

SB0049S01 compared with SB0049

~~{deleted text}~~ shows text that was in SB0049 but was deleted in SB0049S01.

Inserted text shows text that was not in SB0049 but was inserted into SB0049S01.

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Senator Wayne A. Harper proposes the following substitute bill:

AVIATION AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to aviation.

Highlighted Provisions:

This bill:

- ▶ incorporates statewide amendments to the International Building Code relating to certain aircraft hangars;
- ▶ provides for the Department of Transportation to regulate aerial corridor infrastructure;
- ▶ establishes a procedure for an airport operator to take possession and dispose of an abandoned aircraft; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

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None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

15A-3-103, as last amended by Laws of Utah 2019, Chapter 20

63A-2-101.5, as last amended by Laws of Utah 2019, Chapter 488

72-1-102, as last amended by Laws of Utah 2019, Chapters 431 and 479

ENACTS:

72-10-205.5, Utah Code Annotated 1953

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

Section 1. Section **15A-3-103** is amended to read:

15A-3-103. Amendments to Chapters 4 through 6 of IBC.

(1) IBC Section 403.5.5 is deleted.

(2) In IBC, Section 407.2.5, the words "and assisted living facility" are added in the title and first sentence after the words "nursing home."

(3) In IBC, Section 407.2.6, the words "and assisted living facility" are added in the title after the words "nursing home."

(4) In IBC, Section 407.11, a new exception is added as follows: "Exception: An essential electrical system is not required in assisted living facilities."

(5) In IBC, Section 412.3.1, a new exception is added as follows: "Exception: Aircraft hangars of Type I or II construction that are less than 5,000 square feet (464.5 m²) in area."

~~(5)~~ (6) A new IBC, Section 422.2.1 is added as follows: "422.2.1 Separations: Ambulatory care facilities licensed by the Department of Health shall be separated from adjacent tenants with a fire partition having a minimum one hour fire-resistance rating. Any level below the level of exit discharge shall be separated from the level of exit discharge by a horizontal assembly having a minimum one hour fire-resistance rating.

Exception: A fire barrier is not required to separate the level of exit discharge when:

1. Such levels are under the control of the Ambulatory Care Facility.
2. Any hazardous spaces are separated by horizontal assembly having a minimum one hour

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fire-resistance rating."

~~[(6)]~~ (7) A new IBC Section 429, Day Care, is added as follows:

" 429.1 Detailed Requirements. In addition to the occupancy and construction requirements in this code, the additional provisions of this section shall apply to all Day Care in accordance with Utah Administrative Code R710-8 Day Care Rules.

429.2 Definitions.

429.2.1 Authority Having Jurisdiction (AHJ): State Fire Marshal, his duly authorized deputies, or the local fire enforcement authority code official.

429.2.2 Day Care Facility: Any building or structure occupied by clients of any age who receive custodial care for less than 24 hours by individuals other than parents, guardians, relatives by blood, marriage or adoption.

429.2.3 Day Care Center: Providing care for five or more clients in a place other than the home of the person cared for. This would also include Child Care Centers, Out of School Time or Hourly Child Care Centers licensed by the Department of Health.

429.2.4 Family Day Care: Providing care for clients listed in the following two groups:

429.2.4.1 Type 1: Services provided for five to eight clients in a home. This would also include a home that is certified by the Department of Health as Residential Certificate Child Care or licensed as Family Child Care.

429.2.4.2 Type 2: Services provided for nine to sixteen clients in a home with sufficient staffing. This would also include a home that is licensed by the Department of Health as Family Child Care.

429.2.5 R710-8: Utah Administrative Code, R710-8, Day Care Rules, as enacted under the authority of the Utah Fire Prevention Board.

429.3 Family Day Care.

429.3.1 Family Day Care units shall have on each floor occupied by clients, two separate means of egress, arranged so that if one is blocked the other will be available.

429.3.2 Family Day Care units that are located in the basement or on the second story shall be provided with two means of egress, one of which shall discharge directly to the outside.

429.3.2.1 Residential Certificate Child Care and Licensed Family Child Care with five to eight clients in a home, located on the ground level or in a basement, may use an emergency escape or rescue window as allowed in IFC, Chapter 10, Section 1030.

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429.3.3 Family Day Care units shall not be located above the second story.

429.3.4 In Family Day Care units, clients under the age of two shall not be located above or below the first story.

429.3.4.1 Clients under the age of two may be housed above or below the first story where there is at least one exit that leads directly to the outside and complies with IFC, Section 1011 or Section 1012 or Section 1027.

429.3.5 Family Day Care units located in split entry/split level type homes in which stairs to the lower level and upper level are equal or nearly equal, may have clients housed on both levels when approved by the AHJ.

429.3.6 Family Day Care units shall have a portable fire extinguisher on each level occupied by clients, which shall have a classification of not less than 2A:10BC, and shall be serviced in accordance with NFPA, Standard 10, Standard for Portable Fire Extinguishers.

429.3.7 Family Day Care units shall have single station smoke detectors in good operating condition on each level occupied by clients. Battery operated smoke detectors shall be permitted if the facility demonstrates testing, maintenance, and battery replacement to insure continued operation of the smoke detectors.

429.3.8 Rooms in Family Day Care units that are provided for clients to sleep or nap, shall have at least one window or door approved for emergency escape.

429.3.9 Fire drills shall be conducted in Family Day Care units quarterly and shall include the complete evacuation from the building of all clients and staff. At least annually, in Type I Family Day Care units, the fire drill shall include the actual evacuation using the escape or rescue window, if one is used as a substitute for one of the required means of egress.

429.4 Day Care Centers.

429.4.1 Day Care Centers shall comply with either I-4 requirements or E requirements of the IBC, whichever is applicable for the type of Day Care Center.

429.4.2 Emergency Evacuation Drills shall be completed as required in IFC, Chapter 4, Section 405.

429.4.3 Location at grade. Group E child day care centers shall be located at the level of exit discharge.

429.4.3.1 Child day care spaces for children over the age of 24 months may be located on the second floor of buildings equipped with automatic fire protection throughout and an automatic

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fire alarm system.

429.4.4 Egress. All Group E child day care spaces with an occupant load of more than 10 shall have a second means of egress. If the second means of egress is not an exit door leading directly to the exterior, the room shall have an emergency escape and rescue window complying with Section 1030.

429.4.5 All Group E Child Day Care Centers shall comply with Utah Administrative Code, R430-100 Child Care Centers, R430-60 Hourly Child Care Centers, and R430-70 Out of School Time.

429.5 Requirements for all Day Care.

429.5.1 Heating equipment in spaces occupied by children shall be provided with partitions, screens, or other means to protect children from hot surfaces and open flames.

429.5.2 A fire escape plan shall be completed and posted in a conspicuous place. All staff shall be trained on the fire escape plan and procedure."

~~[(7)]~~ (8) In IBC, Section 504.4, a new section is added as follows: "504.4.1 Notwithstanding the exceptions to Section 504.2, Group I-2 Assisted Living Facilities shall be allowed on each level of a two-story building of Type V-A construction when all of the following apply:

1. All secured units are located at the level of exit discharge in compliance with Section 1010.1.9.3 as amended;
2. The total combined area of both stories shall not exceed the total allowable area for a one-story building; and
3. All other provisions that apply in Section 407 have been provided."

~~[(8)]~~ (9) In IBC, Section 504.4, a new section is added as follows: "504.4.2 Group I-2 Assisted Living Facilities. Notwithstanding the allowable number of stories permitted by Table 504.4 Group I-2 Assisted Living Facilities of type VA, construction shall be allowed on each level of a two-story building when all of the following apply:

1. The total combined area of both stories does not exceed the total allowable area for a one-story, above grade plane building equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1.
2. All other provisions that apply in Section 407 have been provided."

~~[(9)]~~ (10) A new IBC, Section 504.5, is added as follows: "504.5 Group 1-2 Secured

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areas in Assisted Living Facilities. In Type IIIB, IV, and V construction, all areas for the use and care of residents required to be secured shall be located on the level of exit discharge with door operations in compliance with Section 1010.1.9.7, as amended."

Section 2. Section **63A-2-101.5** is amended to read:

63A-2-101.5. Definitions.

As used in this chapter:

(1) "Division" means the Division of Purchasing and General Services created under Section 63A-2-101.

(2) "Federal surplus property" means surplus property of the federal government of the United States.

(3) "Information technology equipment" means equipment capable of downloading, accessing, manipulating, storing, or transferring electronic data, including:

(a) a computer;

(b) a smart phone, electronic tablet, personal digital assistant, or other portable electronic device;

(c) a digital copier or multifunction printer;

(d) a flash drive or other portable electronic data storage device;

(e) a server; and

(f) any other similar device.

(4) "Person with a disability" means a person with a severe, chronic disability that:

(a) is attributable to a mental or physical impairment or a combination of mental and physical impairments; and

(b) is likely to continue indefinitely.

(5) "Property act" means the Federal Property and Administrative Services Act of 1949, 40 U.S.C. Sec. 549.

(6) "Purchasing director" means the director of the division appointed under Section 63A-2-102.

(7) "Smart phone" means an electronic device that combines a cell phone with a hand-held computer, typically offering Internet access, data storage, and text and email capabilities.

(8) "State agency" means any executive branch department, division, or other agency of

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the state.

(9) "State surplus property":

(a) means state-owned property, whether acquired by purchase, seizure, donation, or otherwise:

(i) that is no longer being used by the state or no longer usable by the state;

(ii) that is out of date;

(iii) that is damaged and cannot be repaired or cannot be repaired at a cost that is less than the property's value;

(iv) whose useful life span has expired; or

(v) that the state agency possessing the property determines is not required to meet the needs or responsibilities of the state agency;

(b) includes:

(i) a motor vehicle;

(ii) equipment;

(iii) furniture;

(iv) information technology equipment; [~~and~~]

(v) a supply; and

(vi) an aircraft; and

(c) does not include:

(i) real property;

(ii) an asset of the School and Institutional Trust Lands Administration, established in Section 53C-1-201;

(iii) a firearm or ammunition; or

(iv) an office or household item made of aluminum, paper, plastic, cardboard, or other recyclable material, without any meaningful value except for recycling purposes.

(10) "State surplus property contractor" means a person in the private sector under contract with the state to provide one or more services related to the division's program for the management and disposition of state surplus property.

(11) "Surplus property program" means the program relating to state surplus property under Part 4, Surplus Property Service.

(12) "Surplus property program administrator" means:

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(a) the purchasing director, if the purchasing director administers the surplus property program; or

(b) the state surplus property contractor, if the state surplus property contractor administers the surplus property program.

Section 3. Section **72-1-102** is amended to read:

72-1-102. Definitions.

As used in this title:

(1) "Commission" means the Transportation Commission created under Section 72-1-301.

(2) "Construction" means the construction, reconstruction, replacement, and improvement of the highways, including the acquisition of rights-of-way and material sites.

(3) "Department" means the Department of Transportation created in Section 72-1-201.

(4) "Executive director" means the executive director of the department appointed under Section 72-1-202.

(5) "Farm tractor" has the meaning set forth in Section 41-1a-102.

(6) "Federal aid primary highway" means that portion of connected main highways located within this state officially designated by the department and approved by the United States Secretary of Transportation under Title 23, Highways, U.S.C.

(7) "Highway" means any public road, street, alley, lane, court, place, viaduct, tunnel, culvert, bridge, or structure laid out or erected for public use, or dedicated or abandoned to the public, or made public in an action for the partition of real property, including the entire area within the right-of-way.

(8) "Highway authority" means the department or the legislative, executive, or governing body of a county or municipality.

(9) "Implement of husbandry" has the meaning set forth in Section 41-1a-102.

(10) "Interstate system" means any highway officially designated by the department and included as part of the national interstate and defense highways, as provided in the Federal Aid Highway Act of 1956 and any supplemental acts or amendments.

(11) "Limited-access facility" means a highway especially designated for through traffic, and over, from, or to which neither owners nor occupants of abutting lands nor other persons have any right or easement, or have only a limited right or easement of access, light,

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air, or view.

(12) "Motor vehicle" has the same meaning set forth in Section 41-1a-102.

(13) "Municipality" has the same meaning set forth in Section 10-1-104.

(14) "National highway systems highways" means that portion of connected main highways located within this state officially designated by the department and approved by the United States Secretary of Transportation under Title 23, Highways, U.S.C.

(15) (a) "Port-of-entry" means a fixed or temporary facility constructed, operated, and maintained by the department where drivers, vehicles, and vehicle loads are checked or inspected for compliance with state and federal laws as specified in Section 72-9-501.

(b) "Port-of-entry" includes inspection and checking stations and weigh stations.

(16) "Port-of-entry agent" means a person employed at a port-of-entry to perform the duties specified in Section 72-9-501.

(17) "Public transit" means the same as that term is defined in Section 17B-2a-802.

(18) "Public transit facility" means a transit vehicle, transit station, depot, passenger loading or unloading zone, parking lot, or other facility:

(a) leased by or operated by or on behalf of a public transit district; and

(b) related to the public transit services provided by the district, including:

(i) railway or other right-of-way;

(ii) railway line; and

(iii) a reasonable area immediately adjacent to a designated stop on a route traveled by a transit vehicle.

(19) "Right-of-way" means real property or an interest in real property, usually in a strip, acquired for or devoted to a highway.

(20) "Sealed" does not preclude acceptance of electronically sealed and submitted bids or proposals in addition to bids or proposals manually sealed and submitted.

(21) "Semitrailer" has the meaning set forth in Section 41-1a-102.

(22) "SR" means state route and has the same meaning as state highway as defined in this section.

(23) "State highway" means those highways designated as state highways in Title 72, Chapter 4, Designation of State Highways Act.

(24) "State transportation purposes" has the meaning set forth in Section 72-5-102.

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(25) "State transportation systems" means all streets, alleys, roads, highways, pathways, and thoroughfares of any kind, including connected structures, airports, aerial corridor infrastructure, spaceports, public transit facilities, and all other modes and forms of conveyance used by the public.

(26) "Trailer" has the meaning set forth in Section 41-1a-102.

(27) "Truck tractor" has the meaning set forth in Section 41-1a-102.

(28) "UDOT" means the Utah Department of Transportation.

(29) "Vehicle" has the same meaning set forth in Section 41-1a-102.

Section 4. Section **72-10-205.5** is enacted to read:

72-10-205.5. Abandoned aircraft on airport property -- Seizure and disposal.

(1) (a) As used in this section, "abandoned aircraft" means an aircraft that:

(~~f~~a)i remains in an idle state on airport property for 45 consecutive calendar days;

(~~f~~b)ii is in a wrecked, inoperative, derelict, or partially dismantled condition; and

(~~f~~c)iii is not in the process of actively being repaired.

(b) "Abandoned aircraft" does not include an aircraft:

(i) that has current FAA registration;

(ii) that has current state registration;

(iii) for which evidence is shown indicating repairs are in process, including:

(A) receipts for parts and labor; or

(B) a statement from a mechanic making the repairs.

(2) An airport operator may take possession and dispose of an abandoned aircraft in accordance with Subsections (3) through (5).

(3) Upon determining that an aircraft located on airport property is abandoned, the airport operator shall:

(a) send, by registered mail, a notice containing the information described in Subsection (4) to the last known address of the last registered owner of the aircraft; and

(b) publish a notice containing the information described in Subsection (4) in a newspaper of general circulation in the county where the airport is located if:

(i) the owner or the address of the owner of the aircraft is unknown; or

(ii) the mailed notice is returned to the airport operator without a forwarding address.

(4) The notice described in Subsection (3) shall include:

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(a) the name, if known, and the last known address, if any, of the last registered owner of the aircraft;

(b) a description of the aircraft, including the identification number, the location of the aircraft, and the date the aircraft is determined abandoned;

(c) a statement describing the specific grounds for the determination that the aircraft is abandoned;

(d) the amount of any accrued or unpaid airport charges; and

(e) a statement indicating that the airport operator intends to take possession and dispose of the aircraft if the owner of the aircraft fails to remove the aircraft from airport property, after payment in full of any charges described in Subsection (4)(d), within the later of:

(i) 30 days after the day on which the notice is sent in accordance with Subsection (3)(a); or

(ii) 30 days after the day on which the notice is published in accordance with Subsection (3)(b), if applicable.

(5) If the owner of the abandoned aircraft fails to remove the aircraft from airport property, after payment in full of any charges described in Subsection (4)(d), within the time specified in Subsection (4)(e):

(a) the abandoned aircraft becomes the property of the airport operator; and

(b) the airport operator may dispose of the abandoned aircraft:

(i) in the manner provided in Title 63A, Chapter 2, Part 4, Surplus Property Service; or

(ii) in accordance with any other lawful method or procedure established by rule or ordinance adopted by the airport operator.

(6) If an airport operator complies with the provisions of this section, the airport operator is immune from liability for the seizure and disposal of an abandoned aircraft in accordance with this section.