

COMMITTEE ON REGULATORY AFFAIRS AND GOVERNMENT EFFICIENCY
SENATE AMENDMENTS TO S.B. 1241
(Reference to printed bill)

Amendment instruction key:
[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.
[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.
[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.
<<Green carets>> indicate a section added to the bill.
<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Title 9, chapter 4, article 6, Arizona Revised Statutes,
3 is amended by adding section 9-461.21, to read:

4 9-461.21. Private permitting providers; building permits
5 certificates of completion; liability insurance;
6 code and fee publication; immunity; definitions

7 A. FOR ANY SINGLE-TRADE RESIDENTIAL CONSTRUCTION PROJECT, THE
8 PROPERTY OWNER OR THE PROPERTY OWNER'S CONTRACTOR OR AGENT MAY ELECT TO
9 USE A PRIVATE PERMITTING PROVIDER TO CONDUCT A BUILDING PLAN REVIEW OR
10 INSPECTION WITHOUT APPROVAL FROM THE MUNICIPALITY.

11 B. ON COMPLETION OF A BUILDING PLAN REVIEW FOR A SINGLE-TRADE
12 RESIDENTIAL CONSTRUCTION PROJECT, IF A PRIVATE PERMITTING PROVIDER HAS
13 DETERMINED THAT THE BUILDING PLAN COMPLIES WITH APPLICABLE BUILDING CODES,
14 THE PRIVATE PERMITTING PROVIDER SHALL ISSUE A PRIVATE PERMIT. THE PRIVATE
15 PERMITTING PROVIDER SHALL SUBMIT A COPY OF THE PRIVATE PERMIT TO THE
16 MUNICIPALITY WITHIN FORTY-EIGHT HOURS AFTER ISSUING THE PRIVATE PERMIT.
17 THE MUNICIPALITY MAY NOT REQUIRE THE PRIVATE PERMITTING PROVIDER TO SUBMIT
18 THE BUILDING PLAN TO THE MUNICIPALITY FOR REVIEW. THE MUNICIPALITY SHALL
19 ACCEPT AND TRACK THE PRIVATE PERMIT IN THE SAME MANNER AS A BUILDING
20 PERMIT THAT IS ISSUED BY THE MUNICIPALITY.

21 C. ON COMPLETION OF AN INSPECTION OF A SINGLE-TRADE RESIDENTIAL
22 CONSTRUCTION PROJECT, IF A PRIVATE PERMITTING PROVIDER DETERMINES THAT THE
23 SINGLE-TRADE RESIDENTIAL CONSTRUCTION PROJECT COMPLIES WITH THE BUILDING
24 PERMIT APPLICATION AND ALL APPLICABLE BUILDING CODES, THE PRIVATE
25 PERMITTING PROVIDER SHALL ISSUE A PRIVATE CERTIFICATE OF COMPLETION. THE
26 PRIVATE PERMITTING PROVIDER MAY USE PHOTOGRAPHS, RECORDED VIDEOS OR LIVE
27 VIDEO STREAMS TO CONDUCT THE INSPECTION. THE PRIVATE PERMITTING PROVIDER
28 SHALL SUBMIT A COPY OF THE PRIVATE CERTIFICATE OF COMPLETION TO THE
29 MUNICIPALITY WITHIN FORTY-EIGHT HOURS AFTER ISSUING THE PRIVATE

1 CERTIFICATE OF COMPLETION. THE MUNICIPALITY SHALL ACCEPT AND TRACK THE
2 PRIVATE CERTIFICATE OF COMPLETION IN THE SAME MANNER AS A CERTIFICATE OF
3 COMPLETION THAT IS ISSUED BY THE MUNICIPALITY.

4 D. A MUNICIPALITY MAY NOT IMPOSE ANY FEES RELATED TO THE REVIEW OR
5 PROCESSING OF A PRIVATE PERMIT OR PRIVATE CERTIFICATE OF COMPLETION THAT
6 IS ISSUED BY A PRIVATE PERMITTING PROVIDER OTHER THAN REASONABLE RECORDING
7 FEES.

8 E. A MUNICIPALITY MAY NOT TAKE ANY DISCRIMINATORY ACTION AGAINST
9 THE PROPERTY OWNER OR THE PROPERTY OWNER'S CONTRACTOR OR AGENT FOR USING A
10 PRIVATE PERMITTING PROVIDER.

11 F. A PRIVATE PERMITTING PROVIDER MAY USE SOFTWARE THAT IS DESIGNED
12 TO AUTOMATE THE REQUIRED REVIEW AND BUILDING PERMIT OR CERTIFICATE OF
13 COMPLETION PROCESS WITHOUT THE PERFORMANCE OF AN ADDITIONAL MANUAL REVIEW
14 BY THE PRIVATE PERMITTING PROVIDER.

15 G. A PRIVATE PERMITTING PROVIDER SHALL MAINTAIN APPLICABLE
16 PROFESSIONAL LIABILITY INSURANCE IN THE AMOUNT ESTABLISHED BY THE PRIVATE
17 PERMITTING PROVIDER'S REGISTRATION OR CERTIFICATION REGULATIONS.

18 H. A MUNICIPALITY SHALL POST ON THE MUNICIPALITY'S WEBSITE ALL
19 BUILDING CODES AND PERMITTING FEE SCHEDULES. IF A MUNICIPALITY DOES NOT
20 POST ALL BUILDING CODES AND PERMITTING FEE SCHEDULES ON THE MUNICIPALITY'S
21 WEBSITE, A PRIVATE PERMITTING PROVIDER MAY RELY ON APPLICABLE
22 INTERNATIONAL MODEL BUILDING SAFETY CODES TO DETERMINE CODE COMPLIANCE AND
23 CONDUCT AN INSPECTION. A MUNICIPALITY THAT HAS NOT POSTED ALL BUILDING
24 CODES AND PERMITTING FEE SCHEDULES ON THE MUNICIPALITY'S WEBSITE MAY NOT
25 CHARGE A PERMITTING FEE FOR A SINGLE-TRADE RESIDENTIAL CONSTRUCTION
26 PROJECT THAT IS PERMITTED OR INSPECTED PURSUANT TO THIS SECTION.

27 [I. A MUNICIPALITY THAT ISSUES A PERMIT, APPROVAL OR CERTIFICATE OF
28 OCCUPANCY AFTER A PLAN REVIEW OR INSPECTION THAT IS CONDUCTED BY A PRIVATE
29 PERMITTING PROVIDER PURSUANT TO THIS SECTION SHALL HAVE THE IMMUNITY
30 PRESCRIBED IN SECTIONS 12-820.01 AND 12-820.02.]

31 ~~[I.]~~ [J.] FOR THE PURPOSES OF THIS SECTION:

32 1. "BUILDING CODE" INCLUDES:

- 33 (a) PLUMBING AND MECHANICAL CODES.
- 34 (b) ELECTRIC CODES.
- 35 (c) RESIDENTIAL CONSTRUCTION CODES.
- 36 (d) ENERGY CONSERVATION CODES.
- 37 (e) ZONING AND PLANNING CODES.
- 38 (f) BUILDING CONSTRUCTION CODES.
- 39 (g) PROPERTY MAINTENANCE CODES.
- 40 (h) ANTIBLIGHT CODES.

41 2. "PRIVATE CERTIFICATE OF COMPLETION" MEANS A CERTIFICATE OF
42 COMPLETION THAT IS ISSUED BY A PRIVATE PERMITTING PROVIDER.

43 3. "PRIVATE PERMIT" MEANS A BUILDING PERMIT THAT IS ISSUED BY A
44 PRIVATE PERMITTING PROVIDER.

45 4. "PRIVATE PERMITTING PROVIDER" MEANS EITHER OF THE FOLLOWING:

- 46 (a) A PERSON OR FIRM THAT IS REGISTERED PURSUANT TO TITLE 32,
47 CHAPTER 1 TO PRACTICE ARCHITECTURE OR ENGINEERING.

1 (b) AN INSPECTOR OR PLANS EXAMINER WHO IS CERTIFIED BY AN
2 ORGANIZATION THAT DEVELOPS MODEL CODES AND STANDARDS FOR BUILDING SAFETY.

3 5. "SINGLE-TRADE RESIDENTIAL CONSTRUCTION PROJECT":

4 (a) MEANS ANY CONSTRUCTION PROJECT ON THE PROPERTY OF A
5 SINGLE-FAMILY OR MULTIFAMILY RESIDENTIAL DWELLING UNIT THAT REQUIRES A
6 BUILDING PERMIT AND THAT IS LIMITED TO A SINGLE CONSTRUCTION DISCIPLINE.

7 (b) INCLUDES ERECTING, INSTALLING, ENLARGING, ALTERING, REPAIRING,
8 REMOVING, CONVERTING OR REPLACING:

9 (i) A SINGLE UTILITY SYSTEM.

10 (ii) A HEATING, VENTILATION OR AIR CONDITIONING SYSTEM.

11 (iii) A WATER HEATER OR WATER-TREATMENT APPLIANCE.

12 (iv) A SOLAR ~~[SYSTEM PHOTOVOLTAIC OR]~~ [PHOTOVOLTAIC SYSTEM, A
13 SOLAR] THERMAL SYSTEM, AN ENERGY STORAGE SYSTEM OR A COMBINATION.

14 (v) ROOFING.

15 (vi) EXTERIOR OPENINGS.

16 (vii) STUCCO, PLASTER OR SIDING.

17 (viii) FENCING.

18 Sec. 2. Title 11, chapter 6, article 1, Arizona Revised Statutes,
19 is amended by adding section 11-810.02, to read:

20 11-810.02. Private permitting providers; building permits;
21 certificates of completion; liability insurance;
22 code and fee publication; definitions

23 A. FOR ANY SINGLE-TRADE RESIDENTIAL CONSTRUCTION PROJECT, THE
24 PROPERTY OWNER OR THE PROPERTY OWNER'S CONTRACTOR OR AGENT MAY ELECT TO
25 USE A PRIVATE PERMITTING PROVIDER TO CONDUCT A BUILDING PLAN REVIEW OR
26 INSPECTION WITHOUT APPROVAL FROM THE COUNTY.

27 B. ON COMPLETION OF A BUILDING PLAN REVIEW FOR A SINGLE-TRADE
28 RESIDENTIAL CONSTRUCTION PROJECT, IF A PRIVATE PERMITTING PROVIDER HAS
29 DETERMINED THAT THE BUILDING PLAN COMPLIES WITH APPLICABLE BUILDING CODES,
30 THE PRIVATE PERMITTING PROVIDER SHALL ISSUE A PRIVATE PERMIT. THE PRIVATE
31 PERMITTING PROVIDER SHALL SUBMIT A COPY OF THE PRIVATE PERMIT TO THE
32 COUNTY WITHIN FORTY-EIGHT HOURS AFTER ISSUING THE PRIVATE PERMIT. THE
33 COUNTY MAY NOT REQUIRE THE PRIVATE PERMITTING PROVIDER TO SUBMIT THE
34 BUILDING PLAN TO THE COUNTY FOR REVIEW. THE COUNTY SHALL ACCEPT AND TRACK
35 THE PRIVATE PERMIT IN THE SAME MANNER AS A BUILDING PERMIT THAT IS ISSUED
36 BY THE COUNTY.

37 C. ON COMPLETION OF AN INSPECTION OF A SINGLE-TRADE RESIDENTIAL
38 CONSTRUCTION PROJECT, IF A PRIVATE PERMITTING PROVIDER DETERMINES THAT THE
39 SINGLE-TRADE RESIDENTIAL CONSTRUCTION PROJECT COMPLIES WITH THE BUILDING
40 PERMIT APPLICATION AND ALL APPLICABLE BUILDING CODES, THE PRIVATE
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44 SHALL SUBMIT A COPY OF THE PRIVATE CERTIFICATE OF COMPLETION TO THE COUNTY
45 WITHIN FORTY-EIGHT HOURS AFTER ISSUING THE PRIVATE CERTIFICATE OF
46 COMPLETION. THE COUNTY SHALL ACCEPT AND TRACK THE PRIVATE CERTIFICATE OF

1 COMPLETION IN THE SAME MANNER AS A CERTIFICATE OF COMPLETION THAT IS
2 ISSUED BY THE COUNTY.

3 D. A COUNTY MAY NOT IMPOSE ANY FEES RELATED TO THE REVIEW OR
4 PROCESSING OF A PRIVATE PERMIT OR PRIVATE CERTIFICATE OF COMPLETION THAT
5 IS ISSUED BY A PRIVATE PERMITTING PROVIDER OTHER THAN REASONABLE RECORDING
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14 G. A PRIVATE PERMITTING PROVIDER SHALL MAINTAIN APPLICABLE
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18 AND PERMITTING FEE SCHEDULES. IF A COUNTY DOES NOT POST ALL BUILDING
19 CODES AND PERMITTING FEE SCHEDULES ON THE COUNTY'S WEBSITE, A PRIVATE
20 PERMITTING PROVIDER MAY RELY ON APPLICABLE INTERNATIONAL MODEL BUILDING
21 SAFETY CODES TO DETERMINE CODE COMPLIANCE AND CONDUCT AN INSPECTION. A
22 COUNTY THAT HAS NOT POSTED ALL BUILDING CODES AND PERMITTING FEE SCHEDULES
23 ON THE COUNTY'S WEBSITE MAY NOT CHARGE A PERMITTING FEE FOR A SINGLE-TRADE
24 RESIDENTIAL CONSTRUCTION PROJECT THAT IS PERMITTED OR INSPECTED PURSUANT
25 TO THIS SECTION.

26 [I. A COUNTY THAT ISSUES A PERMIT, APPROVAL OR CERTIFICATE OF
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46 CHAPTER 1 TO PRACTICE ARCHITECTURE OR ENGINEERING.

1 (b) AN INSPECTOR WHO IS CERTIFIED BY AN ORGANIZATION THAT DEVELOPS
2 MODEL CODES AND STANDARDS FOR BUILDING SAFETY OR BY A NATIONAL
3 PROFESSIONAL ELECTRICAL TRADE ASSOCIATION.

4 5. "SINGLE-TRADE RESIDENTIAL CONSTRUCTION PROJECT":

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13 (iv) A SOLAR [~~PHOTOVOLTAIC OR~~] [PHOTOVOLTAIC SYSTEM, A SOLAR]
14 THERMAL SYSTEM, AN ENERGY STORAGE SYSTEM OR A COMBINATION [~~SYSTEM~~].

15 (v) ROOFING.

16 (vi) EXTERIOR OPENINGS.

17 (vii) STUCCO, PLASTER OR SIDING.

18 (viii) FENCING.

19 Enroll and engross to conform

20 Amend title to conform

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