{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.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Evan J. Vickers proposes the following substitute bill:

RESIDENTIAL BUILDING INSPECTION AMENDMENTS

2024 GENERAL SESSION STATE OF UTAH

Chief Sponsor:

Evan J. Vickers

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} <u>authorizes a person seeking a building permit to hire a third-party</u> 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

- 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;
- <u>amends</u> 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
 - <u>defines terms</u>.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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<del>{15A-1-203}</del> <u>15A-1-202</u>, as last amended by Laws of Utah 2021, <del>{Chapters 199, 344 15A-2-105, as last amended by Laws of Utah 2023, Chapters 209, 327 }</del>
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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

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

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;

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

(c)}[<u>or</u>]

(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.

[(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:

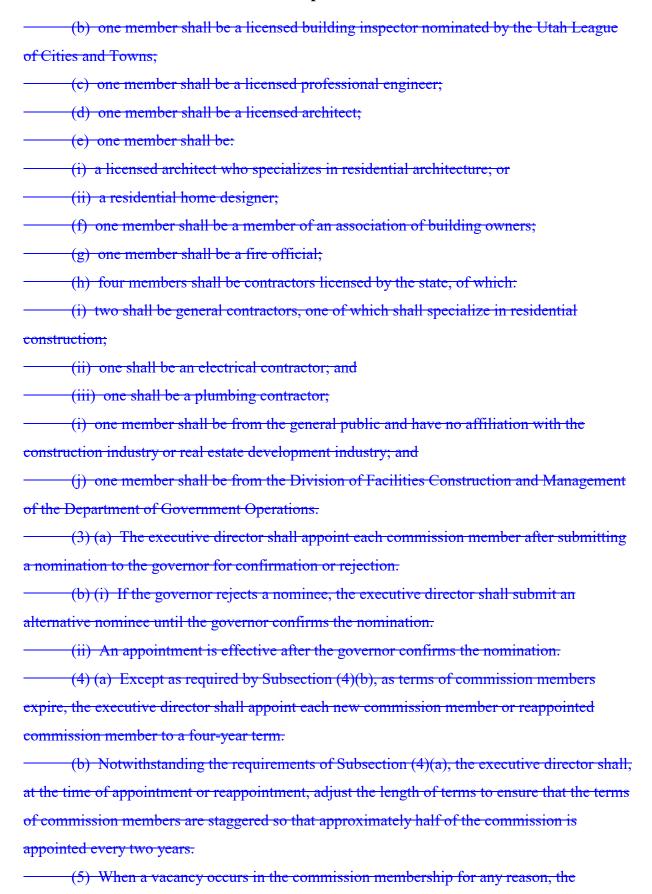
- (a) is no larger than 710 square feet;
- (b) is not used as a permanent residence;
- (c) is located in an unincorporated county area that is not zoned for residential, commercial, industrial, or agricultural use;
 - (d) does not have plumbing or electricity;
 - (e) is set back at least 300 feet from any river, stream, lake, or other body of water; and
 - (f) is registered with the local health department.

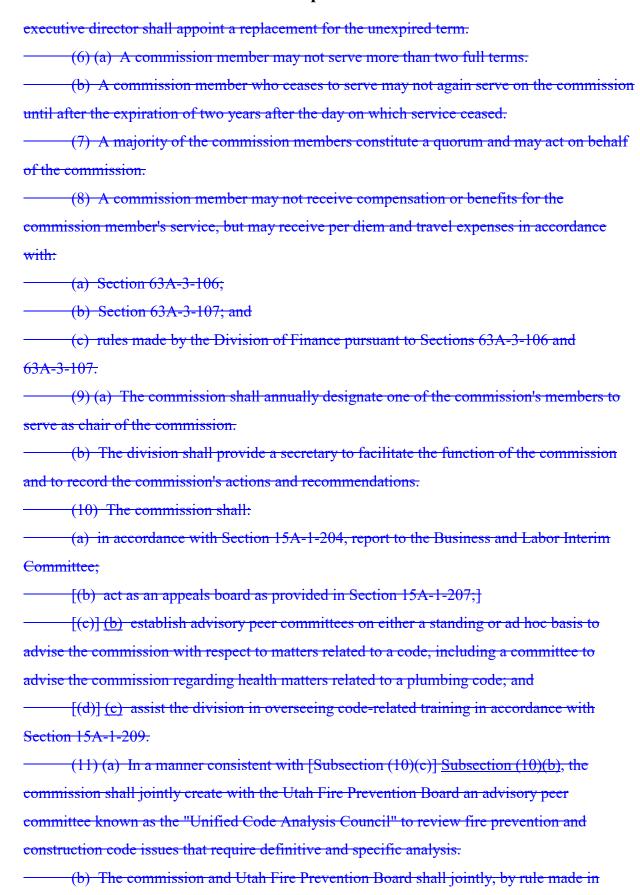
[(16)] (17) "State regulator" means an agency of the state which is empowered to engage in the regulation of construction, alteration, remodeling, building, repair, and other activities subject to the codes adopted pursuant to this chapter.

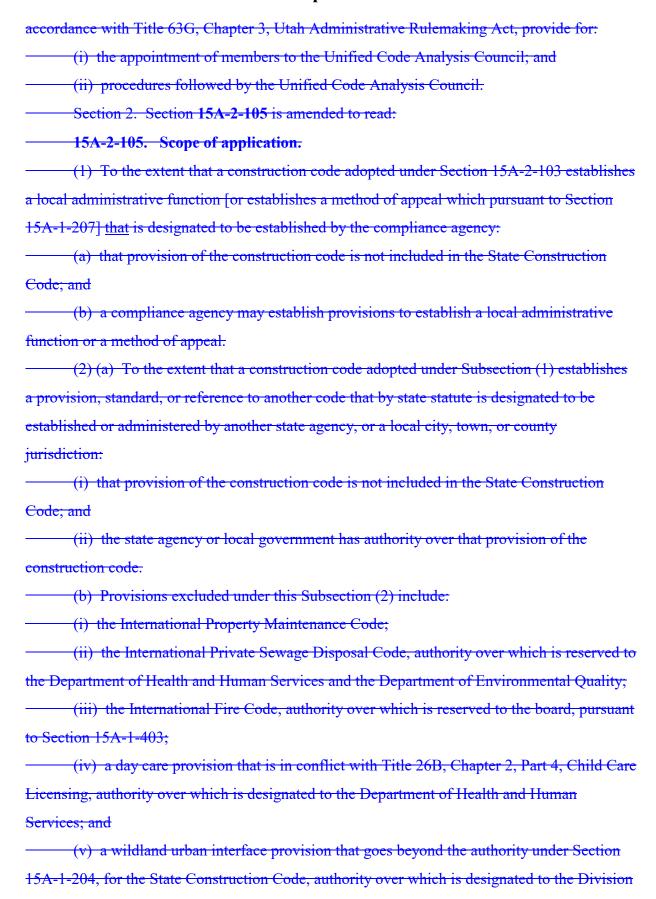
Section $\{1\}$ 3. Section $\{15A-1-203\}$ 58-56-9 is amended to read:

{ 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;

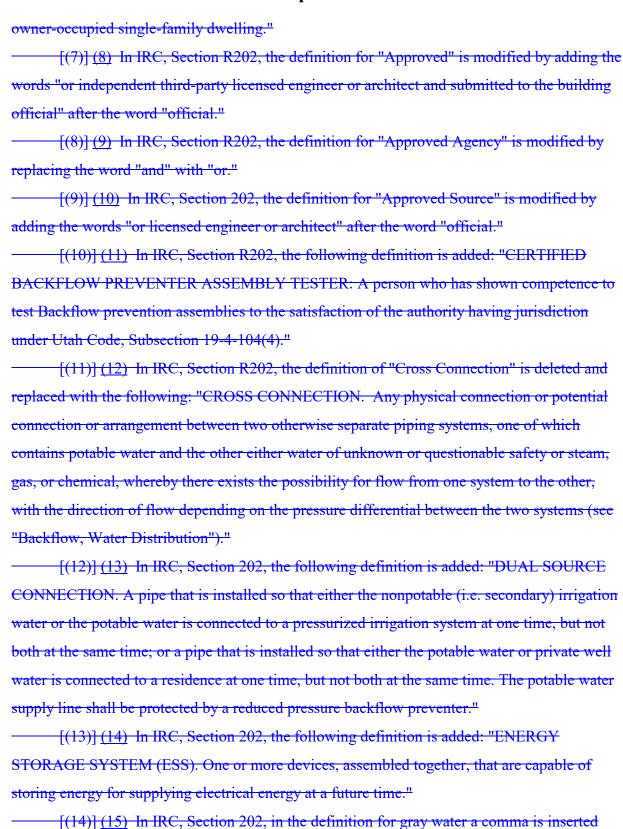






of Forestry, Fire, and State Lands or to a local compliance agency. (3) If a construction code adopted under Subsection 15A-2-103(1) establishes a provision that exceeds the scope described in Chapter 1, Part 2, State Construction Code Administration Act, to the extent the scope is exceeded, the provision 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



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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;

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

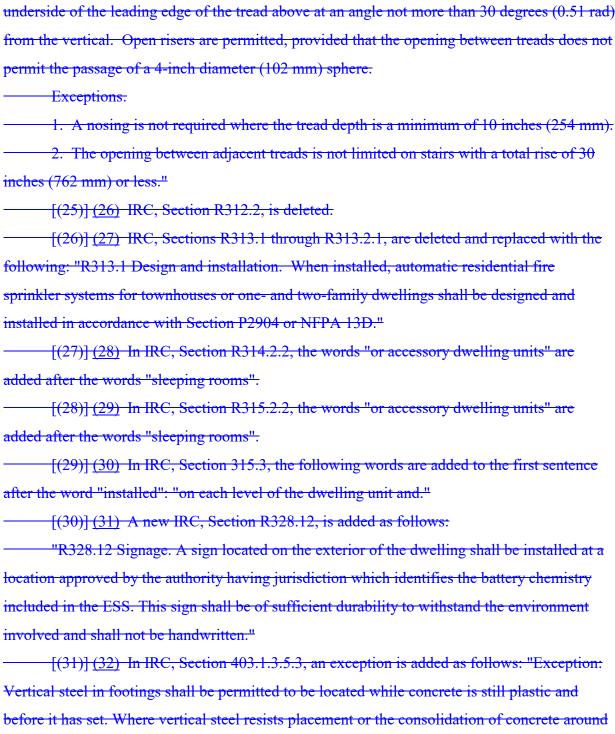
[(15)] (16) In IRC, Section R202, the definition of "Potable Water" is deleted and replaced with the following: "POTABLE WATER. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Utah Code, Title 19, Chapter 4, Safe Drinking 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/TownCountyGround Snow Load (lb/ft2)Elevation (ft) BeaverBeaver355886 Brigham CityBox Elder424423 Castle DaleEmery325669 CoalvilleSummit575581 Duchesne Duchesne 395508 Farmington Davis 354318 Fillmore Millard 305138 Heber CityWasatch605604 JunctionPiute276030 KanabKane254964 LoaWayne377060 LoganCache434531 ManilaDaggett266368 MantiSanpete375620 MoabGrand214029 MonticelloSan Juan677064 MorganMorgan525062 NephiJuab395131 OgdenWeber374334 PanguitchGarfield416630 ParowanIron326007 PriceCarbon315558 ProvoUtah314541 RandolphRich506286 RichfieldSevier275338 St. GeorgeWashington212585 Salt Lake CitySalt Lake284239 TooeleTooele355029 VernalUintah395384 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."

[(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

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



steel is impeded, the concrete shall be vibrated to ensure full contact between the vertical steel

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."

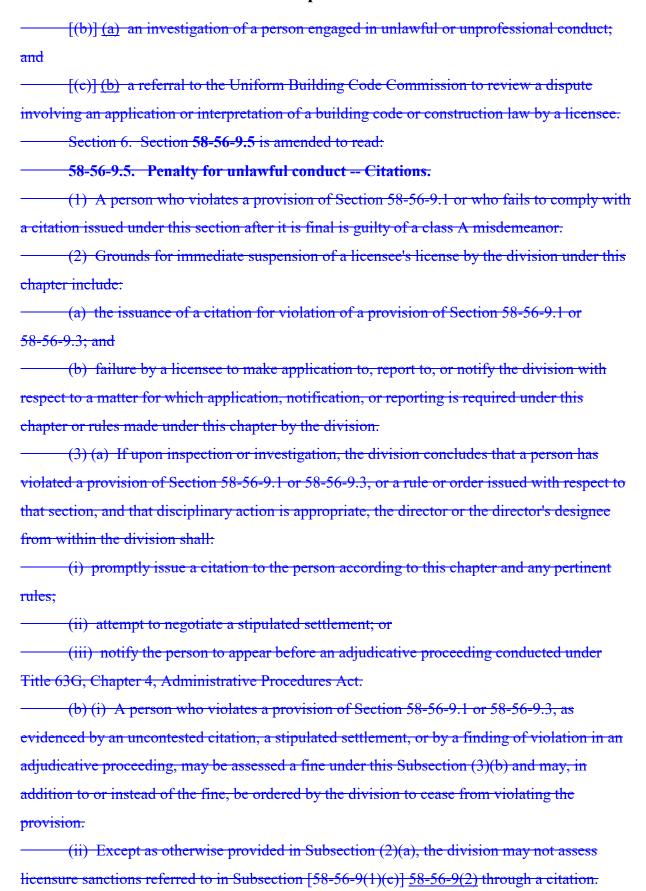
[(36)] (37) In IRC, Section R506.2.3, the words "10-mil (0.010 inch; 0.25 mm)" are deleted and replaced with "6-mil (0.006 inch; 0.152 mm)" and the words "conforming to ASTM E1745 Class A requirements" are deleted.

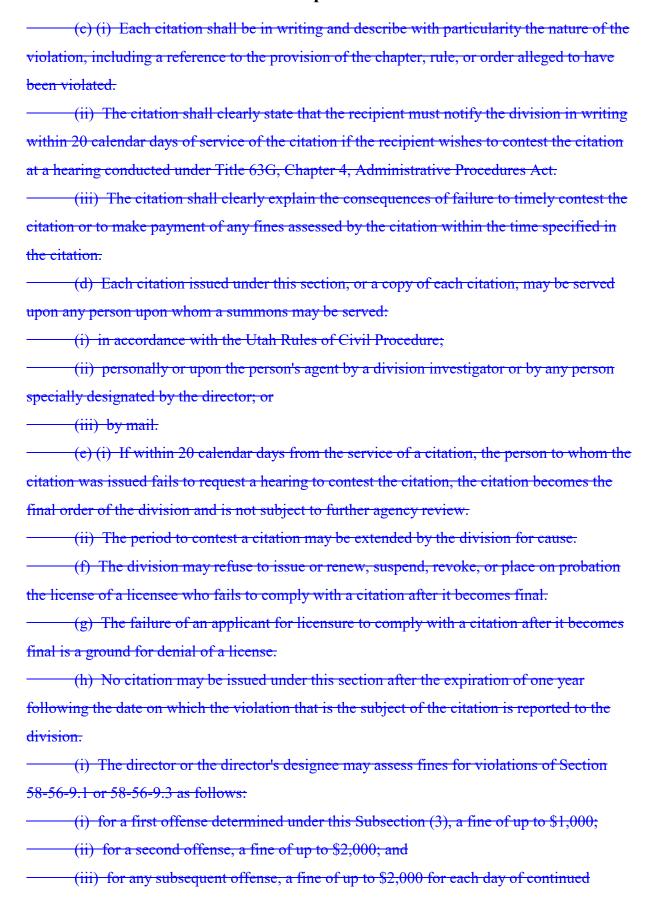
Section 4. Section 58-56-9 is amended to read:

- **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

construction codes; or

- (iii) {{} pass{{} has passed}} an examination developed by the division in collaboration with the commission; { and}
- (b) {[] be{] <u>is}</u> currently licensed by the division as meeting those minimum qualifications {[; and] <u>described in Subsection (1)(a)(i).</u>
 - [(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)] <u>(3)</u>}
- (2) A local regulator, state regulator, [or] compliance agency, or <u>building</u> permit holder <u>as defined in Section 15A-1-202</u> may contract for the services of a licensed <u>{building</u>} inspector {{} not regularly employed by the regulator or agency {} for enforcement of the State <u>Construction Code</u>}.
 - $\{\{\}\}$ 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;]





offense. (i) 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)(i)(ii)(C), the division issues a final order on the action initiated under Subsection (3)(i)(ii)(A). (k) In issuing a final order for a second or subsequent offense under Subsection (3)(i), 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 $\frac{8}{4}$. Effective date.

This bill takes effect on May 1, 2024.