

RESIDENTIAL BUILDING INSPECTION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Calvin R. Musselman

LONG TITLE

General Description:

This bill amends provisions relating to building inspectors.

Highlighted Provisions:

This bill:

- ▶ requires a building official to accept reports from approved agencies and building inspectors;
- ▶ repeals provisions relating to compliance agencies;
- ▶ allows a regulator, agency, or permit holder to contract with a licensed building inspector for the enforcement of the State Construction Code;
- ▶ repeals provisions relating to an administrative appeals process; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

15A-2-105, as last amended by Laws of Utah 2023, Chapters 209, 327

15A-3-202, as last amended by Laws of Utah 2023, Chapter 209



28 **58-56-9**, as last amended by Laws of Utah 2018, Chapter 229
 29 **58-56-9.4**, as enacted by Laws of Utah 2018, Chapter 229
 30 **58-56-9.5**, as last amended by Laws of Utah 2020, Chapter 339

31 REPEALS:

32 **15A-1-207**, as enacted by Laws of Utah 2011, Chapter 14



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

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

36 **15A-1-203. Uniform Building Code Commission -- Unified Code Analysis**

37 **Council.**

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

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

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

43 (b) one member shall be a licensed building inspector nominated by the Utah League
 44 of Cities and Towns;

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

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

47 (e) one member shall be:

48 (i) a licensed architect who specializes in residential architecture; or

49 (ii) a residential home designer;

50 (f) one member shall be a member of an association of building owners;

51 (g) one member shall be a fire official;

52 (h) four members shall be contractors licensed by the state, of which:

53 (i) two shall be general contractors, one of which shall specialize in residential
 54 construction;

55 (ii) one shall be an electrical contractor; and

56 (iii) one shall be a plumbing contractor;

57 (i) one member shall be from the general public and have no affiliation with the
 58 construction industry or real estate development industry; and

59 (j) one member shall be from the Division of Facilities Construction and Management
60 of the Department of Government Operations.

61 (3) (a) The executive director shall appoint each commission member after submitting
62 a nomination to the governor for confirmation or rejection.

63 (b) (i) If the governor rejects a nominee, the executive director shall submit an
64 alternative nominee until the governor confirms the nomination.

65 (ii) An appointment is effective after the governor confirms the nomination.

66 (4) (a) Except as required by Subsection (4)(b), as terms of commission members
67 expire, the executive director shall appoint each new commission member or reappointed
68 commission member to a four-year term.

69 (b) Notwithstanding the requirements of Subsection (4)(a), the executive director shall,
70 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
71 of commission members are staggered so that approximately half of the commission is
72 appointed every two years.

73 (5) When a vacancy occurs in the commission membership for any reason, the
74 executive director shall appoint a replacement for the unexpired term.

75 (6) (a) A commission member may not serve more than two full terms.

76 (b) A commission member who ceases to serve may not again serve on the commission
77 until after the expiration of two years after the day on which service ceased.

78 (7) A majority of the commission members constitute a quorum and may act on behalf
79 of the commission.

80 (8) A commission member may not receive compensation or benefits for the
81 commission member's service, but may receive per diem and travel expenses in accordance
82 with:

83 (a) Section 63A-3-106;

84 (b) Section 63A-3-107; and

85 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
86 63A-3-107.

87 (9) (a) The commission shall annually designate one of the commission's members to
88 serve as chair of the commission.

89 (b) The division shall provide a secretary to facilitate the function of the commission

90 and to record the commission's actions and recommendations.

91 (10) The commission shall:

92 (a) in accordance with Section 15A-1-204, report to the Business and Labor Interim
93 Committee;

94 [~~(b)~~] ~~act as an appeals board as provided in Section 15A-1-207;~~]

95 ~~[(c)]~~ (b) establish advisory peer committees on either a standing or ad hoc basis to
96 advise the commission with respect to matters related to a code, including a committee to
97 advise the commission regarding health matters related to a plumbing code; and

98 ~~[(d)]~~ (c) assist the division in overseeing code-related training in accordance with
99 Section 15A-1-209.

100 (11) (a) In a manner consistent with [~~Subsection (10)(c)] Subsection (10)(b), the
101 commission shall jointly create with the Utah Fire Prevention Board an advisory peer
102 committee known as the "Unified Code Analysis Council" to review fire prevention and
103 construction code issues that require definitive and specific analysis.~~

104 (b) The commission and Utah Fire Prevention Board shall jointly, by rule made in
105 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for:

- 106 (i) the appointment of members to the Unified Code Analysis Council; and
- 107 (ii) procedures followed by the Unified Code Analysis Council.

108 Section 2. Section 15A-2-105 is amended to read:

109 **15A-2-105. Scope of application.**

110 (1) To the extent that a construction code adopted under Section 15A-2-103 establishes
111 a local administrative function [~~or establishes a method of appeal which pursuant to Section
112 15A-1-207] that is designated to be established by the compliance agency:~~

113 (a) that provision of the construction code is not included in the State Construction
114 Code; and

115 (b) a compliance agency may establish provisions to establish a local administrative
116 function or a method of appeal.

117 (2) (a) To the extent that a construction code adopted under Subsection (1) establishes
118 a provision, standard, or reference to another code that by state statute is designated to be
119 established or administered by another state agency, or a local city, town, or county
120 jurisdiction:

121 (i) that provision of the construction code is not included in the State Construction
122 Code; and

123 (ii) the state agency or local government has authority over that provision of the
124 construction code.

125 (b) Provisions excluded under this Subsection (2) include:

126 (i) the International Property Maintenance Code;

127 (ii) the International Private Sewage Disposal Code, authority over which is reserved to
128 the Department of Health and Human Services and the Department of Environmental Quality;

129 (iii) the International Fire Code, authority over which is reserved to the board, pursuant
130 to Section 15A-1-403;

131 (iv) a day care provision that is in conflict with Title 26B, Chapter 2, Part 4, Child Care
132 Licensing, authority over which is designated to the Department of Health and Human
133 Services; and

134 (v) a wildland urban interface provision that goes beyond the authority under Section
135 15A-1-204, for the State Construction Code, authority over which is designated to the Division
136 of Forestry, Fire, and State Lands or to a local compliance agency.

137 (3) If a construction code adopted under Subsection 15A-2-103(1) establishes a
138 provision that exceeds the scope described in Chapter 1, Part 2, State Construction Code
139 Administration Act, to the extent the scope is exceeded, the provision is not included in the
140 State Construction Code.

141 Section 3. Section 15A-3-202 is amended to read:

142 **15A-3-202. Amendments to Chapters 1 through 5 of IRC.**

143 (1) In IRC, Section R101.2, Exception, the words "where provided with an automatic
144 sprinkler system complying with Section P2904" are deleted.

145 (2) In IRC, Section R102, a new Section R102.7.2 is added as follows: "R102.7.2
146 Physical change for bedroom window egress. A structure whose egress window in an existing
147 bedroom is smaller than required by this code, and that complied with the construction code in
148 effect at the time that the bedroom was finished, is not required to undergo a physical change to
149 conform to this code if the change would compromise the structural integrity of the structure or
150 could not be completed in accordance with other applicable requirements of this code,
151 including setback and window well requirements."

152 (3) IRC, Section R105.2, number 10, is deleted and replaced with the following: "10.
153 Decks that are not more than 30 inches (762 mm) above grade at any point and not requiring
154 guardrails, that do not serve the exit door required by Section R311.4."

155 (4) In IRC, Section R108.3, the following sentence is added at the end of the section:
156 "The building official shall not request proprietary information."

157 (5) IRC, Section 109.1.5, is deleted and replaced with the following: "R109.1.5
158 Weather-resistant exterior wall envelope inspections. An inspection shall be made of the
159 weather-resistant exterior wall envelope as required by Section R703.1 and flashings as
160 required by Section R703.4 to prevent water from entering the weather-resistive barrier."

161 (6) IRC, Section 109.2, is deleted and replaced with the following: "R109.2 Inspection
162 Agencies. The building official is required to accept reports of approved agencies and building
163 inspectors provided such agencies and inspectors satisfy the state of Utah licensing
164 requirements."

165 [~~6~~] (7) In IRC, Section R202, the following definition is added: "ACCESSORY
166 DWELLING UNIT: A habitable living unit created within the existing footprint of a primary
167 owner-occupied single-family dwelling."

168 [~~7~~] (8) In IRC, Section R202, the definition for "Approved" is modified by adding the
169 words "or independent third-party licensed engineer or architect and submitted to the building
170 official" after the word "official."

171 [~~8~~] (9) In IRC, Section R202, the definition for "Approved Agency" is modified by
172 replacing the word "and" with "or."

173 [~~9~~] (10) In IRC, Section 202, the definition for "Approved Source" is modified by
174 adding the words "or licensed engineer or architect" after the word "official."

175 [~~10~~] (11) In IRC, Section R202, the following definition is added: "CERTIFIED
176 BACKFLOW PREVENTER ASSEMBLY TESTER: A person who has shown competence to
177 test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction
178 under Utah Code, Subsection 19-4-104(4)."

179 [~~11~~] (12) In IRC, Section R202, the definition of "Cross Connection" is deleted and
180 replaced with the following: "CROSS CONNECTION. Any physical connection or potential
181 connection or arrangement between two otherwise separate piping systems, one of which
182 contains potable water and the other either water of unknown or questionable safety or steam,

183 gas, or chemical, whereby there exists the possibility for flow from one system to the other,
184 with the direction of flow depending on the pressure differential between the two systems (see
185 "Backflow, Water Distribution")."

186 [~~(12)~~] (13) In IRC, Section 202, the following definition is added: "DUAL SOURCE
187 CONNECTION. A pipe that is installed so that either the nonpotable (i.e. secondary) irrigation
188 water or the potable water is connected to a pressurized irrigation system at one time, but not
189 both at the same time; or a pipe that is installed so that either the potable water or private well
190 water is connected to a residence at one time, but not both at the same time. The potable water
191 supply line shall be protected by a reduced pressure backflow preventer."

192 [~~(13)~~] (14) In IRC, Section 202, the following definition is added: "ENERGY
193 STORAGE SYSTEM (ESS). One or more devices, assembled together, that are capable of
194 storing energy for supplying electrical energy at a future time."

195 [~~(14)~~] (15) In IRC, Section 202, in the definition for gray water a comma is inserted
196 after the word "washers"; the word "and" is deleted; and the following is added to the end: "and
197 clear water wastes which have a pH of 6.0 to 9.0; are non-flammable; non-combustible;
198 without objectionable odors; non-highly pigmented; and will not interfere with the operation of
199 the sewer treatment facility."

200 [~~(15)~~] (16) In IRC, Section R202, the definition of "Potable Water" is deleted and
201 replaced with the following: "POTABLE WATER. Water free from impurities present in
202 amounts sufficient to cause disease or harmful physiological effects and conforming to the
203 Utah Code, Title 19, Chapter 4, Safe Drinking Water Act, and Title 19, Chapter 5, Water
204 Quality Act, and the regulations of the public health authority having jurisdiction."

205 [~~(16)~~] (17) IRC, Figure R301.2 (3), is deleted and replaced with R301.2 (3) as follows:

"TABLE R301.2 (3)			
GROUND SNOW LOADS FOR SELECTED LOCATIONS IN UTAH			
City/Town	County	Ground Snow Load (lb/ft2)	Elevation (ft)
Beaver	Beaver	35	5886
Brigham City	Box Elder	42	4423
Castle Dale	Emery	32	5669
Coalville	Summit	57	5581

213	Duchesne	Duchesne	39	5508
214	Farmington	Davis	35	4318
215	Fillmore	Millard	30	5138
216	Heber City	Wasatch	60	5604
217	Junction	Piute	27	6030
218	Kanab	Kane	25	4964
219	Loa	Wayne	37	7060
220	Logan	Cache	43	4531
221	Manila	Daggett	26	6368
222	Manti	Sanpete	37	5620
223	Moab	Grand	21	4029
224	Monticello	San Juan	67	7064
225	Morgan	Morgan	52	5062
226	Nephi	Juab	39	5131
227	Ogden	Weber	37	4334
228	Panguitch	Garfield	41	6630
229	Parowan	Iron	32	6007
230	Price	Carbon	31	5558
231	Provo	Utah	31	4541
232	Randolph	Rich	50	6286
233	Richfield	Sevier	27	5338
234	St. George	Washington	21	2585
235	Salt Lake City	Salt Lake	28	4239
236	Tooele	Tooele	35	5029
237	Vernal	Uintah	39	5384

Note: To convert lb/ft² to kN/m², multiply by 0.0479. To convert feet to meters, multiply by 0.3048.

1. Statutory requirements of the Authority Having Jurisdiction are not included in this state ground snow load table.

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2. For locations where there is substantial change in altitude over the city/town, the load applies at and below the cited elevation, with a tolerance of 100 ft (30 m).

3. For other locations in Utah, see Bean, B., Maguire, M., Sun, Y. (2018), "The Utah Snow Load Study," Utah State University Civil and Environmental Engineering Faculty Publications, Paper 3589, <http://utahsnowload.usu.edu/>, for ground snow load values."

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~~[(17)]~~ (18) IRC, Section R301.6, is deleted and replaced with the following: "R301.6

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Utah Snow Loads. The snow loads specified in Table R301.2(5b) shall be used for the

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jurisdictions identified in that table. Otherwise, for other locations in Utah, see Bean, B.,

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Maguire, M., Sun, Y. (2018), "The Utah Snow Load Study," Utah State University Civil and

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Environmental Engineering Faculty Publications, Paper 3589, <http://utahsnowload.usu.edu/>, for

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ground snow load values."

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~~[(18)]~~ (19) In IRC, Section R302.2, the following sentence is added at the end of the

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paragraph: "When an access/maintenance agreement or easement is in place, plumbing,

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mechanical ducting, schedule 40 steel gas pipe, and electric service conductors including

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feeders, are permitted to penetrate the common wall at grade, above grade, or below grade."

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~~[(19)]~~ (20) In IRC, Section R302.3, a new exception 3 is added as follows: "3.

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Accessory dwelling units separated by walls or floor assemblies protected by not less than

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1/2-inch (12.7 mm) gypsum board or equivalent on each side of the wall or bottom of the floor

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assembly are exempt from the requirements of this section."

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~~[(20)]~~ (21) In IRC, Section R302.5.1, the last sentence is deleted.

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~~[(21)]~~ (22) IRC, Section R302.13, is deleted.

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~~[(22)]~~ (23) In IRC, Section R303.4, the following exception is added: "Exception:

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Dwelling units tested in accordance with Section N1102.4.1.2 (R402.4.1.2) which has an air

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tightness of 3.0 ACH (50) or greater do not require mechanical ventilation."

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~~[(23)]~~ (24) In IRC, Section R310.7, in the exception, the words "or accessory dwelling

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units" are added after the words "sleeping rooms".

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~~[(24)]~~ (25) IRC, Sections R311.7.45 through R311.7.5.3, are deleted and replaced with

261 the following: "R311.7.45.1 Stair treads and risers. R311.7.5.1 Riser height. The maximum
262 riser height shall be 8 inches (203 mm). The riser shall be measured vertically between leading
263 edges of the adjacent treads. The greatest riser height within any flight of stairs shall not
264 exceed the smallest by more than 3/8 inch (9.5 mm).

265 R311.7.5.2 Tread depth. The minimum tread depth shall be 9 inches (228 mm). The
266 tread depth shall be measured horizontally between the vertical planes of the foremost
267 projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread
268 depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).
269 Winder treads shall have a minimum tread depth of 10 inches (254 mm) measured as above at
270 a point 12 inches (305 mm) from the side where the treads are narrower. Winder treads shall
271 have a minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the
272 greatest winder tread depth at the 12-inch (305 mm) walk line shall not exceed the smallest by
273 more than 3/8 inch (9.5 mm).

274 R311.7.5.3 Nosing. The radius of curvature at the leading edge of the tread shall be no
275 greater than 9/16 inch (14.3 mm). A nosing not less than 3/4 inch (19 mm) but not more than 1
276 1/4 inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing
277 projection shall not exceed the smallest nosing projection by more than 3/8 inch (9.5 mm)
278 between two stories, including the nosing at the level of floors and landings. Beveling of
279 nosing shall not exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the
280 underside of the leading edge of the tread above at an angle not more than 30 degrees (0.51 rad)
281 from the vertical. Open risers are permitted, provided that the opening between treads does not
282 permit the passage of a 4-inch diameter (102 mm) sphere.

283 Exceptions.

- 284 1. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).
285 2. The opening between adjacent treads is not limited on stairs with a total rise of 30
286 inches (762 mm) or less."

287 [~~25~~] (26) IRC, Section R312.2, is deleted.

288 [~~26~~] (27) IRC, Sections R313.1 through R313.2.1, are deleted and replaced with the
289 following: "R313.1 Design and installation. When installed, automatic residential fire
290 sprinkler systems for townhouses or one- and two-family dwellings shall be designed and
291 installed in accordance with Section P2904 or NFPA 13D."

292 [~~(27)~~] (28) In IRC, Section R314.2.2, the words "or accessory dwelling units" are
293 added after the words "sleeping rooms".

294 [~~(28)~~] (29) In IRC, Section R315.2.2, the words "or accessory dwelling units" are
295 added after the words "sleeping rooms".

296 [~~(29)~~] (30) In IRC, Section 315.3, the following words are added to the first sentence
297 after the word "installed": "on each level of the dwelling unit and."

298 [~~(30)~~] (31) A new IRC, Section R328.12, is added as follows:

299 "R328.12 Signage. A sign located on the exterior of the dwelling shall be installed at a
300 location approved by the authority having jurisdiction which identifies the battery chemistry
301 included in the ESS. This sign shall be of sufficient durability to withstand the environment
302 involved and shall not be handwritten."

303 [~~(31)~~] (32) In IRC, Section 403.1.3.5.3, an exception is added as follows: "Exception:
304 Vertical steel in footings shall be permitted to be located while concrete is still plastic and
305 before it has set. Where vertical steel resists placement or the consolidation of concrete around
306 steel is impeded, the concrete shall be vibrated to ensure full contact between the vertical steel
307 and concrete."

308 [~~(32)~~] (33) In IRC, Section R403.1.6, a new Exception 3 is added as follows: "3.
309 When anchor bolt spacing does not exceed 32 inches (813 mm) apart, anchor bolts may be
310 placed with a minimum of two bolts per plate section located not less than 4 inches (102 mm)
311 from each end of each plate section at interior bearing walls, interior braced wall lines, and at
312 all exterior walls."

313 [~~(33)~~] (34) In IRC, Section R403.1.6.1, a new exception is added at the end of Item 2
314 and Item 3 as follows: "Exception: When anchor bolt spacing does not exceed 32 inches (816
315 mm) apart, anchor bolts may be placed with a minimum of two bolts per plate section located
316 not less than 4 inches (102 mm) from each end of each plate section at interior bearing walls,
317 interior braced wall lines, and at all exterior walls."

318 [~~(34)~~] (35) In IRC, Section R404.1, a new exception is added as follows: "Exception:
319 As an alternative to complying with Sections R404.1 through R404.1.5.3, concrete and
320 masonry foundation walls may be designed in accordance with IBC Sections 1807.1.5 and
321 1807.1.6 as amended in Section 1807.1.6.4 and Table 1807.1.6.4 under these rules."

322 [~~(35)~~] (36) In IRC, Section R405.1, a second exception is added as follows:

323 "Exception: When a geotechnical report has been provided for the property, a drainage system
 324 is not required unless the drainage system is required as a condition of the geotechnical report.
 325 The geotechnical report shall make a recommendation regarding a drainage system."

326 ~~[(36)]~~ (37) In IRC, Section R506.2.3, the words "10-mil (0.010 inch; 0.25 mm)" are
 327 deleted and replaced with "6-mil (0.006 inch; 0.152 mm)" and the words "conforming to
 328 ASTM E1745 Class A requirements" are deleted.

329 Section 4. Section **58-56-9** is amended to read:

330 **58-56-9. Qualifications of building inspectors -- Contract for inspection services.**

331 (1) ~~[An inspector employed by a local regulator, state regulator, or compliance agency~~
 332 ~~to enforce the codes shall:]~~ As used in this section, a "building inspector" means an individual
 333 that:

334 (a) (i) ~~[meet]~~ meets minimum qualifications as established by the division in
 335 collaboration with the commission;

336 (ii) ~~[be]~~ is certified by a nationally recognized organization which promulgates
 337 construction codes; or

338 (iii) ~~[pass]~~ has passed an examination developed by the division in collaboration with
 339 the commission; and

340 (b) ~~[be]~~ is currently licensed by the division as meeting those minimum qualifications[;
 341 and] described in Subsection (1)(a)(i).

342 ~~[(c)]~~ (2) ~~[be subject to revocation or suspension of the inspector's license or being~~
 343 ~~placed on probation if found guilty of unlawful or unprofessional conduct.]~~ If a building
 344 inspector is found guilty of unlawful or unprofessional conduct, the division may:

345 (a) revoke or suspend the building inspector's license; or

346 (b) place the building inspector on probation.

347 ~~[(2)]~~ (3) A local regulator, state regulator, ~~[or]~~ compliance agency, or permit holder
 348 may contract for the services of a licensed building inspector ~~[not regularly employed by the~~
 349 ~~regulator or agency]~~ for enforcement of the State Construction Code.

350 ~~[(3)]~~ (4) In accordance with Section **58-1-401**, the division may:

351 (a) refuse to issue a license to an applicant;

352 (b) refuse to renew the license of a licensee;

353 (c) revoke, suspend, restrict, or place on probation the license of a licensee;

- 354 (d) issue a public or private reprimand;
- 355 (e) issue a citation to a licensee; and
- 356 (f) issue a cease and desist order.

357 Section 5. Section **58-56-9.4** is amended to read:

358 **58-56-9.4. Investigation of regulated activity.**

359 (1) The division is responsible for the investigation of a person or an activity that
360 violates the provisions of this chapter.

361 (2) An investigation by the division may include:

362 [~~(a) a requirement that potential administrative appeals described in Section 15A-1-207~~
363 ~~have been exhausted before conducting the investigation;]~~

364 [(~~b~~)] (a) an investigation of a person engaged in unlawful or unprofessional conduct;
365 and

366 [(~~c~~)] (b) a referral to the Uniform Building Code Commission to review a dispute
367 involving an application or interpretation of a building code or construction law by a licensee.

368 Section 6. Section **58-56-9.5** is amended to read:

369 **58-56-9.5. Penalty for unlawful conduct -- Citations.**

370 (1) A person who violates a provision of Section **58-56-9.1** or who fails to comply with
371 a citation issued under this section after it is final is guilty of a class A misdemeanor.

372 (2) Grounds for immediate suspension of a licensee's license by the division under this
373 chapter include:

374 (a) the issuance of a citation for violation of a provision of Section **58-56-9.1** or
375 **58-56-9.3**; and

376 (b) failure by a licensee to make application to, report to, or notify the division with
377 respect to a matter for which application, notification, or reporting is required under this
378 chapter or rules made under this chapter by the division.

379 (3) (a) If upon inspection or investigation, the division concludes that a person has
380 violated a provision of Section **58-56-9.1** or **58-56-9.3**, or a rule or order issued with respect to
381 that section, and that disciplinary action is appropriate, the director or the director's designee
382 from within the division shall:

383 (i) promptly issue a citation to the person according to this chapter and any pertinent
384 rules;

385 (ii) attempt to negotiate a stipulated settlement; or
386 (iii) notify the person to appear before an adjudicative proceeding conducted under
387 Title 63G, Chapter 4, Administrative Procedures Act.

388 (b) (i) A person who violates a provision of Section [58-56-9.1](#) or [58-56-9.3](#), as
389 evidenced by an uncontested citation, a stipulated settlement, or by a finding of violation in an
390 adjudicative proceeding, may be assessed a fine under this Subsection (3)(b) and may, in
391 addition to or instead of the fine, be ordered by the division to cease from violating the
392 provision.

393 (ii) Except as otherwise provided in Subsection (2)(a), the division may not assess
394 licensure sanctions referred to in Subsection [~~58-56-9(1)(c)~~] [58-56-9\(2\)](#) through a citation.

395 (c) (i) Each citation shall be in writing and describe with particularity the nature of the
396 violation, including a reference to the provision of the chapter, rule, or order alleged to have
397 been violated.

398 (ii) The citation shall clearly state that the recipient must notify the division in writing
399 within 20 calendar days of service of the citation if the recipient wishes to contest the citation
400 at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act.

401 (iii) The citation shall clearly explain the consequences of failure to timely contest the
402 citation or to make payment of any fines assessed by the citation within the time specified in
403 the citation.

404 (d) Each citation issued under this section, or a copy of each citation, may be served
405 upon any person upon whom a summons may be served:

406 (i) in accordance with the Utah Rules of Civil Procedure;

407 (ii) personally or upon the person's agent by a division investigator or by any person
408 specially designated by the director; or

409 (iii) by mail.

410 (e) (i) If within 20 calendar days from the service of a citation, the person to whom the
411 citation was issued fails to request a hearing to contest the citation, the citation becomes the
412 final order of the division and is not subject to further agency review.

413 (ii) The period to contest a citation may be extended by the division for cause.

414 (f) The division may refuse to issue or renew, suspend, revoke, or place on probation
415 the license of a licensee who fails to comply with a citation after it becomes final.

416 (g) The failure of an applicant for licensure to comply with a citation after it becomes
417 final is a ground for denial of a license.

418 (h) No citation may be issued under this section after the expiration of one year
419 following the date on which the violation that is the subject of the citation is reported to the
420 division.

421 (i) The director or the director's designee may assess fines for violations of Section
422 58-56-9.1 or 58-56-9.3 as follows:

423 (i) for a first offense determined under this Subsection (3), a fine of up to \$1,000;

424 (ii) for a second offense, a fine of up to \$2,000; and

425 (iii) for any subsequent offense, a fine of up to \$2,000 for each day of continued
426 offense.

427 (j) For the purposes of issuing a final order under this section and assessing a fine
428 under Subsection (3)(i), an offense constitutes a second or subsequent offense if:

429 (i) the division previously issued a final order determining that a person committed a
430 first or second offense in violation of a provision of Section 58-56-9.1; or

431 (ii) (A) the division initiated an action for a first or second offense;

432 (B) no final order has been issued by the division in the action initiated under
433 Subsection (3)(j)(ii)(A);

434 (C) the division determines during an investigation that occurred after the initiation of
435 the action under Subsection (3)(j)(ii)(A) that the person committed a second or subsequent
436 violation of a provision of Section 58-56-9.1; and

437 (D) after determining that the person committed a second or subsequent offense under
438 Subsection (3)(j)(ii)(C), the division issues a final order on the action initiated under
439 Subsection (3)(j)(ii)(A).

440 (k) In issuing a final order for a second or subsequent offense under Subsection (3)(j),
441 the division shall comply with the requirements of this section.

442 (4) (a) Proceeds from a fine imposed under Subsection (3)(i) shall be deposited in the
443 Commerce Service Account created by Section 13-1-2.

444 (b) The director may collect a fine that is not paid by:

445 (i) referring the matter to a collection agency; or

446 (ii) bringing an action in the district court of the county where the person against whom

447 the penalty is imposed resides or in the county where the office of the director is located.

448 (c) A county attorney or the attorney general of the state shall provide legal assistance
449 and advice to the director in an action to collect a penalty.

450 (d) A court shall award reasonable attorney fees and costs to the prevailing party in an
451 action brought by the division to collect a penalty.

452 Section 7. **Repealer.**

453 This bill repeals:

454 Section **15A-1-207, Compliance with codes -- Responsibility for inspections --**

455 **Appeals.**

456 Section 8. **Effective date.**

457 This bill takes effect on May 1, 2024.