

Senator Evan J. Vickers proposes the following substitute bill:

1 **RESIDENTIAL BUILDING INSPECTION AMENDMENTS**

2 2024 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Evan J. Vickers**

5 House Sponsor: Calvin R. Musselman

6

LONG TITLE

7 **General Description:**

8 This bill amends provisions relating to third-party inspection firms.

9 **Highlighted Provisions:**

10 This bill:

11 ▶ provides that, if a city does not provide a building inspection within three days, an
12 applicant may engage a third-party inspection firm;

13 ▶ authorizes a person seeking a building permit to hire a third-party inspection firm to
14 perform an inspection of the person's property;

15 ▶ requires that a local regulator that issues a building permit pay any cost associated
16 with the person seeking a building permit hiring a third-party inspection firm;

17 ▶ establishes a process and standards that govern a local regulator's payment of
18 third-party inspection firm costs;

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

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

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



- 26 ► amends provisions relating to disciplinary proceedings for a licensed inspector; and
27 ► defines terms.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 **AMENDS:**

- 34 **10-6-160**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3
35 **15A-1-202**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3
36 **17-36-55**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3
37 **58-56-9**, as last amended by Laws of Utah 2018, Chapter 229

38 **ENACTS:**

39 **15A-1-105**, Utah Code Annotated 1953

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

42 Section 1. Section **10-6-160** is amended to read:

43 **10-6-160. Fees collected for construction approval -- Approval of plans.**

44 (1) As used in this section:

- 45 (a) "Business day" means a day other than Saturday, Sunday, or a legal holiday.
46 (b) "Construction project" means the same as that term is defined in Section **38-1a-102**.
47 (c) "Lodging establishment" means a place providing temporary sleeping
48 accommodations to the public, including any of the following:
49 (i) a bed and breakfast establishment;
50 (ii) a boarding house;
51 (iii) a dormitory;
52 (iv) a hotel;
53 (v) an inn;
54 (vi) a lodging house;
55 (vii) a motel;
56 (viii) a resort; or

(ix) a rooming house.

58 (d) "Planning review" means a review to verify that a city has approved the following
59 elements of a construction project:

(i) zoning;

61 (ii) lot sizes;

(iii) setbacks;

(iv) easements;

(v) curb and gutter elevations;

(vi) grades and slopes;

(vii) utilities;

(viii) street names;

(ix) defensible space provisions and elevations, if required by the Utah Wildland Urban Interface Code.

69 Interface Code adopted under Section 15A-2-103; and

(x) subdivision.

(e) (i) "Plan review" means all of the reviews and approvals of a plan that a city requires to obtain a building permit from the city with a scope that may not exceed a review to verify:

(A) that the construction project complies with the provisions of the State Construction Code under Title 15A, State Construction and Fire Codes Act;

(B) that the construction project complies with the energy code adopted under Section 103:

(C) that the construction project received a planning review;

(D) that the applicant paid any required fees;

(E) that the applicant obtained final approvals from any other required reviewing agencies:

(F) that the construction project complies with federal, state, and local storm water pollution laws;

(G) that the construction project received a structural review;

(H) the total square footage for each building level of finished, garage, and unfinished space; and

(I) that the plans include a printed statement indicating that the actual construction will

88 comply with applicable local ordinances and the state construction codes.

89 (ii) "Plan review" does not mean a review of a document:

90 (A) required to be re-submitted for a construction project other than a construction

91 project for a one to two family dwelling or townhome if additional modifications or substantive

92 changes are identified by the plan review;

93 (B) submitted as part of a deferred submittal when requested by the applicant and

94 approved by the building official; or

95 (C) that, due to the document's technical nature or on the request of the applicant, is

96 reviewed by a third party.

97 (f) "State Construction Code" means the same as that term is defined in Section

98 [15A-1-102](#).

99 (g) "State Fire Code" means the same as that term is defined in Section [15A-1-102](#).

100 (h) "Structural review" means:

101 (i) a review that verifies that a construction project complies with the following:

102 (A) footing size and bar placement;

103 (B) foundation thickness and bar placement;

104 (C) beam and header sizes;

105 (D) nailing patterns;

106 (E) bearing points;

107 (F) structural member size and span; and

108 (G) sheathing; or

109 (ii) if the review exceeds the scope of the review described in Subsection (1)(h)(i), a

110 review that a licensed engineer conducts.

111 (i) "Technical nature" means a characteristic that places an item outside the training

112 and expertise of an individual who regularly performs plan reviews.

113 (2) (a) If a city collects a fee for the inspection of a construction project, the city shall

114 ensure that the construction project receives a prompt inspection.

115 (b) If a city cannot provide a building inspection within three business days after the

116 day on which the city receives the request for the inspection, ~~[the city shall promptly engage an~~

117 ~~independent inspector with fees collected from the applicant]~~ the applicant may hire a

118 third-party inspection firm, as described in Section [15A-1-105](#).

- 119 (c) If an inspector identifies one or more violations of the State Construction Code or
120 State Fire Code during an inspection, the inspector shall give the permit holder written
121 notification that:
122 (i) identifies each violation;
123 (ii) upon request by the permit holder, includes a reference to each applicable provision
124 of the State Construction Code or State Fire Code; and
125 (iii) is delivered:
126 (A) in hardcopy or by electronic means; and
127 (B) the day on which the inspection occurs.
128 (3) (a) A city shall complete a plan review of a construction project for a one to two
129 family dwelling or townhome by no later than 14 business days after the day on which the
130 applicant submits a complete building permit application to the city.
131 (b) A city shall complete a plan review of a construction project for a residential
132 structure built under the International Building Code, not including a lodging establishment, by
133 no later than 21 business days after the day on which the applicant submits a complete building
134 permit application to the city.
135 (c) (i) Subject to Subsection (3)(c)(ii), if a city does not complete a plan review before
136 the time period described in Subsection (3)(a) or (b) expires, an applicant may request that the
137 city complete the plan review.
138 (ii) If an applicant makes a request under Subsection (3)(c)(i), the city shall perform the
139 plan review no later than:
140 (A) for a plan review described in Subsection (3)(a), 14 days from the day on which the
141 applicant makes the request; or
142 (B) for a plan review described in Subsection (3)(b), 21 days from the day on which the
143 applicant makes the request.
144 (d) An applicant may:
145 (i) waive the plan review time requirements described in this Subsection (3); or
146 (ii) with the city's consent, establish an alternative plan review time requirement.
147 (4) A city may not enforce a requirement to have a plan review if:
148 (a) the city does not complete the plan review within the time period described in
149 Subsection (3)(a) or (b); and

150 (b) a licensed architect or structural engineer, or both when required by law, stamps the
151 plan.

152 (5) (a) A city may attach to a reviewed plan a list that includes:
153 (i) items with which the city is concerned and may enforce during construction; and
154 (ii) building code violations found in the plan.

155 (b) A city may not require an applicant to redraft a plan if the city requests minor
156 changes to the plan that the list described in Subsection (5)(a) identifies.

157 (c) A city may only require a single resubmittal of plans for a one or two family
158 dwelling or townhome if the resubmission is required to address deficiencies identified by a
159 third-party review of a geotechnical report or geological report.

160 (6) If a city charges a fee for a building permit, the city may not refuse payment of the
161 fee at the time the applicant submits a building permit application under Subsection (3).

162 (7) A city may not limit the number of building permit applications submitted under
163 Subsection (3).

164 (8) For purposes of Subsection (3), a building permit application is complete if the
165 application contains:

166 (a) the name, address, and contact information of:
167 (i) the applicant; and
168 (ii) the construction manager/general contractor, as defined in Section 63G-6a-103, for
169 the construction project;

170 (b) a site plan for the construction project that:
171 (i) is drawn to scale;
172 (ii) includes a north arrow and legend; and
173 (iii) provides specifications for the following:
174 (A) lot size and dimensions;
175 (B) setbacks and overhangs for setbacks;
176 (C) easements;
177 (D) property lines;
178 (E) topographical details, if the slope of the lot is greater than 10%;
179 (F) retaining walls;
180 (G) hard surface areas;

181 (H) curb and gutter elevations as indicated in the subdivision documents;
182 (I) utilities, including water meter and sewer lateral location;
183 (J) street names;
184 (K) driveway locations;
185 (L) defensible space provisions and elevations, if required by the Utah Wildland Urban
186 Interface Code adopted under Section 15A-2-103; and
187 (M) the location of the nearest hydrant;
188 (c) construction plans and drawings, including:
189 (i) elevations, only if the construction project is new construction;
190 (ii) floor plans for each level, including the location and size of doors and windows;
191 (iii) foundation, structural, and framing detail; and
192 (iv) electrical, mechanical, and plumbing design;
193 (d) documentation of energy code compliance;
194 (e) structural calculations, except for trusses;
195 (f) a geotechnical report, including a slope stability evaluation and retaining wall
196 design, if:
197 (i) the slope of the lot is greater than 15%; and
198 (ii) required by the city; and
199 (g) a statement indicating that actual construction will comply with applicable local
200 ordinances and building codes.

201 Section 2. Section 15A-1-105 is enacted to read:

202 **15A-1-105. Third-party inspection firms.**

203 (1) As used in this section:

204 (a) "Code" means:

205 (i) the State Construction Code; or

206 (ii) an approved code.

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

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

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

214 (2) Subject to the provisions of this section and Subsection [10-6-160](#)(2):

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

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

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

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

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

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

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

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

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

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

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

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

241 Section 3. Section **15A-1-202** is amended to read:

242 **15A-1-202. Definitions.**

243 As used in this chapter:

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

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

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

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

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

254 [(4)] (5) "Code" means:

255 (a) the State Construction Code; or

256 (b) an approved code.

257 [(5)] (6) "Commission" means the Uniform Building Code Commission created in
258 Section [15A-1-203](#).

259 [(6)] (7) "Compliance agency" means:

260 (a) an agency of the state or any of its political subdivisions which issues permits for
261 construction regulated under the codes;

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

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

266 [(c)] (d) any other state agency which chooses to enforce codes adopted under this
267 chapter by authority given the agency under a title other than this part and Part 3, Factory Built
268 Housing and Modular Units Administration Act.

269 [(7)] (8) "Construction code" means standards and specifications published by a
270 nationally recognized code authority for use in circumstances described in Subsection
271 [15A-1-204](#)(1), including:

272 (a) a building code;

273 (b) an electrical code;

- 274 (c) a residential one and two family dwelling code;
275 (d) a plumbing code;
276 (e) a mechanical code;
277 (f) a fuel gas code;
278 (g) an energy conservation code;
279 (h) a swimming pool and spa code; and
280 (i) a manufactured housing installation standard code.

281 [(8)] (9) "Construction project" means the same as that term is defined in Section
282 38-1a-102.

283 [(9)] (10) "Executive director" means the executive director of the Department of
284 Commerce.

285 [(10)] (11) "Legislative action" includes legislation that:
286 (a) adopts a new State Construction Code;
287 (b) amends the State Construction Code; or
288 (c) repeals one or more provisions of the State Construction Code.

289 [(11)] (12) "Local regulator" means a political subdivision of the state that is
290 empowered to engage in the regulation of construction, alteration, remodeling, building, repair,
291 and other activities subject to the codes.

292 [(12)] (13) "Membrane-covered frame structure" means a nonpressurized building with
293 a structure composed of a rigid framework to support a tensioned membrane that provides a
294 weather barrier.

295 [(13)] (14) "Not for human occupancy" means use of a structure for purposes other
296 than protection or comfort of human beings, but allows people to enter the structure for:

297 (a) maintenance and repair; and
298 (b) the care of livestock, crops, or equipment intended for agricultural use which are
299 kept there.

300 [(14)] (15) "Opinion" means a written, nonbinding, and advisory statement issued by
301 the commission concerning an interpretation of the meaning of the codes or the application of
302 the codes in a specific circumstance issued in response to a specific request by a party to the
303 issue.

304 [(15)] (16) "Remote yurt" means a membrane-covered frame structure that:

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

312 [~~(16)~~] (17) "State regulator" means an agency of the state which is empowered to
313 engage in the regulation of construction, alteration, remodeling, building, repair, and other
314 activities subject to the codes adopted pursuant to this chapter.

315 Section 4. Section **17-36-55** is amended to read:

316 **17-36-55. Fees collected for construction approval -- Approval of plans.**

- 317 (1) As used in this section:
318 (a) "Business day" means a day other than Saturday, Sunday, or a legal holiday.
319 (b) "Construction project" means the same as that term is defined in Section [38-1a-102](#).
320 (c) "Lodging establishment" means a place providing temporary sleeping
321 accommodations to the public, including any of the following:
322 (i) a bed and breakfast establishment;
323 (ii) a boarding house;
324 (iii) a dormitory;
325 (iv) a hotel;
326 (v) an inn;
327 (vi) a lodging house;
328 (vii) a motel;
329 (viii) a resort; or
330 (ix) a rooming house.
331 (d) "Planning review" means a review to verify that a county has approved the
332 following elements of a construction project:
333 (i) zoning;
334 (ii) lot sizes;
335 (iii) setbacks;

- (iv) easements;
- (v) curb and gutter elevations;
- (vi) grades and slopes;
- (vii) utilities;
- (viii) street names;
- (ix) defensible space provisions and elevations, if required by the Utah Wildland Urban Interface Code adopted under Section [15A-2-103](#); and
- (x) subdivision.

344 (e) (i) "Plan review" means all of the reviews and approvals of a plan that a county
345 requires to obtain a building permit from the county with a scope that may not exceed a review
346 to verify:

347 (A) that the construction project complies with the provisions of the State Construction
348 Code under Title 15A, State Construction and Fire Codes Act;

349 (B) that the construction project complies with the energy code adopted under Section
350 [15A-2-103](#);

351 (C) that the construction project received a planning review;

352 (D) that the applicant paid any required fees;

(E) that the applicant obtained final approvals from any other required reviewing agencies;

(F) that the construction project complies with federal, state, and local storm water protection laws;

357 (G) that the construction project received a structural review;

(H) the total square footage for each building level of finished, garage, and unfinished space; and

(I) that the plans include a printed statement indicating that the actual construction will comply with applicable local ordinances and the state construction codes.

362 (ii) "Plan review" does not mean a review of a document:

363 (A) required to be re-submitted for a construction project other than a construction
364 project for a one to two family dwelling or townhome if additional modifications or substantive
365 changes are identified by the plan review;

(B) submitted as part of a deferred submittal when requested by the applicant and

367 approved by the building official; or

368 (C) that, due to the document's technical nature or on the request of the applicant, is
369 reviewed by a third party.

370 (f) "State Construction Code" means the same as that term is defined in Section
371 [15A-1-102](#).

372 (g) "State Fire Code" means the same as that term is defined in Section [15A-1-102](#).

373 (h) "Structural review" means:

374 (i) a review that verifies that a construction project complies with the following:

375 (A) footing size and bar placement;

376 (B) foundation thickness and bar placement;

377 (C) beam and header sizes;

378 (D) nailing patterns;

379 (E) bearing points;

380 (F) structural member size and span; and

381 (G) sheathing; or

382 (ii) if the review exceeds the scope of the review described in Subsection (1)(h)(i), a
383 review that a licensed engineer conducts.

384 (i) "Technical nature" means a characteristic that places an item outside the training
385 and expertise of an individual who regularly performs plan reviews.

386 (2) (a) If a county collects a fee for the inspection of a construction project, the county
387 shall ensure that the construction project receives a prompt inspection.

388 (b) If a county cannot provide a building inspection within three business days after the
389 day on which the county receives the request for the inspection, ~~[the county shall promptly~~
~~engage an independent inspector with fees collected from the applicant]~~ the applicant may hire
a third-party inspection firm, as described in Section [15A-1-105](#).

392 (c) If an inspector identifies one or more violations of the State Construction Code or
393 State Fire Code during an inspection, the inspector shall give the permit holder written
394 notification that:

395 (i) identifies each violation;

396 (ii) upon request by the permit holder, includes a reference to each applicable provision
397 of the State Construction Code or State Fire Code; and

- 398 (iii) is delivered:
399 (A) in hardcopy or by electronic means; and
400 (B) the day on which the inspection occurs.
- 401 (3) (a) A county shall complete a plan review of a construction project for a one to two
402 family dwelling or townhome by no later than 14 business days after the day on which the
403 applicant submits a complete building permit application to the county.
- 404 (b) A county shall complete a plan review of a construction project for a residential
405 structure built under the International Building Code, not including a lodging establishment, by
406 no later than 21 business days after the day on which the applicant submits a complete building
407 permit application to the county.
- 408 (c) (i) Subject to Subsection (3)(c)(ii), if a county does not complete a plan review
409 before the time period described in Subsection (3)(a) or (b) expires, an applicant may request
410 that the county complete the plan review.
- 411 (ii) If an applicant makes a request under Subsection (3)(c)(i), the county shall perform
412 the plan review no later than:
413 (A) for a plan review described in Subsection (3)(a), 14 days from the day on which the
414 applicant makes the request; or
415 (B) for a plan review described in Subsection (3)(b), 21 days from the day on which the
416 applicant makes the request.
- 417 (d) An applicant may:
418 (i) waive the plan review time requirements described in this Subsection (3); or
419 (ii) with the county's consent, establish an alternative plan review time requirement.
- 420 (4) A county may not enforce a requirement to have a plan review if:
421 (a) the county does not complete the plan review within the time period described in
422 Subsection (3)(a) or (b); and
423 (b) a licensed architect or structural engineer, or both when required by law, stamps the
424 plan.
- 425 (5) (a) A county may attach to a reviewed plan a list that includes:
426 (i) items with which the county is concerned and may enforce during construction; and
427 (ii) building code violations found in the plan.
428 (b) A county may not require an applicant to redraft a plan if the county requests minor

429 changes to the plan that the list described in Subsection (5)(a) identifies.

430 (c) A county may require a single resubmittal of plans for a one or two family dwelling
431 or townhome if the resubmission is required to address deficiencies identified by a third-party
432 review of a geotechnical report or geological report.

433 (6) If a county charges a fee for a building permit, the county may not refuse payment
434 of the fee at the time the applicant submits a building permit application under Subsection (3).

435 (7) A county may not limit the number of building permit applications submitted under
436 Subsection (3).

437 (8) For purposes of Subsection (3), a building permit application is complete if the
438 application contains:

439 (a) the name, address, and contact information of:

440 (i) the applicant; and

441 (ii) the construction manager/general contractor, as defined in Section [63G-6a-103](#), for
442 the construction project;

443 (b) a site plan for the construction project that:

444 (i) is drawn to scale;

445 (ii) includes a north arrow and legend; and

446 (iii) provides specifications for the following:

447 (A) lot size and dimensions;

448 (B) setbacks and overhangs for setbacks;

449 (C) easements;

450 (D) property lines;

451 (E) topographical details, if the slope of the lot is greater than 10%;

452 (F) retaining walls;

453 (G) hard surface areas;

454 (H) curb and gutter elevations as indicated in the subdivision documents;

455 (I) utilities, including water meter and sewer lateral location;

456 (J) street names;

457 (K) driveway locations;

458 (L) defensible space provisions and elevations, if required by the Utah Wildland Urban

459 Interface Code adopted under Section [15A-2-103](#); and

460 (M) the location of the nearest hydrant;
461 (c) construction plans and drawings, including:
462 (i) elevations, only if the construction project is new construction;
463 (ii) floor plans for each level, including the location and size of doors and windows;
464 (iii) foundation, structural, and framing detail; and
465 (iv) electrical, mechanical, and plumbing design;
466 (d) documentation of energy code compliance;
467 (e) structural calculations, except for trusses;
468 (f) a geotechnical report, including a slope stability evaluation and retaining wall
469 design, if:
470 (i) the slope of the lot is greater than 15%; and
471 (ii) required by the county; and
472 (g) a statement indicating that actual construction will comply with applicable local
473 ordinances and building codes.

474 Section 5. Section **58-56-9** is amended to read:

475 **58-56-9. Qualifications of inspectors -- Contract for inspection services.**

476 (1) An inspector employed by a local regulator, state regulator, or compliance agency
477 to enforce the codes shall:

478 (a) (i) meet minimum qualifications as established by the division in collaboration with
479 the commission;

480 (ii) be certified by a nationally recognized organization which promulgates
481 construction codes; or

482 (iii) pass an examination developed by the division in collaboration with the
483 commission;

484 (b) be currently licensed by the division as meeting those minimum qualifications; and

485 (c) be subject to [revocation or suspension of the inspector's license or being placed on
486 probation if found guilty of] disciplinary or other action if the licensee engages in unlawful or
487 unprofessional conduct.

488 (2) A local regulator, state regulator, [or] compliance agency, or building permit holder
489 as defined in Section [15A-1-202](#) may contract for the services of a licensed inspector not
490 regularly employed by the regulator or agency.

- 491 (3) In accordance with Section 58-1-401, the division may:
492 (a) refuse to issue a license to an applicant;
493 (b) refuse to renew the license of a licensee;
494 (c) revoke, suspend, restrict, or place on probation the license of a licensee;
495 (d) issue a public or private reprimand;
496 (e) issue a citation to a licensee; and
497 (f) issue a cease and desist order.

498 **Section 6. Effective date.**

499 This bill takes effect on May 1, 2024.