

R156. Commerce, Occupational and Professional Licensing.

R156-15A. State Construction Code Administration and Adoption of Approved State Construction Code Rule.

R156-15A-101. Title.

This rule is known as the "State Construction Code Administration and Adoption of Approved State Construction Code Rule".

R156-15A-102. Definitions.

In addition to the definitions in Title 15A, as used in Title 15A or this rule:

- (1) "Building permit" means, for the purpose of determining the building permit surcharge under Subsection 15A-1-209(5)(a), a warrant, license or authorization to build or construct a building or structure or any part thereof.
- (2) "Building permit fee" means, for the purpose of determining the building permit surcharge under Subsection 15A-1-209(5)(a), fees assessed by a state agency or state political subdivision for the issuance of permits for construction, alteration, remodeling, repair, and installation, including building, electrical, mechanical and plumbing components.
- (3) "Permit number", as used in Section 15A-1-209, means the standardized building permit number described below in Sections R156-15A-220 and R156-15A-221.
- (4) "Refuses to establish a method of appeal" means, with respect to Subsection 15A-1-207(3)(b), that a compliance agency does not in fact adopt a formal written method of appealing uniform building standard matters in accordance with generally recognized standards of due process; or, that the compliance agency does not convene an appeals board and render a decision in the matter within ninety days from the date on which the appeal is properly filed with the compliance agency.

R156-15A-103. Authority.

This rule is adopted by the Division under the authority of Subsection 15A-1-204(6), Section 15A-1-205 and Subsection 58-1-106(1)(a) to enable the Division to administer Title 15A.

R156-15A-201. Advisory Peer Committees Created - Membership - Duties.

- (1) There is created in accordance with Subsections 58-1-203(1)(f) and 15A-1-203(10)(d), the following advisory peer committees to the Uniform Building Codes Commission:
 - (a) the Education Advisory Committee consisting of ten members, which shall include a factory built housing dealer, a design professional, a general contractor, an electrical contractor, a mechanical or plumbing contractor, an educator, and four inspectors (one from each of the specialties of plumbing, electrical, mechanical and general building);
 - (b) the Plumbing and Health Advisory Committee consisting of nine members;
 - (c) the Structural Advisory Committee consisting of seven members;
 - (d) the Architectural Advisory Committee consisting of seven members;
 - (e) the Fire Protection Advisory Committee consisting of five members;
 - (i) This committee shall join together with the Fire Advisory and Code Analysis Committee of the Utah Fire Prevention Board to form the Unified Code Analysis Council.
 - (ii) The Unified Code Analysis Council shall meet as directed by the Utah Fire Prevention Board, or as directed by the Uniform Building Code Commission, or as needed to review fire prevention and building code issues that require definitive and specific analysis.
 - (iii) The Unified Code Analysis Council shall select one of its members to act as chair and another to act as vice chair. The chair and vice chair shall serve for one-year terms on a calendar year basis. Elections for chair and vice chair shall occur at the meeting conducted in the last quarter of the calendar year.
 - (iv) The chair or vice chair shall report to the Utah Fire Prevention Board or Uniform Building Code Commission recommendations of the council with regard to the review of fire and building codes;
 - (f) the Mechanical Advisory Committee consisting of seven members; and
 - (g) the Electrical Advisory Committee consisting of seven members.
- (2) The committees shall be appointed and serve in accordance with Subsection 15A-1-203(10)(d). The membership of each committee shall be made up of individuals who have direct knowledge or involvement in the area of code involved in the title of that committee.
- (3) The duties and responsibilities of the committees shall include:
 - (a) reviewing codes proposed for adoption or approval as assigned by the Division in collaboration with the Commission;
 - (b) reviewing requests for amendments to the adopted codes or approved codes as assigned to each committee by the Division with the collaboration of the Commission; and

- (c) submitting recommendations concerning the reviews made under Subsection (a) and (b).
- (4) The duties and responsibilities of the Education Advisory Committee shall include:
 - (a) reviewing and making recommendations regarding funding requests that are submitted; and
 - (b) reviewing and making recommendations regarding budget, revenue and expenses of the education fund established pursuant to Subsection 15A-1-209(5).

R156-15A-202. Code Amendment Process.

In accordance with Section 15A-1-206, the procedure and manner under which requests for amendments to codes shall be filed with the Division and recommended or declined for adoption are as follows:

- (1) All requests for amendments to any of the adopted codes or approved codes shall be submitted to the Division on forms specifically prepared by the Division for that purpose.
- (2) The processing of requests for code amendments shall be in accordance with Division policies and procedures.

R156-15A-210. Compliance with Codes - Appeals.

If the Commission is required to act as an appeals board in accordance with the provisions of Subsection 15A-1-207(3)(b), the following shall regulate the convening and conduct of the appeals board:

- (1) If a compliance agency refuses to establish a method of appeal regarding a uniform building standard issue, the appellant may petition the Commission to act as the appeals board.
- (2) The appellant shall file the request to convene the Commission as an appeals board in accordance with the requirements for a request for agency action, as set forth in Subsection 63G-4-201(3)(a) and Section R151-4-201. A request by other means shall not be considered and shall be returned to the appellant with appropriate instructions.
- (3) A copy of the final written decision of the compliance agency interpreting or applying a code which is the subject of the dispute shall be submitted as an attachment to the request. If the appellant requests, but does not receive a timely final written decision, the appellant shall submit an affidavit to this effect in lieu of including a copy of the final written decision with the request.
- (4) The request shall be filed with the Division no later than 30 days following the issuance of the compliance agency's disputed written decision.
- (5) The compliance agency shall file a written response to the request not later than 20 days after the filing of the request. The request and response shall be provided to the Commission in advance of any hearing in order to properly frame the disputed issues.
- (6) Except with regard to the time period specified in Subsection (7), the time periods specified in this section may, upon a showing of good cause, be modified by the presiding officer conducting the proceeding.
- (7) The Commission shall convene as an appeals board within 45 days after a request is properly filed.
- (8) Upon the convening of the Commission as an appeals board, the board members shall review the issue to be considered to determine if a member of the board has a conflict of interest which would preclude the member from fairly hearing and deciding the appeal. If it is determined that a conflict does exist, the member shall be excused from participating in the proceeding.
- (9) The hearing shall be a formal hearing held in accordance with the Utah Administrative Procedures Act, Title 63G, Chapter 4.
- (10) Decisions relating to the application and interpretation of the code made by a compliance agency board of appeals shall be binding for the specific individual case and shall not require Commission approval.

R156-15A-220. Standardized Building Permit Number.

As provided in Section 15A-1-209, any agency issuing a permit for construction within the state of Utah shall use the standardized building permit numbering system in a form adopted by rule. There are no additional requirements to those specified in Subsection 15A-1-209.

R156-15A-230. Building Code Training Fund Fees.

In accordance with Subsection 15A-1-209(5)(a), on April 30, July 31, October 31 and January 31 of each year, each state agency and each state political subdivision that assesses a building permit fee shall file with the Division a report of building fees and surcharge for the immediately preceding calendar quarter; and, shall remit 80% of the amount of the surcharge collected to the Division.

R156-15A-231. Administration of Building Code Training Fund and Factory Built Housing Fees Account.

In accordance with Subsection 15A-1-209(5)(c), the Division shall use monies received under Subsection 15A-1-209(5)(a) to

provide education regarding codes and code amendments to building inspectors and individuals engaged in construction-related trades or professions. In accordance with Subsection 58-56-17.5(2)(c), the Division shall use a portion of the monies received under Subsection 58-56-17.5(1) to provide education for factory built housing. The following procedures, standards, and policies are established to apply to the administration of these separate funds:

(1) The Division shall not approve or deny education grant requests from the Building Code Training Fund or from the Factory Built Housing Fees Account until the Uniform Building Code Commission (UBCC) Education Advisory Committee ("the Committee"), created in accordance with Subsections 58-1-203(1)(f) and R156-15A-201(1)(a), has considered and made its recommendations on the requests.

(2) Appropriate funding expenditure categories include:

(a) grants in the form of reimbursement funding to the following organizations that administer code related or factory built housing educational events, seminars or classes:

(i) schools, colleges, universities, departments of universities, or other institutions of learning;

(ii) professional associations or organizations; and

(iii) governmental agencies.

(b) costs or expenses incurred as a result of educational events, seminars, or classes directly administered by the Division;

(c) expenses incurred for the salary, benefits or other compensation and related expenses resulting from the employment of a Board Secretary;

(d) office equipment and associated administrative expenses required for the performance of the duties of the Board Secretary, including but not limited to computer equipment, telecommunication equipment and costs and general office supplies; and

(e) other related expenses as determined by the Division.

(3) The following procedure shall be used for submission, review and payment of funding grants:

(a) A funding grant applicant shall submit a completed "Application for Building Code Training Funds Grant" or a "Factory Built Housing Education Grant Application" a minimum of 15 days prior to the meeting at which the request is to be considered and prior to the training event on forms provided for that purpose by the Division. Applications received less than 15 days prior to a meeting may be denied.

(b) Payment of approved funding grants will be made as reimbursement after the approved event, class, or seminar has been held and the required receipts, invoices and supporting documentation, including proof of payment, if requested by the Division or Committee, have been submitted to the Division.

(c) Approved funding grants shall be reimbursed only for eligible expenditures which have been executed in good faith with the intent to ensure the best reasonable value.

(d) A Request for Reimbursement of an approved funding grant shall be submitted to the Division within 60 days following the approved event, class, or seminar unless an extenuating circumstance occurs. Written notice must be given to the Division of such an extenuating circumstance. Failure to submit a Request for Reimbursement within 60 days shall result in non-payment of approved funds, unless an extenuating circumstance has been reviewed and accepted by the Division.

(4) The Committee shall consider the following in determining whether to recommend approval of a proposed funding request to the Division:

(a) the fund balance available and whether the proposed request meets the overall training objectives of the fund, including but not limited to:

(i) the need for training on the subject matter;

(ii) the need for training in the geographical area where the training is offered; and

(iii) the need for training on new codes being considered for adoption;

(b) whether the grant applicant agrees to charge a cost for the training event, class, or seminar which is uniform across all categories of attendees;

(c) the prior record of the program sponsor in providing codes training including:

(i) whether the subject matter taught was appropriate;

(ii) whether the instructor was appropriately qualified and prepared; and

(iii) whether the program sponsor followed appropriate and adequate procedures and requirements in providing the training and submitting requests for funding;

(d) costs of the facility including:

(i) the location of a facility or venue, or the type of event, seminar or class;

(ii) the suitability of said facility or venue with regard to the anticipated attendance at or in connection with additional non-funded portions of an event or conference;

(iii) the duration of the proposed educational event, seminar, or class; and

- (iv) whether the proposed cost of the facility is reasonable compared to the cost of alternative available facilities;
- (e) the estimated cost for instructor fees including:
 - (i) a reimbursement rate not to exceed \$150 per instruction hour without further review and approval by the Committee;
 - (ii) the experience or expertise of the instructor in the proposed training area;
 - (iii) the quality of training based upon events, seminars or classes that have been previously taught by the instructor;
 - (iv) the drawing power of the instructor, meaning the ability to increase the attendance at the proposed educational event, seminar or class;
 - (v) travel expenses; and
 - (vi) whether the proposed cost for the instructor or instructors is reasonable compared to the costs of similar educational events, seminars, or classes;
- (f) the estimated cost of advertising materials, brochures, registration and agenda materials, including:
 - (i) printing costs that may include creative or design expenses;
 - (ii) whether printed materials comply with (4)(b); and
 - (iii) delivery or mailing costs;
 - (g) other reasonable and comparable cost alternatives for each proposed expense item;
 - (h) other information the Committee reasonably believes may assist in evaluating a proposed expenditure; and
 - (i) a total reimbursement rate of the lesser of \$10 per student hour or the cost of all approved actual expenditures.
- (5) The Division, after consideration and recommendation of the Committee, based upon the criteria in Subsection (4), may reimburse the following items in addition to the lesser of \$10 per student hour or the cost of all approved actual expenditures:
 - (a) text books, code books, or code update books;
 - (b) cost of one Division licensee mailing list per provider per two-year renewal period;
 - (c) cost incurred to upload continuing education hours into the Division's online registry for contractors, plumbers, electricians or elevator mechanics; and
 - (d) reasonable cost of advertising materials, brochures, registration and agency materials, including:
 - (i) printing costs that may include creative or design expenses; and
 - (ii) delivery or mailing costs.
 - (6) Joint function.
 - (a) "Joint function" means a proposed event, class, seminar, or program that provides code or code related or factory built housing education and education or activities in other areas.
 - (b) Only the prorated portions of a joint function that are code and code related or factory built housing education are eligible for a funding grant.
 - (c) In considering a proposed funding request that involves a joint function, the Committee shall consider whether:
 - (i) the expenses subject to funding are reasonably prorated for the costs directly related to the code and code amendment or factory built housing education; and
 - (ii) the education being proposed will be reasonable and successful in the training objective in the context of the entire program or event.
 - (7) Advertising materials, brochures and agenda or training materials for a Building Code Training funded educational event, seminar, or class shall include a statement that acknowledges that partial funding of the training program has been provided by the Utah Division of Occupational and Professional Licensing from the 1% surcharge funds on all building permits.
 - (8) Advertising materials, brochures and agenda or training materials for a Factory Built Housing Fees Account funded educational event, seminar, or class shall include a statement that acknowledges that partial funding of the training program has been provided by the Utah Division of Occupational and Professional Licensing from surcharge fees on factory built housing sales.
 - (9) If an approved event or joint event is not held, no amount is reimbursable with the exception of the costs described in Subsection (5)(d).

R156-15A-301. Factory Built Housing Dispute Resolution.

In accordance with Subsection 15A-1-306(1)(f)(i), the dispute resolution program is defined and clarified as follows:

- (1) Persons with manufactured housing disputes may file a complaint with the Division.
- (2) The Division shall investigate such complaints and as part of the investigation may take any of the following actions:
 - (a) negotiate an informal resolution with the parties involved;
 - (b) take any informal or formal action allowed by any applicable statute, including but not limited to:
 - (A) pursuing disciplinary proceedings under Section 58-1-401;
 - (B) assessing civil penalties under Subsection 15A-1-306(2); and

(C) referring matters to appropriate criminal prosecuting agencies and cooperating or assisting with the investigation and prosecution of cases by such agencies.

(3) In addition, persons with manufactured housing disputes may pursue a civil remedy.

R156-15A-401. Adoption - Approved Codes.

Approved Codes. In accordance with Subsection 15A-1-204(6)(a), and subject to the limitations contained in Subsection 15A-1-204(6)(b), the following codes or standards are hereby incorporated by reference and approved for use and adoption by a compliance agency as the construction standards which may be applied to existing buildings in the regulation of building alteration, remodeling, repair, removal, seismic evaluation, and rehabilitation in the state:

(1) the 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings (UCADB) promulgated by the International Code Council;

(2) ASCE 31-03, Seismic Evaluation of Existing Buildings, promulgated by the American Society of Civil Engineers;

(3) ASCE/SEI 41-06, the Seismic Rehabilitation of Existing Buildings, promulgated by the American Society of Civil Engineers, 2007 edition.

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STATE CONSTRUCTION CODE ADMINISTRATION AND
ADOPTION OF APPROVED STATE CONSTRUCTION CODE RULE

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