

BUILDING CERTIFICATION STANDARDS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stewart Barlow

Senate Sponsor: _____

LONG TITLE

General Description:

This bill establishes a program to certify buildings that meet certain construction standards.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Earthquake Safe Building Certification Program to certify buildings that meet certain construction standards;
- ▶ provides that the Uniform Building Code Commission shall administer the Earthquake Safe Building Certification Program; and
- ▶ establishes criteria and procedures for applying for and awarding certification.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

15A-1-203, as enacted by Laws of Utah 2011, Chapter 14

ENACTS:

15A-1-211, Utah Code Annotated 1953



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

Section 1. Section **15A-1-203** 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 11 members as follows:

(a) one member shall be from among candidates nominated by the Utah League of Cities and Towns and the Utah Association of Counties;

(b) one member shall be a licensed building inspector employed by a political subdivision of the state;

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

(d) one member shall be a licensed architect;

(e) one member shall be a fire official;

(f) three members shall be contractors licensed by the state, of which one shall be a general contractor, one an electrical contractor, and one a plumbing contractor;

(g) two members shall be from the general public and have no affiliation with the construction industry or real estate development industry; and

(h) one member shall be from the Division of Facilities Construction Management of the Department of Administrative Services.

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

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

59 of commission members are staggered so that approximately half of the commission is
60 appointed every two years.

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

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

64 (b) A commission member who ceases to serve may not again serve on the commission
65 until after the expiration of two years from the date of cessation of service.

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

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

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

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

73 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
74 63A-3-107.

75 (9) (a) The commission shall annually designate one of its members to serve as chair of
76 the commission.

77 (b) The division shall provide a secretary to facilitate the function of the commission
78 and to record the commission's actions and recommendations.

79 (10) The commission shall:

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

82 (b) offer an opinion regarding the interpretation of or the application of a code if a
83 person submits a request for an opinion;

84 (c) act as an appeals board as provided in Section 15A-1-207;

85 (d) establish advisory peer committees on either a standing or ad hoc basis to advise
86 the commission with respect to matters related to a code, including a committee to advise the
87 commission regarding health matters related to a plumbing code; [~~and~~]

88 (e) assist the division in overseeing code-related training in accordance with Section
89 15A-1-209[~~;~~]; and

90 (f) administer the Earthquake Safe Building Certification Program created in
91 Subsection 15A-1-211(2)(a).

92 (11) A person requesting an opinion under Subsection (10)(b) shall submit a formal
93 request clearly stating:

- 94 (a) the facts in question;
- 95 (b) the specific citation at issue in a code; and
- 96 (c) the position taken by the persons involved in the facts in question.

97 (12) (a) In a manner consistent with Subsection (10)(d), the commission shall jointly
98 create with the Utah Fire Prevention Board an advisory peer committee known as the "Unified
99 Code Analysis Council" to review fire prevention and construction code issues that require
100 definitive and specific analysis.

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

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

105 Section 2. Section **15A-1-211** is enacted to read:

106 **15A-1-211. Earthquake Safe Building Certification Program.**

107 (1) As used in this section:

108 (a) "Earthquake safe building standards" means the minimum construction standards
109 for a particular type of building necessary to effectively mitigate the effects of seismic activity
110 established by the commission under this section.

111 (b) "Earthquake safe building certification" means a certification issued under this
112 section that certifies that the building for which the certification is issued meets the earthquake
113 safe building standards.

114 (c) "Local building inspector" means a county building inspector or a municipal
115 building inspector.

116 (d) "Program" means the Earthquake Safe Building Certification Program created in
117 Subsection (2)(a).

118 (2) (a) The Earthquake Safe Building Certification Program is created to certify
119 buildings that meet the earthquake safe building standards established by the commission under
120 this section.

121 (b) The commission shall administer the program in accordance with the provisions of
122 this section.

123 (3) In administering the program, the commission shall:

124 (a) grant an earthquake safe building certification to a building owner if the building
125 owner submits an application for an earthquake safe building certification to the commission
126 that:

127 (i) states the building owner's name, address, and telephone number;

128 (ii) states the address of the building for which the building owner is applying for the
129 earthquake safe building certification;

130 (iii) certifies that the building owner has an ownership interest in the building for
131 which the owner is applying for the earthquake safe building certification; and

132 (iv) includes a statement, certified by a local building inspector, that:

133 (A) the local building inspector physically inspected the building;

134 (B) based on the local building inspector's physical inspection, the building meets the
135 earthquake safe building standards established by the commission under this section; and

136 (C) is dated not more than 30 days before the day on which the building owner submits
137 the application;

138 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
139 make rules:

140 (i) establishing the earthquake safe building standards; and

141 (ii) governing the form and procedure for submitting an application for an earthquake
142 safe certification;

143 (c) create an earthquake safe building certification certificate for a building owner to
144 maintain or display at the building owner's building; and

145 (d) maintain a public list of each building that receives an earthquake safe building
146 certification that includes the date on which the building received the certification.

147 (4) Upon request from a building owner, a local building inspector shall:

148 (a) perform a physical inspection of the building owner's building for compliance with
149 the earthquake safe building standards; and

150 (b) if the local building inspector determines that the building meets the earthquake
151 safe building standards, complete and sign the building owner's application for an earthquake

152 safe building certification.

Legislative Review Note
as of 2-5-15 9:56 AM

Office of Legislative Research and General Counsel