chapter 5, State Fire Code Act.
- (5) "Utah Code" means the Utah Code Annotated (1953), as amended.

Amended by Chapter 415, 2022 General Session

#### **15A-1-103 Formatting powers.**

- (1) As part of the division's compliance with Section 15A-1-205, the division may modify the format of the State Construction Code to provide accessibility to users of the State Construction Code.
- (2) Consistent with Part 4, State Fire Code Administration Act, and Title 53, Chapter 7, Utah Fire Prevention and Safety Act, the State Fire Marshall Division under the direction of the board may modify the format of the State Fire Code to provide accessibility to users of the State Fire Code.

Enacted by Chapter 14, 2011 General Session

#### **15A-1-104 Permit approval required -- Certificate of occupancy valid.**

- (1) As used in this section:
  - (a) "Completed noncompliant structure" means a structure that was constructed and completed without:
    - (i) obtaining a building permit;
    - (ii) passing inspections; or
    - (iii) obtaining a certificate of occupancy as required by Section 15A-1-204.

- (b) "Compliance agency" means the same as that term is defined in Section 15A-1-202.
- (c) "Project" means the same as that term is defined in Section 15A-1-209.
- (2) A compliance agency for a political subdivision may not reject a permit, or withhold approval of a project whenever approval is required, for failure to comply with the applicable provisions of this title unless the compliance agency:
  - (a) cites with specificity the applicable provision with which the project has failed to comply; and
  - (b) describes how the project has failed to comply.
- (3) A municipality may not withhold a permit or project approval for a project because of a completed noncompliant structure on the same property provided that the completed noncompliant structure:
  - (a) has been completed for five years or more;
  - (b) does not pose a health, life, or safety concern;
  - (c) is unrelated to, independent from, and not affected by the project; and
  - (d) is outside the scope of work under the permit for the project.
- (4) A municipality may require additional permitting, engineering, or inspections for a completed noncompliant structure if it:
  - (a) has been completed for ten years or less; or
  - (b) poses a health, life, or safety concern.
- (5) If a compliance agency or a representative of a compliance agency issues a certificate of occupancy, the compliance agency may not withdraw the certificate of occupancy or exert additional jurisdiction over the elements of the project for which the certificate was issued unless additional changes or modifications requiring a building permit are made to elements of the project after the certificate was issued.

Amended by Chapter 505, 2024 General Session

***Superseded 1/1/2026***

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

- (1) As used in this section:
  - (a) "Building permit applicant" means a person 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.
  - (d) "Third-party inspection firm" means an entity that is:
    - (i) licensed under Title 58, Chapter 56, Building Inspector and Factory Built Housing Licensing Act;
    - (ii) independent, but may include a building inspector for an adjacent city or county; and
    - (iii) included on the local regulator's third-party inspection firm list.
  - (e) "Third-party inspection firm list" means a list of:
    - (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
    - (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.
- (2)
  - (a) Subject to the provisions of this section and Subsections 10-9a-542(2) and 17-27a-537(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.
- (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.
  - (c) Upon completing the inspection, the third-party inspection firm shall submit the inspection report to the local regulator.
  - (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.
    - (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.
- (3)
- (a) The local regulator shall issue a certificate of occupancy to the building permit applicant if the third-party inspection firm:
    - (i) completes the inspection; and
    - (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.

Amended by Chapter 399, 2025 General Session

***Effective 1/1/2026***

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

- (1) As used in this section:
- (a) "Building permit applicant" means 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 term is defined in Section 15A-1-202.
  - (d) "Third-party inspection firm" means an entity that:
    - (i) employs or contracts with licensed building inspectors to enforce building codes adopted in this title;
    - (ii) is independent, but may include a building inspector for an adjacent city or county; and
    - (iii) is included on the local regulator's third-party inspection firm list.
  - (e) "Third-party inspection firm list" means a list of:
    - (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
    - (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.
- (2)
- (a) Subject to the provisions of this section and Subsections 10-9a-542(2) and 17-27a-537(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.
- (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.
  - (c) Upon completing the inspection, the third-party inspection firm shall submit the inspection report to the local regulator.
  - (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.
    - (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.
- (3)
- (a) The local regulator shall issue a certificate of occupancy to the building permit applicant if the third-party inspection firm:
    - (i) completes the inspection; and
    - (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.

Amended by Chapter 75, 2025 General Session

## **Part 2**

### **State Construction Code Administration Act**

#### **15A-1-201 Title.**

This part is known as the "State Construction Code Administration Act."

Enacted by Chapter 14, 2011 General Session

#### ***Superseded 1/1/2026***

#### **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 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 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.
- (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:
- (a) a building code;
  - (b) an electrical code;
  - (c) a residential one and two family dwelling code;
  - (d) a plumbing code;
  - (e) a mechanical code;
  - (f) a fuel gas code;
  - (g) an energy conservation code;
  - (h) a swimming pool and spa code;
  - (i) a manufactured housing installation standard code; and
  - (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.
- (9) "Construction project" means the same as that term is defined in Section 38-1a-102.
- (10) "Executive director" means the executive director of the Department of Commerce.
- (11) "Legislative action" includes legislation that:
- (a) adopts a new State Construction Code;
  - (b) amends the State Construction Code; or
  - (c) repeals one or more provisions of the State Construction Code.
- (12)
- (a) "Local regulator" means a political subdivision of the state that is empowered to engage in the regulation of construction, alteration, remodeling, building, repair, installation, inspection, or other activities subject to the codes.
  - (b) "Local regulator" may include the local regulator's designee.
- (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.
- (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:
- (a) maintenance or repair; or
  - (b) the care of livestock, crops, or equipment intended for agricultural use which are kept there.
- (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.
- (16) "Remote yurt" means a membrane-covered frame structure that:
- (a) is no larger than 710 square feet;

- (b) is not used as a permanent residence;
  - (c) is located in an unincorporated county area that is not zoned for residential, commercial, industrial, or agricultural use;
  - (d) does not have plumbing or electricity;
  - (e) is set back at least 300 feet from any river, stream, lake, or other body of water; and
  - (f) is registered with the local health department.
- (17) "State regulator" means an agency of the state which 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.

Amended by Chapter 375, 2024 General Session

Amended by Chapter 431, 2024 General Session

**Effective 1/1/2026**

**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 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 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.
- (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:
  - (a) a building code;
  - (b) an electrical code;
  - (c) a residential one and two family dwelling code;
  - (d) a plumbing code;
  - (e) a mechanical code;
  - (f) a fuel gas code;
  - (g) an energy conservation code;
  - (h) a swimming pool and spa code;

- (i) a manufactured housing installation standard code; and
  - (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.
- (9) "Construction project" means the same as that term is defined in Section 38-1a-102.
- (10) "Executive director" means the executive director of the Department of Commerce.
- (11) "Legislative action" includes legislation that:
- (a) adopts a new State Construction Code;
  - (b) amends the State Construction Code; or
  - (c) repeals one or more provisions of the State Construction Code.
- (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.
  - (b) "Local regulator" includes the local regulator's designee.
- (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.
- (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:
- (a) maintenance or repair; or
  - (b) the care of livestock, crops, or equipment intended for agricultural use which are kept there.
- (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.
- (16) "Qualified building official" means an individual who:
- (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;
  - (b) is actively licensed as a combination inspector in accordance with Section 58-56-9; and
  - (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.
- (17) "Remote yurt" means a membrane-covered frame structure that:
- (a) is no larger than 710 square feet;
  - (b) is not used as a permanent residence;
  - (c) is located in an unincorporated county area that is not zoned for residential, commercial, industrial, or agricultural use;
  - (d) does not have plumbing or electricity;
  - (e) is set back at least 300 feet from any river, stream, lake, or other body of water; and
  - (f) is registered with the local health department.
- (18) "State regulator" means an agency of the state 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.

Amended by Chapter 75, 2025 General Session

***Superseded 1/1/2026***

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

- (1) There is created a Uniform Building Code Commission to advise the division with respect to the division's responsibilities in administering the codes.
- (2) The commission shall consist of 13 members as follows:
  - (a) one member shall be a heating, ventilation, and air conditioning contractor licensed by the state;
  - (b) one member shall be a licensed building inspector nominated by the Utah League of Cities and Towns;
  - (c) one member shall be a licensed professional engineer;
  - (d) one member shall be a licensed architect;
  - (e) one member shall be:
    - (i) a licensed architect who specializes in residential architecture; or
    - (ii) a residential home designer;
  - (f) one member shall be a member of an association of building owners;
  - (g) one member shall be a fire official;
  - (h) four members shall be contractors licensed by the state, of which:
    - (i) two shall be general contractors, one of which shall specialize in residential construction;
    - (ii) one shall be an electrical contractor; and
    - (iii) one shall be a plumbing contractor;
  - (i) one member shall be from the general public and have no affiliation with the construction industry or real estate development industry; and
  - (j) one member shall be from the Division of Facilities Construction and Management of the Department of Government Operations.
- (3)
  - (a) The executive director shall appoint each commission member after submitting a nomination to the governor for confirmation or rejection.
  - (b)
    - (i) If the governor rejects a nominee, the executive director shall submit an alternative nominee until the governor confirms the nomination.
    - (ii) An appointment is effective after the governor confirms the nomination.
- (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 a four-year term.
  - (b) Notwithstanding the requirements of Subsection (4)(a), the executive director shall, 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.
- (5) When a vacancy occurs in the commission membership for any reason, the executive director shall appoint a replacement for the unexpired term.
- (6)
  - (a) A commission member may not serve more than two full terms.
  - (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.
- (7) A majority of the commission members constitute a quorum and may act on behalf of the commission.
- (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:
  - (a) Section 63A-3-106;



- (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (9)
- (a) The commission shall annually designate one of the commission's members to serve as chair of the commission.
  - (b) The division shall provide a secretary to facilitate the function of the commission and to record the commission's actions and recommendations.
- (10) The commission shall:
- (a) in accordance with Section 15A-1-204, report to the Business and Labor Interim Committee;
  - (b) act as an appeals board as provided in Section 15A-1-207;
  - (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
  - (d) assist the division in overseeing code-related training in accordance with Section 15A-1-209.
- (11)
- (a) In a manner consistent with Subsection (10)(c), the commission shall jointly create with the Utah Fire Prevention Board an advisory peer committee known as the "Unified Code Analysis Council" to review fire prevention and construction code issues that require definitive and specific analysis.
  - (b) The commission and Utah Fire Prevention Board shall jointly, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for:
    - (i) the appointment of members to the Unified Code Analysis Council; and
    - (ii) procedures followed by the Unified Code Analysis Council.

Amended by Chapter 199, 2021 General Session

Amended by Chapter 344, 2021 General Session

***Effective 1/1/2026***

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

- (1) There is created a Uniform Building Code Commission to advise the division with respect to the division's responsibilities in administering the codes.
- (2) The commission shall consist of 13 members as follows:
  - (a) one member shall be a heating, ventilation, and air conditioning contractor licensed by the state;
  - (b) one member shall be a licensed building inspector nominated by the Utah League of Cities and Towns;
  - (c) one member shall be a licensed professional engineer;
  - (d) one member shall be a licensed architect;
  - (e) one member shall be:
    - (i) a licensed architect who specializes in residential architecture; or
    - (ii) a residential home designer;
  - (f) one member shall be a member of an association of building owners;
  - (g) one member shall be a fire official;
  - (h) four members shall be contractors licensed by the state, of which:
    - (i) two shall be general contractors, one of which shall specialize in residential construction;
    - (ii) one shall be an electrical contractor; and
    - (iii) one shall be a plumbing contractor;

- (i) one member shall be from the general public and have no affiliation with the construction industry or real estate development industry; and
  - (j) one member shall be from the Division of Facilities Construction and Management of the Department of Government Operations.
- (3)
- (a) The executive director shall appoint each commission member after submitting a nomination to the governor for confirmation or rejection.
  - (b)
    - (i) If the governor rejects a nominee, the executive director shall submit an alternative nominee until the governor confirms the nomination.
    - (ii) An appointment is effective after the governor confirms the nomination.
- (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 for a four-year term.
  - (b) The executive director shall adjust, at the time of appointment or reappointment, 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.
- (5) When a vacancy occurs in the commission membership for any reason, the executive director shall appoint a replacement for the unexpired term.
- (6)
- (a) A commission member may not serve more than two full terms.
  - (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.
- (7) A majority of the commission members constitute a quorum and may act on behalf of the commission.
- (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:
- (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (9)
- (a) The commission shall designate annually one of the commission's members to serve as chair of the commission.
  - (b) The division shall provide a secretary to facilitate the function of the commission and to record the commission's actions and recommendations.
- (10) The commission shall:
- (a) in accordance with Section 15A-1-204, report to the Business and Labor Interim Committee;
  - (b) act as an appeals board as provided in Section 15A-1-207;
  - (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;
  - (d) assist the division in overseeing code-related training in accordance with Section 15A-1-209;
  - (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:
    - (i) surveying and interviewing stakeholders;
    - (ii) visiting building sites and building departments; and

- (iii) any other reasonable data collection method;
  - (f) use the data outlined in Subsection (10)(e) to:
    - (i) issue guidance to the division for providing education using surcharges described in Subsection 15A-1-209(5);
    - (ii) issue opinions regarding the proper interpretation of commonly disputed code items;
    - (iii) send letters of concern to local regulators, building officials, third-party firms, and contractors who are found to be incorrectly interpreting, enforcing, or complying with code; and
    - (iv) issue a publicly available report annually, before October 1, on the performance of local regulators within the state on the following:
      - (A) interpreting and enforcing of the building code consistent with this chapter;
      - (B) interpreting code for all building permit applicants and all inspectors consistently and equitably;
      - (C) following consistent and equitable building inspection processes for all permit holders and across all inspectors;
      - (D) meeting inspection timelines as described in Subsection 10-6-160(2);
      - (E) responding to building permit applicants in a timely manner;
      - (F) maintaining adequate training, oversight, and use of employed and contracted qualified building inspectors; and
      - (G) employing or contracting with a qualified building inspector;
  - (g) annually make a summary of data collected in accordance with Subsection (10)(f) publicly available through the Division of Professional Licensing; and
  - (h) annually present the report described in Subsection (10)(f)(iv) and the summary required in Subsection (10)(g), to the Business and Labor Interim Committee before October 1.
- (11)
- (a) In a manner consistent with Subsection (10)(c), the commission shall create jointly with the Utah Fire Prevention Board an advisory peer committee known as the Unified Code Analysis Council to review fire prevention and construction code issues that require definitive and specific analysis.
  - (b) The commission and Utah Fire Prevention Board shall provide jointly, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for:
    - (i) the appointment of members to the Unified Code Analysis Council; and
    - (ii) procedures followed by the Unified Code Analysis Council.

Amended by Chapter 75, 2025 General Session

**15A-1-204 Adoption of State Construction Code -- Amendments by commission -- Approved codes -- Exemptions.**

- (1)
- (a) The State Construction Code is the construction codes adopted with any modifications in accordance with this section that the state and each political subdivision of the state shall follow.
  - (b) A person shall comply with the applicable provisions of the State Construction Code when:
    - (i) new construction is involved; and
    - (ii) the owner of an existing building, or the owner's agent, is voluntarily engaged in:
      - (A) the repair, renovation, remodeling, alteration, enlargement, rehabilitation, conservation, or reconstruction of the building; or

- (B) changing the character or use of the building in a manner that increases the occupancy loads, other demands, or safety risks of the building.
- (c) On and after July 1, 2010, the State Construction Code is the State Construction Code in effect on July 1, 2010, until in accordance with this section:
  - (i) a new State Construction Code is adopted; or
  - (ii) one or more provisions of the State Construction Code are amended or repealed in accordance with this section.
- (d) A provision of the State Construction Code may be applicable:
  - (i) to the entire state; or
  - (ii) within a county, city, or town.
- (2)
  - (a) The Legislature shall adopt a State Construction Code by enacting legislation that adopts a nationally recognized construction code with any modifications.
  - (b) Legislation described in Subsection (2)(a) shall state that the legislation takes effect on the July 1 after the day on which the legislation is enacted, unless otherwise stated in the legislation.
  - (c) Subject to Subsection (6), a State Construction Code adopted by the Legislature is the State Construction Code until, in accordance with this section, the Legislature adopts a new State Construction Code by:
    - (i) adopting a new State Construction Code in its entirety; or
    - (ii) amending or repealing one or more provisions of the State Construction Code.
- (3)
  - (a) Except as provided in Subsection (3)(b), for each update of a nationally recognized construction code, the commission shall prepare a report described in Subsection (4).
  - (b) For the provisions of a nationally recognized construction code that apply only to detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with separate means of egress and their accessory structures, the commission shall prepare a report described in Subsection (4) in 2022 and, thereafter, for every second update of the nationally recognized construction code.
- (4)
  - (a) In accordance with Subsection (3), on or before September 1 of the year after the year designated in the title of a nationally recognized construction code, the commission shall prepare and submit, in accordance with Section 68-3-14, a written report to the Business and Labor Interim Committee that:
    - (i) states whether the commission recommends the Legislature adopt the update with any modifications; and
    - (ii) describes the costs and benefits of each recommended change in the update or in any modification.
  - (b) After the Business and Labor Interim Committee receives the report described in Subsection (4)(a), the Business and Labor Interim Committee shall:
    - (i) study the recommendations; and
    - (ii) if the Business and Labor Interim Committee decides to recommend legislative action to the Legislature, prepare legislation for consideration by the Legislature in the next general session.
- (5)
  - (a)
    - (i) The commission shall, by no later than September 1 of each year in which the commission is not required to submit a report described in Subsection (4), submit, in accordance

with Section 68-3-14, a written report to the Business and Labor Interim Committee recommending whether the Legislature should amend or repeal one or more provisions of the State Construction Code.

- (ii) As part of a recommendation described in Subsection (5)(a)(i), the commission shall describe the costs and benefits of each proposed amendment or repeal.
  - (b) The commission may recommend legislative action related to the State Construction Code:
    - (i) on the commission's own initiative;
    - (ii) upon the recommendation of the division; or
    - (iii) upon the receipt of a request by one of the following that the commission recommend legislative action related to the State Construction Code:
      - (A) a local regulator;
      - (B) a state regulator;
      - (C) a state agency involved with the construction and design of a building;
      - (D) the Construction Services Commission;
      - (E) the Electricians and Plumbers Licensing Board; or
      - (F) a recognized construction-related association.
  - (c) If the Business and Labor Interim Committee decides to recommend legislative action to the Legislature, the Business and Labor Interim Committee shall prepare legislation for consideration by the Legislature in the next general session.
- (6)
- (a) Notwithstanding the provisions of this section, the commission may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, amend the State Construction Code if the commission determines that waiting for legislative action in the next general legislative session would:
    - (i) cause an imminent peril to the public health, safety, or welfare; or
    - (ii) place a person in violation of federal or other state law.
  - (b) If the commission amends the State Construction Code in accordance with this Subsection (6), the commission shall file with the division:
    - (i) the text of the amendment to the State Construction Code; and
    - (ii) an analysis that includes the specific reasons and justifications for the commission's findings.
  - (c) If the State Construction Code is amended under this Subsection (6), the division shall:
    - (i) publish the amendment to the State Construction Code in accordance with Section 15A-1-205; and
    - (ii) prepare and submit, in accordance with Section 68-3-14, a written notice to the Business and Labor Interim Committee containing the amendment to the State Construction Code, including a copy of the commission's analysis described in Subsection (6)(b)(ii).
  - (d) If not formally adopted by the Legislature at the next annual general session, an amendment to the State Construction Code under this Subsection (6) is repealed on the July 1 immediately following the next annual general session that follows the adoption of the amendment.
- (7)
- (a) The division, in consultation with the commission, may approve, without adopting, one or more approved codes, including a specific edition of a construction code, for use by a compliance agency.
  - (b) If the code adopted by a compliance agency is an approved code described in Subsection (7)
    - (a), the compliance agency may:
      - (i) adopt an ordinance requiring removal, demolition, or repair of a building;

- (ii) adopt, by ordinance or rule, a dangerous building code; or
  - (iii) adopt, by ordinance or rule, a building rehabilitation code.
- (8) Except as provided in Subsections (6), (7), (9), and (10), or as expressly provided in state law, a state executive branch entity or political subdivision of the state may not, after December 1, 2016, adopt or enforce a rule, ordinance, or requirement that applies to a subject specifically addressed by, and that is more restrictive than, the State Construction Code.
- (9) A state executive branch entity or political subdivision of the state may:
- (a) enforce a federal law or regulation;
  - (b) adopt or enforce a rule, ordinance, or requirement if the rule, ordinance, or requirement applies only to a facility or construction owned or used by a state entity or a political subdivision of the state; or
  - (c) enforce a rule, ordinance, or requirement:
    - (i) that the state executive branch entity or political subdivision adopted or made effective before July 1, 2015; and
    - (ii) for which the state executive branch entity or political subdivision can demonstrate, with substantial evidence, that the rule, ordinance, or requirement is necessary to protect an individual from a condition likely to cause imminent injury or death.
- (10) The Department of Health and Human Services or the Department of Environmental Quality may enforce a rule or requirement adopted before January 1, 2015.
- (11)
- (a) Except as provided in Subsection (11)(b), a structure used solely in conjunction with agriculture use, and not for human occupancy, or a structure that is no more than 1,500 square feet and used solely for the type of sales described in Subsection 59-12-104(20), is exempt from the requirements of the State Construction Code.
  - (b)
    - (i) Unless exempted by a provision other than Subsection (11)(a), a plumbing, electrical, and mechanical permit may be required when that work is included in a structure described in Subsection (11)(a).
    - (ii) Unless located in whole or in part in an agricultural protection area created under Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection Areas, a structure described in Subsection (11)(a) is not exempt from a permit requirement if the structure is located on land that is:
      - (A) within the boundaries of a city or town, and less than five contiguous acres; or
      - (B) within a subdivision for which the county has approved a subdivision plat under Title 17, Chapter 27a, Part 6, Subdivisions, and less than two contiguous acres.
- (12)
- (a) A remote yurt is exempt from the State Construction Code including the permit requirements of the State Construction Code.
  - (b) Notwithstanding Subsection (12)(a), a county may by ordinance require remote yurts to comply with the State Construction Code, if the ordinance requires the remote yurts to comply with all of the following:
    - (i) the State Construction Code;
    - (ii) notwithstanding Section 15A-5-104, the State Fire Code; and
    - (iii) notwithstanding Section 19-5-125, Title 19, Chapter 5, Water Quality Act, rules made under that chapter, and local health department's jurisdiction over onsite wastewater disposal.

Amended by Chapter 507, 2024 General Session

**15A-1-205 Division duties -- Relationship of division to other entities.**

- (1)
  - (a) The division shall administer the codes adopted or approved under Section 15A-1-204 pursuant to this chapter.
  - (b) Notwithstanding Subsection (1)(a), the division has no responsibility to:
    - (i) conduct inspections to determine compliance with the codes;
    - (ii) issue permits; or
    - (iii) assess building permit fees.
  - (c) Notwithstanding any other provision, the division, the Division of Facilities Construction and Management, the state regulator, any approved third party inspection agency as defined by Section 15A-1-302, or any approved third party inspector as defined by Section 15A-1-302 does not have the responsibility or authority to perform the duties reserved to a local regulator as set forth in Section 15A-1-304, unless designated by a local regulator to perform that duty.
- (2) As part of the administration of the codes, the division shall:
  - (a) comply with Section 15A-1-206;
  - (b) schedule appropriate hearings;
  - (c) maintain and publish for reference:
    - (i) the current State Construction Code; and
    - (ii) any approved code; and
  - (d) publish the opinions of the commission with respect to interpretation and application of the codes.
- (3)
  - (a) As part of the administration of the codes, the division shall license inspectors, including approved third party inspectors.
  - (b) The Division of Facilities Construction and Management may access a list of all licensed inspectors, including approved third party inspectors, on the division's website.

Amended by Chapter 431, 2024 General Session

**15A-1-206 Code amendment process.**

- (1) The division, in consultation with the commission, shall establish by rule the procedure under which a request that the commission recommend legislative action is to be:
  - (a) filed with the division;
  - (b) reviewed by the commission; and
  - (c) addressed by the commission in the commission's report to the Business and Labor Interim Committee required by Section 15A-1-204.
- (2) The division shall accept a request that the commission recommend legislative action in accordance with Section 15A-1-204 from:
  - (a) a local regulator;
  - (b) a state regulator;
  - (c) a state agency involved with the construction and design of a building;
  - (d) the Construction Services Commission;
  - (e) the Electricians and Plumbers Licensing Board; or
  - (f) a recognized construction-related association.
- (3)
  - (a) If one or more requests are received in accordance with this section, the division shall hold at least one public hearing before the commission concerning the requests.

- (b) The commission shall conduct a public hearing under this Subsection (3) in accordance with the rules of the commission, which may provide for coordinating the public hearing with a meeting of the commission.
- (c) After a public hearing described in this Subsection (3), the commission shall prepare a written report of its recommendations made on the basis of the public hearing. The commission shall include the information in the written report prepared under this Subsection (3)(c) in the commission's report to the Business and Labor Interim Committee under Section 15A-1-204.
- (4) In making rules required by this chapter, the division shall comply with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 507, 2024 General Session

**15A-1-207 Compliance with codes -- Responsibility for inspections -- Appeals.**

- (1) The compliance agency having jurisdiction over the project and the applicable codes has the responsibility for inspection of construction projects and enforcement of compliance with the codes.
- (2) A compliance agency shall furnish in writing to the division a finding by the compliance agency that a licensed contractor, electrician, or plumber has materially violated a code in a manner to jeopardize the public health, safety, and welfare and failed to comply with corrective orders of the compliance agency. A compliance agency shall conduct a primary investigation to determine that, in fact, there has been a material violation of a code jeopardizing the public interest and provide the report of investigation to the division.
- (3)
  - (a) A compliance agency shall establish a method of appeal by which a person disputing the application and interpretation of a code may appeal and receive a timely review of the disputed issues in accordance with the codes.
  - (b) If a compliance agency refuses to establish a method of appeal, the commission shall act as the appeals board and conduct a hearing within 45 days. The findings of the commission are binding.
- (4) An appeals board established under this section may not:
  - (a) interpret the administrative provisions of a code; or
  - (b) waive a requirement of a code.

Enacted by Chapter 14, 2011 General Session

**15A-1-208 Standards for specialized buildings.**

- (1) This chapter may not be implied to repeal or otherwise affect the authority granted to a state agency to make or administer standards for specialized buildings, as provided in:
  - (a) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities;
  - (b) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection;
  - (c) Title 26B, Chapter 2, Part 4, Child Care Licensing;
  - (d) Title 64, Chapter 13, Department of Corrections - State Prison; or
  - (e) another statute that grants a state agency authority to make or administer other special standards.
- (2) If a special standard conflicts with a code, the special standard prevails.
- (3) This chapter does not apply to the administration of the statutes described in Subsection (1).

Amended by Chapter 327, 2023 General Session



***Superseded 1/1/2026***

**15A-1-209 Building permit requirements -- Geologic, fault hazard, or geotechnical report.**

- (1) As used in this section, "project" means a "construction project" as defined in Section 38-1a-102.
- (2)
  - (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.
  - (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.
  - (c) A compliance agency issuing a permit for construction shall use the standardized building permit numbering system described under Subsection (2)(a).
  - (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.
- (3)
  - (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall adopt a standardized building permit form by rule.
  - (b) The standardized building permit form created under this Subsection (3) shall include fields for indicating the following information:
    - (i) the name and address of the owner of each parcel of property on which the project will occur;
    - (ii) the name and address of the contractor for the project;
    - (iii)
      - (A) the address of the project; or
      - (B) a general description of the project;
    - (iv) the county in which the property on which the project will occur is located;
    - (v) the tax parcel identification number of each parcel of the property; and
    - (vi) whether the permit applicant is an original contractor or owner-builder.
  - (c) The standardized building permit form created under this Subsection (3) may include any other information the division considers useful.
  - (d) A compliance agency shall issue a permit for construction only on a standardized building permit form approved by the division.
  - (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.
  - (f)
    - (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.
    - (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).
  - (g) A compliance agency may require additional information for the issuance of a permit for construction.
- (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."

- (5)
  - (a) A compliance agency shall:
    - (i) charge a 1% surcharge on a building permit the compliance agency issues; and
    - (ii) transmit 85% of the amount collected to the division to be used by the division in accordance with Subsection (5)(c).
  - (b) The portion of the surcharge transmitted to the division shall be deposited as a dedicated credit.
  - (c)
    - (i) The division shall use 30% of the money received under Subsection (5)(a)(ii) to provide education to building inspectors regarding the codes and code amendments under Section 15A-1-204 that are adopted, approved, or being considered for adoption or approval.
    - (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.
    - (iii) The division shall transmit 60% 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 the compliance agency receives the report.
    - (ii) When submitting a report, the compliance agency shall indicate what portion of the report is confidential. The Utah Geological Survey shall keep confidential those 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; and
    - (ii)
      - (A) submit the digital copy through an online process approved by the Utah Geological Survey;
      - (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).
  - (d) A compliance agency may include in a contract related to a geologic report, fault hazard report, or geotechnical report, a statement that:

- (i) the compliance agency shall share a copy of the report with the Utah Geological Survey in accordance with this Subsection (6); and
  - (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).
- (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:
- (i) the Utah Geological Survey; or
  - (ii) a person who obtains information from the Utah Geological Survey that is based on the geologic report, fault hazard report, or geotechnical report.

Amended by Chapter 72, 2024 General Session

***Effective 1/1/2026***

**15A-1-209 Building permit requirements -- Geologic, fault hazard, or geotechnical report.**

- (1) As used in this section, "project" means a "construction project" as defined in Section 38-1a-102.
- (2)
- (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.
  - (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.
  - (c) A compliance agency issuing a permit for construction shall use the standardized building permit numbering system described under Subsection (2)(a).
  - (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.
- (3)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall adopt a standardized building permit form by rule.
  - (b) The standardized building permit form created under this Subsection (3) shall include fields for indicating the following information:
    - (i) the name and address of the owner of each parcel of property on which the project will occur;
    - (ii) the name and address of the contractor for the project;
    - (iii)
      - (A) the address of the project; or
      - (B) a general description of the project;
    - (iv) the county in which the property on which the project will occur is located;
    - (v) the tax parcel identification number of each parcel of the property; and
    - (vi) the permit applicant's role as an original contractor or owner-builder.
  - (c) The standardized building permit form created under this Subsection (3) may include any other information the division considers useful.
  - (d) A compliance agency shall issue a permit for construction only on a standardized building permit form approved by the division.
  - (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.

- (f)
  - (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.
  - (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).
- (g) A compliance agency may require additional information for the issuance of a permit for construction.
- (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."
- (5)
  - (a) A compliance agency shall:
    - (i) charge a 1% surcharge on a building permit the compliance agency issues; and
    - (ii) transmit 85% of the amount collected to the division for use in accordance with Subsection (5)(c).
  - (b) The division shall deposit the portion of the surcharge transmitted to the division as a dedicated credit.
  - (c)
    - (i) The division shall use 40% of the money received under Subsection (5)(a)(ii) to:
      - (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
      - (B) collect data as outlined in Subsection 15A-1-203(10)(e).
    - (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.
    - (iii) The division shall transmit 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) In accordance with Subsection 79-3-202(2), the Utah Geological Survey shall keep confidential the portions of the report that the compliance agency indicates are confidential.
  - (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 the Utah Geological Survey approves; and
  - (ii)
    - (A) submit the digital copy through an online process 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).
- (d) A compliance agency may include in a contract related to a geologic report, fault hazard report, or geotechnical report, a statement that:
  - (i) the compliance agency shall share a copy of the report with the Utah Geological Survey in accordance with this Subsection (6); and
  - (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).
- (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:
  - (i) the Utah Geological Survey; or
  - (ii) a person that obtains information from the Utah Geological Survey that is based on the geologic report, fault hazard report, or geotechnical report.

Amended by Chapter 75, 2025 General Session

**15A-1-210 Review of building inspection.**

- (1) As used in this section, "International Residential Code" means the International Residential Code as adopted under the State Construction Code.
- (2) Subject to Subsection (3), a city or county shall, by ordinance, provide for review of an inspection conducted by the city's or county's building inspector for a single-family residential building permit.
- (3) Upon request by a person seeking a single-family residential building permit, a chief executive officer of the municipality or county issuing the single-family residential building permit, or the chief executive officer's designee, shall, with reasonable diligence, review an inspection described in Subsection (2) to determine whether the inspection constitutes a fair administration of the State Construction Code.
- (4) A review described in this section:
  - (a) is separate and unrelated to an appeal under the International Residential Code;
  - (b) may not be used to review a matter that may be brought by appeal under the International Residential Code;
  - (c) may not result in the waiver or modification of an International Residential Code requirement or standard;
  - (d) may not conflict with an appeal, or the result of an appeal, under the International Residential Code; and
  - (e) does not prohibit a person from bringing an appeal under the International Residential Code.

- (5) A person who seeks a review described in this section may not be prohibited by preclusion, estoppel, or otherwise from raising an issue or bringing a claim in an appeal under the International Residential Code on the grounds that the person raised the issue or brought the claim in the review described in this section.

Enacted by Chapter 14, 2011 General Session

### **Part 3**

## **Factory Built Housing and Modular Units Administration Act**

#### **15A-1-301 Title.**

This part is known as "Factory Built Housing and Modular Units Administration Act."

Enacted by Chapter 14, 2011 General Session

#### ***Superseded 1/1/2026***

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

As used in this part:

- (1) "Compliance agency" means the same as that term is defined in Section 15A-1-202.
- (2) "Construction documents" means the same as that term is defined by Modular Building Institute Standards 1200.
- (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.
- (4) "Factory built housing" means a manufactured home or mobile home.
- (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.
- (6) "HUD Code" means the National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. Sec. 5401 et seq.
- (7) "Local regulator" means the same as that term is defined in Section 15A-1-202.
- (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:
  - (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
  - (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.
- (9) "Manufacturing plant" means the same as that term is defined by Modular Building Institute Standards 1200.
- (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.
- (11) "Modular manufacturer" means the entity responsible for manufacturing a panelized system or module.
- (12) "Modular unit" or "modular building unit" means a structure:

- (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;
  - (b) the purpose of which is for human habitation, occupancy, or use; and
  - (c) is not a factory-built house, manufactured home, or mobile home.
- (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.
- (14) "Offsite construction" means a modular building unit that:
- (a) is designed and constructed in compliance with this part;
  - (b) is wholly or in substantial part fabricated in a manufacturing plant for installation at an onsite location; and
  - (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.
- (15) "Onsite construction" means:
- (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
  - (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.
- (16) "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.
- (17) "State regulator" means the same as that term is defined in Section 15A-1-202.
- (18) "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.
- (19) "Third party inspector" means a person who:
- (a) is qualified to inspect a modular building unit for compliance with construction documents, compliance control, and applicable building code;
  - (b) works under the direction of a third party inspection agency;
  - (c) has been licensed by the division under Section 15A-1-307; and
  - (d) is approved by the Division of Facilities Construction and Management to conduct third party inspections, as described in Section 15A-1-307.
- (20) "Unregistered modular unit" means a modular unit that:
- (a) has not been inspected as required by this title; or
  - (b) does not have a required decal.

Amended by Chapter 431, 2024 General Session

***Effective 1/1/2026***

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

As used in this part:

- (1) "Compliance agency" means the same as that term is defined in Section 15A-1-202.
- (2) "Construction documents" means the same as that term is defined by Modular Building Institute Standards 1200.

- (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.
- (4) "Factory built housing" means a manufactured home or mobile home.
- (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.
- (6) "HUD Code" means the National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. Sec. 5401 et seq.
- (7) "Local regulator" means the same as that term is defined in Section 15A-1-202.
- (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:
  - (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
  - (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.
- (9) "Manufacturing plant" means the same as that term is defined by Modular Building Institute Standards 1200.
- (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.
- (11) "Modular manufacturer" means the entity responsible for manufacturing a panelized system or module.
- (12) "Modular unit" or "modular building unit" means a structure:
  - (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;
  - (b) the purpose of which is for human habitation, occupancy, or use; and
  - (c) is not a factory-built house, manufactured home, or mobile home.
- (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.
- (14) "Private home inspector" means an individual who:
  - (a) offers services to the public; and
  - (b) examines residential dwellings and the components of a residential dwelling to identify potential issues associated with the sale or purchase of real property.
- (15) "Offsite construction" means a modular building unit that:
  - (a) is designed and constructed in compliance with this part;
  - (b) is wholly or in substantial part fabricated in a manufacturing plant for installation at an onsite location; and
  - (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.
- (16) "Onsite construction" means:
  - (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



- (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.
- (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.
- (18) "State regulator" means the same as that term is defined in Section 15A-1-202.
- (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.
- (20) "Third party inspector" means a person who:
  - (a) is qualified to inspect a modular building unit for compliance with construction documents, compliance control, and applicable building code;
  - (b) works under the direction of a third party inspection agency;
  - (c) has been licensed by the division under Section 15A-1-307; and
  - (d) is approved by the Division of Facilities Construction and Management to conduct third party inspections, as described in Section 15A-1-307.
- (21) "Unregistered modular unit" means a modular unit that:
  - (a) has not been inspected as required by this title; or
  - (b) does not have a required decal.

Amended by Chapter 75, 2025 General Session

**15A-1-303 Factory built housing units.**

- (1)
  - (a) A manufactured home constructed, sold, or setup in the state shall be constructed in accordance with the HUD Code.
  - (b) A manufactured home setup in the state shall be installed in accordance with the provisions of the State Construction Code applicable to manufactured housing installation.
  - (c) A local regulator subdivision has the authority and responsibility to issue a building permit for the modification or setup of a manufactured home within that political subdivision.
  - (d) A local regulator shall conduct the inspection of a modification to or the setup of a manufactured home and give an approval within the political subdivision in which the modification or setup takes place.
  - (e) A manufactured home constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.
- (2)
  - (a) A mobile home sold or setup in the state shall be constructed in accordance with the portions of the State Construction Code applicable to a mobile home at the time the mobile home was constructed.
  - (b) A mobile home setup in the state shall be installed in accordance with the portions of the State Construction Code applicable to manufactured housing installation.
  - (c) A local regulator has the authority and responsibility to issue a building permit for the setup of a mobile home within that political subdivision.
  - (d) A local regulator shall conduct the inspection of a modification to or the setup of a mobile home and give the approvals given by the local regulator within the political subdivision in which the modification or setup takes place.

Enacted by Chapter 14, 2011 General Session

**15A-1-304 Modular units.**

Modular unit construction, installation, issuance of permits for construction or installation, and setup shall be in accordance with the following:

- (1) Construction, installation, and setup of a modular unit, module, or panelized system shall be in accordance with the State Construction Code.
- (2) A local regulator has the responsibility and exclusive authority to:
  - (a) review and approve the elements of construction documents related to onsite construction;
  - (b) issue a permit for construction of a modular building unit or a modular building unit site modification;
  - (c) perform an inspection of onsite construction of a modular building unit or modular building unit site modification;
  - (d) verify that a module or panelized system is installed in accordance with:
    - (i) the modular unit's construction documents;
    - (ii) the State Construction Code; and
    - (iii) applicable state and local requirements;
  - (e) verify that a decal has been permanently affixed to a modular building unit;
  - (f) subject to Subsection (3), establish and assess fees related to the construction and installation of modular units;
  - (g) upon discovery of visible damage to a module or panelized system, or discovery of evidence that would cause a reasonable inspector to believe that a modular building unit may not be in compliance with the State Construction Code or construction documents:
    - (i) inform the Division of Facilities Construction and Management; and
    - (ii) proceed in accordance with the guidance in Modular Building Institute Standards 1200 and 1205;
  - (h) approve any proposed alteration or change to a set of construction documents so long as the alteration or change complies with the requirements of this chapter;
  - (i) inspect any alteration to a modular unit or panelized system that occurred after installation;
  - (j) notwithstanding any other provision of state law, the construction code and standards, agency rule, or local ordinance:
    - (i) prevent the use or occupancy of a modular building unit that, in the opinion of the local regulator, contains a serious defect or presents an imminent safety hazard; and
    - (ii) report the prevention of use or occupancy of a modular building unit to the Division of Facilities Construction and Management and the division; and
  - (k) perform all other duties and responsibilities set forth in the Modular Building Institute Standards 1200 and 1205 not otherwise listed in this section.
- (3) Fees related to the construction and installation of modular building units may include building permit fees, inspection fees, impact fees, and administrative fees.
- (4)
  - (a) In addition to any immunity and protections set forth in the Utah Governmental Immunity Act, a municipality is not liable for a claim arising solely from the offsite construction of a module, panelized system, or modular building unit.
  - (b) A local regulator may provide written notice with the certificate of occupancy that explains the municipality's limitations of liability pursuant to this section and the Utah Governmental Immunity Act.

- (5) An inspection of the construction, modification of, or setup of a modular unit shall conform with this chapter.
- (6) A local regulator has the responsibility to issue an approval for the political subdivision in which a modular unit is to be setup or is setup.
- (7) Nothing in this section precludes:
  - (a) a local regulator from contracting with a qualified third party to act as its designee for the inspection or plan review provided in this section; or
  - (b) the state from entering into an interstate compact for third party inspection of the construction of a modular unit.

Amended by Chapter 277, 2025 General Session

**15A-1-304.1 Unregistered modular units.**

- (1) Except as provided in Subsection (7), the Division of Facilities Construction and Management shall determine whether an unregistered modular unit is compliant with this chapter.
- (2) Upon discovery of an unregistered modular unit, the Division of Facilities Construction and Management shall:
  - (a) inform the local regulator, which shall:
    - (i) issue an order to the owner of the unregistered modular unit to cease use or occupancy of the unregistered modular unit until a third party inspector determines the unregistered modular unit has come into compliance; or
    - (ii) determine if the unregistered modular unit is considered compliant, as described in Subsection (7); and
  - (b) require the owner of the unregistered modular unit to:
    - (i) produce documentation of the modular unit's compliance with this chapter:
      - (A) if the unregistered modular unit is only missing a decal or had a decal but the decal is no longer visible; or
      - (B) if the unregistered modular unit is considered compliant under Subsection (7); or
    - (ii) arrange for a third party inspector to inspect the unregistered modular unit, as described in Subsection (4).
- (3) Upon receiving and verifying the documentation described in Subsection (2)(b)(i)(A), the Division of Facilities Construction and Management shall issue the owner of an unregistered modular unit a decal to be affixed to the unregistered modular unit.
- (4)
  - (a) Upon inspection of an unregistered modular unit, a third party inspector shall determine when and where the unregistered modular unit was manufactured.
  - (b) If the unregistered modular unit was manufactured in another state by a modular manufacturer approved by a regulator in that state at the time the unregistered modular unit was manufactured, the third party inspector shall:
    - (i) conduct a review of the original construction documents and the requirements of the state in which the unregistered modular unit was manufactured as of the time of manufacturing to determine the degree to which the unregistered modular unit's manufacture and installation is compliant with the requirements of this chapter;
    - (ii) in accordance with Subsection (5), conduct an inspection of the unregistered modular unit; and
    - (iii) determine whether the unregistered modular unit is compliant with:
      - (A) the requirements for a modular building described in this chapter; and

- (B) the building codes that were in effect at the time the unregistered modular building was manufactured.
- (c) If the unregistered modular unit was manufactured in another state by a modular manufacturer that was not approved by that state, or if the date of manufacture of the unregistered modular unit cannot be determined, the third party inspector shall:
  - (i) in accordance with Subsection (5), conduct an inspection of the unregistered modular unit; and
  - (ii) determine whether the unregistered modular unit is compliant with the requirements for a modular building described in this chapter.
- (d) If the third party inspector cannot determine where or when the unregistered modular unit was manufactured, or if original construction documents for the unregistered modular unit cannot be located or verified, the third party inspector shall inspect the unregistered modular unit for compliance with this chapter, including requiring disassembly of the unregistered modular unit if necessary.
- (5) If the third party inspector is able to review and verify the original construction documents for the unregistered modular unit, and the original construction documents for the unregistered modular unit are sufficient to determine whether the construction of the unregistered modular unit complies with this chapter, the third party inspector may not require disassembly of the modular unit.
- (6)
  - (a) If the third party inspector determines the unregistered modular unit is compliant with the requirements for modular units in this chapter:
    - (i) the third party inspector shall report the finding to:
      - (A) the Division of Facilities Construction and Management; and
      - (B) the local regulator; and
    - (ii) affix a decal to the unregistered modular unit.
  - (b) The report described in Subsection (6)(a)(i) shall include a description of any changes made to the unregistered modular unit.
- (7) If an unregistered modular unit installed before May 4, 2024, has a certificate of occupancy from a local regulator, the unregistered modular unit is considered compliant with the requirements for a modular unit described in this chapter so long as the unregistered modular unit remains in the jurisdiction of the local regulator that issued the certificate of occupancy.

Enacted by Chapter 431, 2024 General Session

**15A-1-305 Modification of factory built housing units and modular units.**

- (1) A modification to a factory built housing unit shall be made in accordance with the following:
  - (a) Modification to a manufactured home or mobile home before installation or setup of the unit for habitation shall be made in accordance with the HUD Code.
  - (b)
    - (i) Modification to a manufactured home or mobile home after installation or setup of the unit for habitation shall be made in accordance with the HUD Code if the modification does not include the addition of any space to the existing unit or the attachment of any structure to the existing unit.
    - (ii) If a modification to a manufactured home or mobile home after installation or setup for the unit for habitation includes the addition of any space to the existing unit or the attachment of any structure to the unit, the modification shall be made as follows:
      - (A) modifications to the existing unit shall be in accordance with the HUD Code; and

- (B) additional structure outside of the existing unit shall be in accordance with this chapter.
- (2) A modification to a modular housing unit shall be made in accordance with this chapter.

Enacted by Chapter 14, 2011 General Session

**15A-1-306 Factory built housing and modular units -- Division responsibility -- Unlawful conduct.**

- (1) The division:
  - (a) shall maintain current information on the HUD Code and the portions of the State Construction Code relevant to manufactured housing installation and will provide at reasonable cost the information to compliance agencies, local regulators, or state regulators requesting such information;
  - (b) shall provide qualified personnel to advise compliance agencies, local regulators, and state regulators regarding the standards for construction and setup, construction and setup inspection, and additions or modifications to factory built housing;
  - (c) is designated as the state administrative agency for purposes of the HUD Code;
  - (d) may inspect factory built housing units in the state during the construction process to determine compliance of the manufacturer with this chapter for those units to be installed within the state, and upon a finding of substantive deficiency, issue a corrective order to the manufacturer and provide a copy of the order to the local regulator in the state's political subdivision where the unit is to be installed;
  - (e) shall have rights of entry and inspection as specified under the HUD Code; and
  - (f) shall implement by rule a continuing education requirement for manufactured housing installation contractors.
- (2) The division may assess civil penalties payable to the state for violation of the HUD Code in an amount identical to those set forth in Section 611 of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Sec. 5410.
- (3) The state may impose criminal sanctions for violations of the HUD Code identical to those set forth in Section 611 of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Sec. 5410, provided that if the criminal sanction is a fine, the fine shall be payable to the state.

Amended by Chapter 262, 2013 General Session

**15A-1-306.1 Division of Facilities Construction and Management duties for modular building units.**

- The Division of Facilities Construction and Management:
- (1) shall maintain current information on the HUD Code and the portions of the State Construction Code relevant to modular building unit installation and provide at reasonable cost the information to compliance agencies or local regulators requesting the information;
  - (2) shall provide qualified personnel to advise compliance agencies and local regulators regarding the standards for:
    - (a) construction and installation of modular building units;
    - (b) construction and setup inspection of modular building units; and
    - (c) additions or modifications to modular building units;
  - (3) may inspect modular building units during the construction or manufacturing process to determine compliance of a modular manufacturer with this title for modular building units to be installed within the state;

- (4) upon a finding of substantive deficiency at a modular manufacturer, through inspection or based on a report from an approved third party inspection agency, may:
  - (a) suspend the manufacturer's construction of modular units to be sold or installed in the state;
  - (b) issue a corrective order to the manufacturer; or
  - (c) require an increase in third party inspections until the Division of Facilities Construction and Management is satisfied that the deficiency is resolved;
- (5) shall, if an action is taken pursuant to Subsection (4), provide notice of its action and a copy of the corrective order to the local regulator in the political subdivision where a modular unit is to be installed;
- (6) shall have rights of entry and inspection as specified under the HUD Code and Modular Building Institute Standard 1200 and Standard 1205, as applicable;
- (7) shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement this section and Section 15A-1-307, including a continuing education requirement for modular building unit construction and installation contractors; and
- (8) shall have the authority to set and collect fees associated with the provision of decals to support the administration of the modular building unit program.

Enacted by Chapter 431, 2024 General Session

**15A-1-307 Third party review - Inspection agencies.**

- (1) By no later than July 1, 2024, the Division of Facilities Construction and Management shall maintain a list of third party inspection agencies that have been approved by the Division of Facilities Construction and Management to conduct:
  - (a) review of construction documents; and
  - (b) an inspection of a module or panelized system.
- (2) An approved third party inspection agency:
  - (a) shall demonstrate knowledge of applicable sections of the Utah Code and State Construction Code and other applicable laws and rules;
  - (b) shall be independent in judgment and not have any actual or potential conflict of interest;
  - (c) is not affiliated with or influenced or controlled by any producer, supplier, vendor, developer, builder, or related fields applicable to the construction of modular units in any manner that might affect its capacity to render its conclusions and inspections without bias;
  - (d) shall carry insurance in the amount set by the Division of Facilities Construction and Management to cover liabilities and losses arising or relating to possible errors and omissions from its operations, reviews, and inspections; and
  - (e) shall perform all duties set forth in the Modular Building Institute Standard 1205, Chapter 4, as amended.
- (3) An approved third party inspector:
  - (a) shall demonstrate knowledge of applicable sections of the Utah Code and State Construction Code and other applicable laws and rules;
  - (b) shall be independent in judgment and not have any actual or potential conflict of interest;
  - (c) is not affiliated with or influenced or controlled by any producer, supplier, vendor, developer, builder, or related fields applicable to the construction of modular units in any manner that might affect its capacity to render its conclusions and inspections without bias;
  - (d) shall carry insurance in the amount set by the Division of Facilities Construction and Management to cover liabilities and losses arising or relating to possible errors and omissions from its operations, reviews, and inspections; and

- (e) shall perform all duties set forth in the Modular Building Institute Standard 1205, Chapter 4, as amended.
- (4) A third party inspector at an approved third party agency shall:
  - (a) be licensed and certified as a combination building inspector under Title 58, Occupations and Professions;
  - (b) meet the requirements for a third party inspector under the Modular Building Institute Standard 1205, Chapter 4; and
  - (c) be knowledgeable regarding the construction and installation of modular units.
- (5)
  - (a) A modular manufacturer shall contract with one or more third party agencies or third party inspectors to perform offsite construction documents review and inspection.
  - (b) A contract described in Subsection (5)(a) does not constitute an actual or implied conflict of interest.

Enacted by Chapter 431, 2024 General Session

**15A-1-308 Manufacturing plants -- Quality assurance inspections.**

- (1) The Division of Facilities Construction and Management shall approve a modular manufacturer before modular building units produced by or sold by the modular manufacturer may be used for human occupancy within the state.
- (2) A modular manufacturer, or an employee of a modular manufacturer, shall meet each requirement of Modular Building Institute 1200 Standard, Chapter 5 and 1205 Standard, Chapters 4 and 5.
- (3) The quality assurance and control plan, as required in Modular Building Institute 1200 Standard, Chapter 5, and further defined per Modular Building Institute 1205 Standard, Chapter 5, shall include a conflict of interest form developed by the Division of Facilities Construction and Management.
- (4) Quality assurance personnel at the manufacturing plant shall:
  - (a) demonstrate to the Division of Facilities Construction and Management and an applicable third party inspection agency that the quality assurance personnel have adequate knowledge of the product, factory operations, and the codes and standards for the product being manufactured;
  - (b) demonstrate to the satisfaction of the Division of Facilities Construction and Management the ability of the quality assurance personnel to perform required duties, as outlined by the Division of Facilities Construction and Management by rule; and
  - (c) inspect each module and panelized system for quality control.
- (5)
  - (a) After local building permit issuance, a modular manufacturer, third party agency, or third party inspector may not amend a construction document without approval from a local regulator.
  - (b) A local regulator shall approve an amendment to a construction document unless it violates a site-specific provision of municipal code or affects the safety or the habitability of a modular unit.

Enacted by Chapter 431, 2024 General Session

**15A-1-309 Decal.**

A decal issued by the Division of Facilities Construction and Management and affixed by a third party inspection agency in compliance with this part shall warrant that the modular building unit has been inspected in accordance with this part and the modular building unit is:

- (1) fit for human occupancy; and
- (2) manufactured in accordance with applicable codes and the construction documents.

Enacted by Chapter 431, 2024 General Session

## **Part 4**

### **State Fire Code Administration Act**

#### **15A-1-401 Title.**

This part is known as the "State Fire Code Administration Act."

Enacted by Chapter 14, 2011 General Session

#### **15A-1-402 Definitions.**

As used in this part:

- (1) "Division" means the State Fire Marshal Division created in Section 53-7-103.
- (2) "Legislative action" includes legislation that:
  - (a) adopts a State Fire Code;
  - (b) amends a State Fire Code; or
  - (c) repeals one or more provisions of a State Fire Code.

Enacted by Chapter 14, 2011 General Session

#### **15A-1-403 Adoption of State Fire Code.**

- (1)
  - (a) The State Fire Code is:
    - (i) a code promulgated by a nationally recognized code authority that is adopted by the Legislature under this section with any modifications; and
    - (ii) a code to which cities, counties, fire protection districts, and the state shall adhere in safeguarding life and property from the hazards of fire and explosion.
  - (b) On and after July 1, 2010, the State Fire Code is the State Fire Code in effect on July 1, 2010, until in accordance with this section:
    - (i) a new State Fire Code is adopted; or
    - (ii) one or more provisions of the State Fire Code are amended or repealed in accordance with this section.
  - (c) A provision of the State Fire Code may be applicable:
    - (i) to the entire state; or
    - (ii) within a city, county, or fire protection district.
- (2)
  - (a) The Legislature shall adopt a State Fire Code by enacting legislation that adopts a nationally recognized fire code with any modifications.



- (b) Legislation described in Subsection (2)(a) shall state that the legislation takes effect on the July 1 after the day on which the legislation is enacted, unless otherwise stated in the legislation.
  - (c) Subject to Subsection (6), a State Fire Code adopted by the Legislature is the State Fire Code until in accordance with this section the Legislature adopts a new State Fire Code by:
    - (i) adopting a new State Fire Code in its entirety; or
    - (ii) amending or repealing one or more provisions of the State Fire Code.
- (3)
- (a) Except as provided in Subsection (3)(b), for each update of a nationally recognized fire code, the board shall prepare a report described in Subsection (4).
  - (b) For the provisions of a nationally recognized fire code that apply only to detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with separate means of egress and their accessory structures, the board shall:
    - (i) prepare a report described in Subsection (4) in 2021 and, thereafter, for every second update of the nationally recognized fire code; and
    - (ii) not prepare a report described in Subsection (4) in 2018.
- (4)
- (a) In accordance with Subsection (3), on or before September 1 of the same year as the year designated in the title of an update of a nationally recognized fire code, the board shall prepare and submit, in accordance with Section 68-3-14, a written report to the Business and Labor Interim Committee that:
    - (i) states whether the board recommends the Legislature adopt the update with any modifications; and
    - (ii) describes the costs and benefits of each recommended change in the update or in any modification.
  - (b) After the Business and Labor Interim Committee receives the report described in Subsection (4)(a), the Business and Labor Interim Committee shall:
    - (i) study the recommendations; and
    - (ii) if the Business and Labor Interim Committee decides to recommend legislative action to the Legislature, prepare legislation for consideration by the Legislature in the next general session.
- (5)
- (a)
    - (i) The board shall, by no later than September 1 of each year in which the board is not required to submit a report described in Subsection (4), submit, in accordance with Section 68-3-14, a written report to the Business and Labor Interim Committee recommending whether the Legislature should amend or repeal one or more provisions of the State Fire Code.
    - (ii) As part of a recommendation described in Subsection (5)(a)(i), the board shall describe the costs and benefits of each proposed amendment or repeal.
  - (b) The board may recommend legislative action related to the State Fire Code:
    - (i) on its own initiative; or
    - (ii) upon the receipt of a request by a city, county, or fire protection district that the board recommend legislative action related to the State Fire Code.
  - (c) Within 45 days after the day on which the board receives a request under Subsection (5)(b), the board shall direct the division to convene an informal hearing concerning the request.
  - (d) The board shall conduct a hearing under this section in accordance with the rules of the board.

- (e) The board shall decide whether to include the request in the report described in Subsection (5)(a).
  - (f)
    - (i) Within 15 days after the day on which the board conducts a hearing, the board shall direct the division to notify the entity that made the request of the board's decision regarding the request.
    - (ii) The division shall provide the notice:
      - (A) in writing; and
      - (B) in a form prescribed by the board.
  - (g) If the Business and Labor Interim Committee decides to recommend legislative action to the Legislature, the Business and Labor Interim Committee shall prepare legislation for consideration by the Legislature in the next general session that, if passed by the Legislature, would amend or repeal one or more provisions of the State Fire Code.
- (6)
- (a) Notwithstanding the provisions of this section, the board may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, amend a State Fire Code if the board determines that waiting for legislative action in the next general legislative session would:
    - (i) cause an imminent peril to the public health, safety, or welfare; or
    - (ii) place a person in violation of federal or other state law.
  - (b) If the board amends a State Fire Code in accordance with this Subsection (6), the board shall:
    - (i) publish the State Fire Code with the amendment; and
    - (ii) prepare and submit, in accordance with Section 68-3-14, written notice to the Business and Labor Interim Committee of the adoption, including a copy of an analysis by the board identifying specific reasons and justifications for its findings.
  - (c) If not formally adopted by the Legislature at the next annual general session, an amendment to a State Fire Code adopted under this Subsection (6) is repealed on the July 1 immediately following the next annual general session that follows the adoption of the amendment.
- (7)
- (a) Except as provided in Subsection (7)(b), a legislative body of a political subdivision may enact an ordinance in the political subdivision's fire code that is more restrictive than the State Fire Code:
    - (i) in order to meet a public safety need of the political subdivision; and
    - (ii) subject to the requirements of Subsection (7)(c).
  - (b) Except as provided in Subsections (7)(c), (10), and (11), or as expressly provided in state law, a political subdivision may not, after December 1, 2016, enact or enforce a rule or ordinance that applies to a structure built in accordance with the International Residential Code, as adopted in the State Construction Code, that is more restrictive than the State Fire Code.
  - (c)
    - (i) Except as provided in Subsection (7)(c)(ii), a political subdivision may adopt:
      - (A) the appendices of the International Fire Code; and
      - (B) a fire sprinkler ordinance in accordance with Section 15A-5-203.
    - (ii) If a political subdivision adopts International Fire Code Appendix B, the political subdivision may not require:
      - (A) a subdivision of structures built in accordance with the International Residential Code to have a fire flow rate that is greater than 2000 gallons per minute;
      - (B) an individual structure built in accordance with the International Residential Code to have a fire flow rate that is greater than 2000 gallons per minute; or

- (C) a one- or two-family dwelling or a town home to have a fire sprinkler system, except in accordance with Section 15A-5-203.
- (d) The board shall submit, in accordance with Section 68-3-14, to the Business and Labor Interim Committee each year with the recommendations submitted in accordance with Subsection (4), recommendations, if any, for legislative action related to an ordinance enacted under this Subsection (7).
- (8) Except as provided in Subsections (9), (10), and (11), or as expressly provided in state law, a state executive branch entity may not, after December 1, 2016, adopt or enforce a rule or requirement that:
  - (a) is more restrictive than the State Fire Code; and
  - (b) applies to detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures.
- (9) A state government entity may adopt a rule or requirement regarding a residential occupancy that is regulated by:
  - (a) the State Fire Prevention Board; or
  - (b) the Department of Health and Human Services
- (10) A state executive branch entity or political subdivision of the state may:
  - (a) enforce a federal law or regulation;
  - (b) adopt or enforce a rule, ordinance, or requirement if the rule, ordinance, or requirement applies only to a facility or construction owned or used by a state entity or a political subdivision of the state; or
  - (c) enforce a rule, ordinance, or requirement:
    - (i) that the state executive branch entity or political subdivision adopted or made effective before July 1, 2015; and
    - (ii) for which the state executive branch entity or political subdivision can demonstrate, with substantial evidence, that the rule, ordinance, or requirement is necessary to protect an individual from a condition likely to cause imminent injury or death.
- (11) The Department of Health and Human Services or the Department of Environmental Quality may enforce a rule or requirement adopted before January 1, 2015.

Amended by Chapter 209, 2023 General Session