

SB0185S01 compared with SB0185

~~deleted text~~ shows text that was in SB0185 but was deleted in SB0185S01.

inserted text shows text that was not in SB0185 but was inserted into SB0185S01.

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Senator Evan J. Vickers proposes the following substitute bill:

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}~~ third-party inspection firms.

Highlighted Provisions:

This bill:

- ▶ ~~{requires a building official to accept reports from approved agencies and building inspectors;~~
- ▶ ~~repeals}~~ authorizes a person seeking a building permit to hire a third-party inspection firm to perform an inspection of the person's property;
- ▶ requires that a local regulator that issues a building permit pay any cost associated with the person seeking a building permit hiring a third-party inspection firm;
- ▶ establishes a process and standards that govern a local regulator's payment of

SB0185S01 compared with SB0185

third-party inspection firm costs;

▶ requires that a local regulator issue a certificate of occupancy to the owner of real property after the third-party inspection firm complies with certain requirements;

▶ exempts a local regulator from liability for any inspection performed by a third-party inspection firm;

▶ grants rulemaking authority to the Division of Facilities Construction and Management;

▶ amends 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}~~ disciplinary proceedings for a licensed inspector; and

▶ defines terms.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

~~{15A-1-203}~~ 15A-1-202, 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

~~{~~ First Special Session, Chapter 3

58-56-9, as last amended by Laws of Utah 2018, Chapter 229

~~{~~ 58-56-9.4, as enacted by Laws of Utah 2018, Chapter 229

~~58-56-9.5~~, as last amended by Laws of Utah 2020, Chapter 339

REPEALS:

~~15A-1-207~~, as enacted by Laws of Utah 2011, Chapter 14} ENACTS:

15A-1-105, Utah Code Annotated 1953

SB0185S01 compared with SB0185

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

Section 1. Section 15A-1-105 is enacted to read:

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

(1) As used in this section:

(a) "Code" means:

(i) the State Construction Code; or

(ii) an approved code.

(b) "Inspection" means a comprehensive assessment of the physical condition of a piece of real property or the real property's components.

(c) "Local regulator" means a political subdivision of the state that is empowered to engage in the regulation of construction, alteration, remodeling, building, repair, and other activities subject to the code.

(d) "Third-party inspection firm" means a licensed, independent entity, with no interest in the outcome of an inspection, that a client engages to conduct an inspection.

(2) Subject to the provisions of this section:

(a) a person may hire a third-party inspection firm to conduct an inspection on real property that the person owns; and

(b) the local regulator shall pay the cost of the inspection the third-party inspection firm performs after the local regulator issues a building permit for the property and collects the building permit fee.

(3) Before the local regulator pays the cost of an inspection in accordance with Subsection (2):

(a) the third-party inspection firm shall provide proof of payment to the local regulator; and

(b) the local regulator shall ensure that the cost described in the proof of payment complies with rules made by the Division of Facilities Construction and Management.

(4) Upon completing an inspection, a third-party inspection firm shall submit the inspection report to the local regulator.

(5) After the third-party inspection firm completes the final inspection and submits the inspection report to the local regulator, the local regulator shall issue the certificate of occupancy to the owner of the real property, if the local regulator determines that, based on the

SB0185S01 compared with SB0185

inspection report, the property meets the applicable standards.

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

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Division of Facilities and Construction Management shall:

(a) make rules establishing standard reimbursement costs for the services of third-party inspection firms;

(b) establish standards for the approval of a third-party inspection firm; and

(c) establish a process by which the Division of Facilities and Construction Management approves a third-party inspection firm.

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

15A-1-202. Definitions.

As used in this chapter:

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

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

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

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

(4) "Building permit holder" means a person to whom a local regulator issues a building permit.

~~[(4)]~~ (5) "Code" means:

(a) the State Construction Code; or

(b) an approved code.

~~[(5)]~~ (6) "Commission" means the Uniform Building Code Commission created in Section 15A-1-203.

~~[(6)]~~ (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;

SB0185S01 compared with SB0185

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

~~—(c)~~ [or]

(c) a third-party inspection firm as defined in Section 15A-1-105 approved by the Division of Facilities Construction and Management that a building permit holder hires; or

~~[(c)]~~ (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.

~~[(7)]~~ (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; and
- (i) a manufactured housing installation standard code.

~~[(8)]~~ (9) "Construction project" means the same as that term is defined in Section 38-1a-102.

~~[(9)]~~ (10) "Executive director" means the executive director of the Department of Commerce.

~~[(10)]~~ (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.

~~[(11)]~~ (12) "Local regulator" means a political subdivision of the state that is empowered to engage in the regulation of construction, alteration, remodeling, building, repair, and other activities subject to the codes.

SB0185S01 compared with SB0185

~~[(12)]~~[(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.

~~[(13)]~~[(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 and repair; and
- (b) the care of livestock, crops, or equipment intended for agricultural use which are kept there.

~~[(14)]~~[(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.

~~[(15)]~~[(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.

~~[(16)]~~[(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.

Section ~~{1}~~3. Section ~~{15A-1-203}~~58-56-9 is amended to read:

~~{~~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;~~

SB0185S01 compared with SB0185

- ~~—— (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~~

SB0185S01 compared with SB0185

~~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)] (b) 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)] (c) 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)] Subsection (10)(b), 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~~

SB0185S01 compared with SB0185

~~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.~~

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

~~—— 15A-2-105. Scope of application.~~

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

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

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

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

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

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

~~—— (b) Provisions excluded under this Subsection (2) include:~~

~~—— (i) the International Property Maintenance Code;~~

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

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

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

~~—— (v) a wildland urban interface provision that goes beyond the authority under Section 15A-1-204, for the State Construction Code, authority over which is designated to the Division~~

SB0185S01 compared with SB0185

of Forestry, Fire, and State Lands or to a local compliance agency:

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

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

—— ~~15A-3-202. Amendments to Chapters 1 through 5 of IRC.~~

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

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

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

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

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

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

—— [(6)] (7) In IRC, Section R202, the following definition is added: "ACCESSORY DWELLING UNIT: A habitable living unit created within the existing footprint of a primary

SB0185S01 compared with SB0185

owner-occupied single-family dwelling."

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

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

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

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

——— ~~[(11)] (12)~~ In IRC, Section R202, the definition of "Cross Connection" is deleted and replaced with the following: "CROSS CONNECTION. Any physical connection or potential connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas, or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems (see "Backflow, Water Distribution")."

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

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

——— ~~[(14)] (15)~~ In IRC, Section 202, in the definition for gray water a comma is inserted after the word "washers"; the word "and" is deleted; and the following is added to the end: "and clear water wastes which have a pH of 6.0 to 9.0; are non-flammable; non-combustible;

SB0185S01 compared with SB0185

~~without objectionable odors; non-highly pigmented; and will not interfere with the operation of the sewer treatment facility."~~

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

~~——— [(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 355886 Brigham City Box Elder 424423 Castle Dale Emery 325669 Coalville Summit 575581~~

~~Duchesne Duchesne 395508 Farmington Davis 354318 Fillmore Millard 305138 Heber~~

~~City Wasatch 605604 Junction Piute 276030 Kanab Kane 254964 Loa Wayne 377060~~

~~Logan Cache 434531 Manila Daggett 266368 Manti Sanpete 375620 Moab Grand 214029~~

~~Monticello San Juan 677064 Morgan Morgan 525062 Nephi Juab 395131 Ogden Weber 374334~~

~~Panguitch Garfield 416630 Parowan Iron 326007 Price Carbon 315558 Provo Utah 314541~~

~~Randolph Rich 506286 Richfield Sevier 275338 St. George Washington 212585 Salt Lake City Salt~~

~~Lake 284239 Tooele Tooele 355029 Vernal Uintah 395384 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:~~

~~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." — [(17)] (18) IRC,~~

~~Section R301.6, is deleted and replaced with the following: "R301.6 Utah Snow Loads. The snow loads specified in Table R301.2(5b) shall be used for the jurisdictions identified in that table. Otherwise, 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."~~

SB0185S01 compared with SB0185

~~——— [(18)] (19) In IRC, Section R302.2, the following sentence is added at the end of the paragraph: "When an access/maintenance agreement or easement is in place, plumbing, mechanical ducting, schedule 40 steel gas pipe, and electric service conductors including feeders, are permitted to penetrate the common wall at grade, above grade, or below grade."~~

~~——— [(19)] (20) In IRC, Section R302.3, a new exception 3 is added as follows: "3. Accessory dwelling units separated by walls or floor assemblies protected by not less than 1/2-inch (12.7 mm) gypsum board or equivalent on each side of the wall or bottom of the floor assembly are exempt from the requirements of this section."~~

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

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

~~——— [(22)] (23) In IRC, Section R303.4, the following exception is added: "Exception: Dwelling units tested in accordance with Section N1102.4.1.2 (R402.4.1.2) which has an air tightness of 3.0 ACH (50) or greater do not require mechanical ventilation."~~

~~——— [(23)] (24) In IRC, Section R310.7, in the exception, the words "or accessory dwelling units" are added after the words "sleeping rooms".~~

~~——— [(24)] (25) IRC, Sections R311.7.45 through R311.7.5.3, are deleted and replaced with the following: "R311.7.45.1 Stair treads and risers. R311.7.5.1 Riser height. The maximum riser height shall be 8 inches (203 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).~~

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

~~——— R311.7.5.3 Nosing. The radius of curvature at the leading edge of the tread shall be no greater than 9/16 inch (14.3 mm). A nosing not less than 3/4 inch (19 mm) but not more than 1~~

SB0185S01 compared with SB0185

~~1/4 inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection shall not exceed the smallest nosing projection by more than 3/8 inch (9.5 mm) between two stories, including the nosing at the level of floors and landings. Beveling of nosing shall not exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted, provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere.~~

~~— Exceptions:~~

~~— 1. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).~~

~~— 2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less."~~

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

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

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

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

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

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

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

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

SB0185S01 compared with SB0185

and concrete."

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

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

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

— ~~[(35)] (36)~~ In IRC, Section R405.1, a second exception is added as follows: "Exception: When a geotechnical report has been provided for the property, a drainage system is not required unless the drainage system is required as a condition of the geotechnical report. The geotechnical report shall make a recommendation regarding a drainage system."

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

— Section 4. Section ~~58-56-9~~ is amended to read:

‡ **58-56-9. Qualifications of ~~{building}~~ inspectors -- Contract for inspection services.**

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

(a) (i) ~~{}~~ meet ~~{}~~ meets minimum qualifications as established by the division in collaboration with the commission;

(ii) ~~{}~~ be ~~{}~~ is certified by a nationally recognized organization which promulgates

SB0185S01 compared with SB0185

construction codes; or

(iii) ~~{}~~pass~~{}~~ has passed; an examination developed by the division in collaboration with the commission;~~{ and}~~

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

~~———— [(c)] (2) [be subject to]; and~~

(c) be subject to [revocation or suspension of the inspector's license or being placed on probation if found guilty of] disciplinary or other action if the licensee engages in unlawful or unprofessional conduct.~~{ If a building inspector is found guilty of unlawful or unprofessional conduct, the division may:~~

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

~~———— (b) place the building inspector on probation.~~

~~———— [(2)] (3)}~~

(2) A local regulator, state regulator, [or] compliance agency, or building permit holder as defined in Section 15A-1-202 may contract for the services of a licensed building ~~{}~~inspector ~~{}~~not regularly employed by the regulator or agency~~{ for enforcement of the State Construction Code}~~.

~~{}~~(3)~~{}~~ (4) In accordance with Section 58-1-401, the division may:

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

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

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

(d) issue a public or private reprimand;

(e) issue a citation to a licensee; and

(f) issue a cease and desist order.

~~{ ——— Section 5. Section 58-56-9.4 is amended to read:~~

~~———— 58-56-9.4. Investigation of regulated activity.~~

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

~~———— (2) An investigation by the division may include:~~

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

SB0185S01 compared with SB0185

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

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

~~— Section 6. Section 58-56-9.5 is amended to read:~~

~~— **58-56-9.5. Penalty for unlawful conduct -- Citations.**~~

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

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

~~— (a) the issuance of a citation for violation of a provision of Section 58-56-9.1 or 58-56-9.3; and~~

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

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

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

~~— (ii) attempt to negotiate a stipulated settlement; or~~

~~— (iii) notify the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.~~

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

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

SB0185S01 compared with SB0185

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

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

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

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

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

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

~~—— (iii) by mail.~~

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

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

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

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

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

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

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

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

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

SB0185S01 compared with SB0185

offense:

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

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

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

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

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

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

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

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

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

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

~~—— (ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.~~

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

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

~~—— Section 7. **Repealer.**~~

~~—— This bill repeals:~~

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

Appeals:

‡ Section ~~{8}~~4. **Effective date.**

SB0185S01 compared with SB0185

This bill takes effect on May 1, 2024.