

The House Committee on Regulated Industries offers the following substitute to HB 1385:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 2 of Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia  
2 Annotated, relating to state building, plumbing, and electrical codes, so as to provide for the  
3 employment of private professional providers to perform building plan reviews and  
4 inspections when the local jurisdiction cannot timely perform such services; to provide a  
5 definition; to provide for the qualifications of such persons; to provide for the manner of such  
6 reviews and inspections; to provide for certain insurance requirements; to provide for the  
7 manner of submitting reports; to provide for the issuance of notices of deficiencies to the  
8 applicants and time for curing such deficiencies; to provide for the issuance of permits under  
9 certain conditions; to provide for appeals; to provide for applicability; to provide for certain  
10 immunities; to prohibit adoption of more stringent standards by local jurisdictions; to amend  
11 Chapter 2 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of fire  
12 and other hazards to persons and property generally, so as to provide for the employment of  
13 private professional providers to perform building plan reviews when the state fire marshal,  
14 local fire marshal, state inspector, or designated code official cannot timely perform such  
15 services; to provide a definition; to provide for the qualifications of such persons; to provide  
16 for the manner of such reviews and inspections; to provide for certain insurance  
17 requirements; to provide for the manner of submitting reports; to provide for the issuance of  
18 notices of deficiencies to the applicants and time for curing such deficiencies; to provide for  
19 the issuance of permits under certain conditions; to provide for appeals; to provide for  
20 applicability; to provide for certain immunities; to prohibit adoption of more stringent  
21 standards by local jurisdictions; to provide for other related matters; to repeal conflicting  
22 laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 **SECTION 1.**

25 Part 2 of Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating  
26 to state building, plumbing, and electrical codes, is amended by striking subsection (g) of

1 Code Section 8-2-26, relating to enforcement of codes generally, and inserting in lieu thereof  
2 a new subsection (g) to read as follows:

3 “(g)(1) If a governing authority of a county or municipality cannot provide plan review  
4 within 30 business days of receiving a written application for permitting in accordance  
5 with the code official’s plan submittal process or inspection services within two business  
6 days of receiving a valid written request for inspection, then, in lieu of plan review or  
7 inspection by inspectors or other personnel employed by such governing authority, any  
8 person, firm, or corporation engaged in a construction project which requires plan review  
9 or inspection shall have the option of retaining, at its own expense, a private professional  
10 provider to provide the required plan review or inspection. As used in this subsection,  
11 the term 'private professional provider' means a professional engineer who holds a  
12 certificate of registration issued under Chapter 15 of Title 43 or a professional architect  
13 who holds a certificate of registration issued under Chapter 4 of Title 43, and who is not  
14 an employee of or otherwise affiliated with or financially interested in such the person,  
15 firm, or corporation, to provide the required inspection engaged in the construction  
16 project to be reviewed or inspected. The local governing authority shall advise the permit  
17 applicant in writing if requested by the applicant at the time the complete submittal  
18 application for a permit in accordance with the code official’s plan submittal process is  
19 received that the local governing authority intends to complete the required plan review  
20 within the time prescribed by this paragraph or that the applicant may immediately secure  
21 the services of a private professional provider to complete the required plan review  
22 pursuant to this subsection. If the local governing authority states its intent to complete  
23 the required plan review within the time prescribed by this paragraph, the applicant shall  
24 not be authorized to use the services of a private professional provider as provided in this  
25 subsection. The permit applicant and the local governing authority may agree by mutual  
26 consent to extend the time period prescribed by this paragraph for plan review if the  
27 characteristics of the project warrant such an extension. However, if the local governing  
28 authority states its intent to complete the required plan review within the time prescribed  
29 by this paragraph, or any extension thereof mutually agreed to by the applicant and the  
30 governing authority, and does not permit the applicant to use the services of a private  
31 professional provider and the local governing authority fails to complete such plan review  
32 in the time prescribed by this paragraph, or any extension thereof mutually agreed to by  
33 the applicant and the governing authority, the local governing authority shall issue the  
34 applicant a project initiation permit to permit the applicant to begin work on the project.  
35 If a full permit is not issued for the portion requested for permitting, then the governing  
36 authority shall have an additional 20 business days to complete the review and issue the  
37 full permit.

1 (2) Any plan review or inspection conducted by a registered private professional  
2 engineer provider shall be no less extensive than an inspection plan reviews or  
3 inspections conducted by a county or municipal inspector personnel.

4 (3) The person, firm, or corporation retaining a registered private professional engineer  
5 provider to conduct a plan review or an inspection shall be required to pay to the county  
6 or municipality which requires the plan review or inspection the same permit regulatory  
7 fees and charges which would have been required had the plan review or inspection been  
8 conducted by a county or municipal inspector.

9 (4) A private professional provider performing plan reviews under this subsection shall  
10 review construction plans to determine compliance with the Georgia State Minimum  
11 Standard Codes most recently adopted by the Department of Community Affairs and any  
12 locally adopted ordinances and amendments to such codes; the Manual for Erosion and  
13 Sediment Control in Georgia; and the requirements of subsection (b) of Code Section  
14 12-7-6, if applicable to the project. Upon determining that the plans reviewed comply  
15 with the applicable codes, such private professional provider shall prepare an affidavit  
16 or affidavits on a form adopted by the Department of Community Affairs certifying under  
17 oath that the following is true and correct to the best of such private professional  
18 provider's knowledge and belief and in accordance with the applicable professional  
19 standard of care:

20 (A) The plans were reviewed by the affiant who is duly authorized to perform plan  
21 review pursuant to this subsection and who holds the appropriate license or  
22 certifications and insurance coverage stipulated in this subsection; and

23 (B) The plans comply with the Georgia State Minimum Standard Codes most recently  
24 adopted by the Department of Community Affairs and any locally adopted ordinances  
25 and amendments to such codes; the Manual for Erosion and Sediment Control in  
26 Georgia; and the requirements of subsection (b) of Code Section 12-7-6, if applicable  
27 to the project.

28 (5) All private professional providers providing plan review or inspection services  
29 pursuant to this subsection shall secure and maintain insurance coverage for professional  
30 liability (errors and omissions) insurance. The limits of such insurance shall be not less  
31 than \$1 million per claim and \$1 million in aggregate coverage. Such insurance may be  
32 a practice policy or project-specific coverage. If the insurance is a practice policy, it shall  
33 contain prior acts coverage for the private professional provider. If the insurance is  
34 project-specific, it shall continue in effect for two years following the issuance of the  
35 certificate of final completion for the project. A local enforcement agency, local building  
36 official, or local government may establish, for private professional providers working  
37 within that jurisdiction, a system of registration listing the private professional providers

1 within their areas of competency and verifying compliance with the insurance  
 2 requirements of this subsection.

3 ~~(4)(6)~~ The registered private professional engineer provider shall be empowered to  
 4 perform any plan review or inspection required by the governing authority of any county  
 5 or municipality, including, but not limited to, inspections for footings, foundations,  
 6 concrete slabs, framing, electrical, plumbing, heating ventilation and air conditioning  
 7 (HVAC), or any and all other inspections necessary or required for the issuance of a  
 8 building permit or certificate of occupancy by the governing authority of any county or  
 9 municipality, provided that the plan review or inspection is within the scope of such  
 10 ~~engineer's branch of engineering expertise~~ private professional provider's area of  
 11 competency. Private professional providers providing soil erosion and sedimentation  
 12 control plan review for issuing authorities shall have the Level II NPDES Training  
 13 Certification as provided in Code Section 12-7-19.

14 ~~(5)(7)(A)~~ The registered permit applicant shall submit a copy of the private  
 15 professional engineer ~~shall submit a copy of his or her inspection~~ provider's plan  
 16 review report to the county or municipality. Such plan review report shall include at  
 17 a minimum all of the following:

18 (i) The affidavit of the private professional provider required pursuant to this  
 19 subsection;

20 (ii) The applicable fees; and

21 (iii) Any documents required by the local official and any other documents necessary  
 22 to determine that the permit applicant has secured all other governmental approvals  
 23 required by law.

24 (B) No more than 30 business days after receipt of a permit application and the  
 25 affidavit from the private professional provider required pursuant to this subsection, the  
 26 local building official shall issue the requested permit or provide written notice to the  
 27 permit applicant identifying the specific plan features that do not comply with the  
 28 applicable codes, as well as the specific code chapters and sections. If the local  
 29 building official does not provide a written notice of the plan deficiencies within the  
 30 prescribed 30 day period, the permit application shall be deemed approved as a matter  
 31 of law and the permit shall be issued by the local building official on the next business  
 32 day.

33 (C) If the local building official provides a written notice of plan deficiencies to the  
 34 permit applicant within the prescribed 30 day period, the 30 day period shall be tolled  
 35 pending resolution of the matter. To resolve the plan deficiencies, the permit applicant  
 36 may elect to dispute the deficiencies pursuant to this subsection or to submit revisions  
 37 to correct the deficiencies.

1 (D) If the permit applicant submits revisions, the local building official shall have the  
 2 remainder of the tolled 30 day period plus an additional five business days to issue the  
 3 requested permit or to provide a second written notice to the permit applicant stating  
 4 which of the previously identified plan features remain in noncompliance with the  
 5 applicable codes, with specific reference to the relevant code chapters and sections. If  
 6 the local building official does not provide the second written notice within the  
 7 prescribed time period, the permit shall be issued by the local building official on the  
 8 next business day.

9 (E) If the local building official provides a second written notice of plan deficiencies  
 10 to the permit applicant within the prescribed time period, the permit applicant may elect  
 11 to dispute the deficiencies pursuant to this subsection or to submit additional revisions  
 12 to correct the deficiencies. For all revisions submitted after the first revision, the local  
 13 building official shall have an additional five business days to issue the requested  
 14 permit or to provide a written notice to the permit applicant stating which of the  
 15 previously identified plan features remain in noncompliance with the applicable codes,  
 16 with specific reference to the relevant code chapters and sections.

17 ~~(6)~~(8) Upon submission by the registered private professional engineer provider of a  
 18 copy of his or her inspection report to the local governing authority, said local  
 19 governing authority shall be required to accept the inspection of the registered private  
 20 professional engineer provider without the necessity of further inspection or approval  
 21 by the inspectors or other personnel employed by the local governing authority unless  
 22 said governing authority has notified the registered private professional engineer  
 23 provider, within two business days after the submission of the inspection report, that  
 24 it finds the report incomplete or the inspection inadequate and has provided the  
 25 registered private professional engineer provider with a written description of the  
 26 deficiencies and specific code requirements that have not been adequately addressed.

27 ~~(7)~~(9) A local governing authority may provide for the prequalification of registered  
 28 private professional engineers providers who may perform plan reviews or inspections  
 29 pursuant to this subsection. No ordinance implementing prequalification shall become  
 30 effective until notice of the governing authority's intent to require prequalification and  
 31 the specific requirements for prequalification have been advertised in the newspaper in  
 32 which the sheriff's advertisements for that locality are published. The ordinance  
 33 implementing prequalification shall provide for evaluation of the qualifications of a  
 34 registered private professional engineer provider only on the basis of the engineer's  
 35 private professional provider's expertise with respect to the objectives of the inspection  
 36 this subsection, as demonstrated by the engineer's private professional provider's  
 37 experience, education, and training. Such ordinance may require a private professional

1 provider to hold additional certifications, provided that such certifications are required  
 2 by ordinance for plan review personnel currently directly employed by such local  
 3 governing authority.

4 ~~(8)~~(10) Nothing in this subsection shall be construed to limit any public or private right  
 5 of action designed to provide protection, rights, or remedies for consumers.

6 (11) This subsection shall not apply to hospitals, ambulatory health care centers, nursing  
 7 homes, jails, penal institutions, or buildings or structures that impact national or state  
 8 homeland security.

9 (12) If the local building official determines that the building construction or plans do  
 10 not comply with the applicable codes, the official may deny the permit or request for a  
 11 certificate of occupancy or certificate of completion, as appropriate, or may issue a  
 12 stop-work order for the project or any portion thereof as provided by law, after giving  
 13 notice and opportunity to remedy the violation, if the official determines noncompliance  
 14 with state or local laws, codes, or ordinances, provided that:

15 (A) The local building official shall be available to meet with the private professional  
 16 provider within two business days to resolve any dispute after issuing a stop-work order  
 17 or providing notice to the applicant denying a permit or request for a certificate of  
 18 occupancy or certificate of completion; and

19 (B) If the local building official and the private professional provider are unable to  
 20 resolve the dispute, the matter shall be referred to the local enforcement agency's board  
 21 of appeals, if one exists, which shall consider the matter not later than its next  
 22 scheduled meeting. Any decisions by the local official, if there is no board of appeals,  
 23 may be appealed to the Department of Community Affairs as provided in this chapter.

24 (13) The local government, the local building official, and local building code  
 25 enforcement personnel shall be immune from liability to any person or party for any  
 26 action or inaction by an owner of a building or by private professional provider or its duly  
 27 authorized representative in connection with building code plan review and inspection  
 28 services by private professional providers as provided in this subsection.

29 (14) Except as provided in paragraph (9) of this subsection, no local enforcement agency,  
 30 local code official, or local government shall adopt or enforce any laws, rules,  
 31 procedures, policies, qualifications, or standards more stringent than those prescribed in  
 32 this subsection.

33 (15) Nothing in this subsection shall limit the authority of the local code official to issue  
 34 a stop-work order for a building project or any portion of such project, as provided by  
 35 law, after giving notice and opportunity to remedy the violation, if the official determines  
 36 that a condition on the building site constitutes an immediate threat to public safety and  
 37 welfare.

1 (16) When performing building code plan reviews or inspection services, a private  
 2 professional provider is subject to the disciplinary guidelines of the applicable  
 3 professional licensing board with jurisdiction over such private professional provider's  
 4 license or certification under Chapters 4 and 15 of Title 43, as applicable. Any complaint  
 5 processing, investigation, and discipline that arise out of a private professional provider's  
 6 performance of building code plan reviews or inspection services shall be conducted by  
 7 the applicable professional licensing board."

## 8 SECTION 2.

9 Chapter 2 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of fire  
 10 and other hazards to persons and property generally, is amended by striking subsection (a)  
 11 of Code Section 25-2-14, relating to requirement, issuance, etc., of building permits and  
 12 certificates of occupancy for buildings presenting special hazards to persons or property, and  
 13 inserting in lieu thereof a new subsection (a) to read as follows:

14 "(a)(1) Plans and specifications for all proposed buildings which come under  
 15 classification in paragraph (1) of subsection (b) of Code Section 25-2-13 and which come  
 16 under the jurisdiction of the office of the Commissioner pursuant to Code Section  
 17 25-2-12 shall be submitted to and receive approval by either the state fire marshal, the  
 18 proper local fire marshal, or state inspector before any state, municipal, or county  
 19 building permit may be issued or construction started. All such plans and specifications  
 20 submitted as required by this subsection shall be accompanied by a fee in the amount  
 21 provided in Code Section 25-2-4.1 and shall bear the seal and Georgia registration  
 22 number of the drafting architect or engineer or shall otherwise have the approval of the  
 23 Commissioner.

24 (2)(A) If the state fire marshal, the proper local fire marshal, state inspector, or  
 25 designated code official cannot provide plan review within 30 business days of  
 26 receiving a written application for permitting in accordance with the code official's plan  
 27 submittal process, then, in lieu of plan review by personnel employed by such  
 28 governing authority, any person, firm, or corporation engaged in a construction project  
 29 which requires plan review, regardless if the plan review is required by subsection (a)  
 30 of this Code section or by local county or municipal ordinance, shall have the option  
 31 of retaining, at its own expense, a private professional provider to provide the required  
 32 plan review. As used in this paragraph, the term 'private professional provider' means  
 33 a professional engineer who holds a certificate of registration issued under Chapter 15  
 34 of Title 43 or a professional architect who holds a certificate of registration issued  
 35 under Chapter 4 of Title 43, who is not an employee of or otherwise affiliated with or

1 financially interested in the person, firm, or corporation engaged in the construction  
2 project to be reviewed.

3 (B) The state fire marshal, the proper local fire marshal, state inspector, or designated  
4 code official shall advise the permit applicant at the time the complete submittal  
5 application for a permit in accordance with the code official's plan submittal process  
6 is received that the state fire marshal, the proper local fire marshal, state inspector, or  
7 designated code official intends to complete the required plan review within the time  
8 prescribed by this paragraph or that the applicant may immediately secure the services  
9 of a private professional provider to complete the required plan review pursuant to this  
10 subsection. If the state fire marshal, the proper local fire marshal, state inspector, or  
11 designated code official states its intent to complete the required plan review within the  
12 time prescribed by this paragraph, the applicant shall not be authorized to use the  
13 services of a private professional provider as provided in this subsection. The permit  
14 applicant and the state fire marshal, the proper local fire marshal, state inspector, or  
15 designated code official may agree by mutual consent to extend the time period  
16 prescribed by this paragraph for plan review if the characteristics of the project warrant  
17 such an extension. However, if the state fire marshal, the proper local fire marshal,  
18 state inspector, or designated code official states its intent to complete the required plan  
19 review within the time prescribed by this paragraph, or any extension thereof mutually  
20 agreed to by the applicant and the state fire marshal, the proper local fire marshal, state  
21 inspector, or designated code official and does not permit the applicant to use the  
22 services of a private professional provider and the state fire marshal, the proper local  
23 fire marshal, state inspector, or designated code official fails to complete such plan  
24 review in the time prescribed by this paragraph, or any extension thereof mutually  
25 agreed to by the applicant and the state fire marshal, the proper local fire marshal, state  
26 inspector, or designated code official, the state fire marshal, the proper local fire  
27 marshal, state inspector, or designated code official shall issue the applicant a project  
28 initiation permit to permit the applicant to begin work on the project. If a full permit  
29 is not issued for the portion requested for permitting, then the state fire marshal, the  
30 proper local fire marshal, state inspector, or designated code official shall have an  
31 additional 20 business days to complete the review and issue the full permit.

32 (C) Any plan review or inspection conducted by a private professional provider shall  
33 be no less extensive than plan reviews or inspections conducted by state, county, or  
34 municipal personnel responsible for review of plans for compliance with the state's  
35 minimum fire safety standards and, where applicable, the state's minimum accessibility  
36 standards.

1 (D) The person, firm, or corporation retaining a private professional provider to  
 2 conduct a plan review shall be required to pay to the state fire marshal, the proper local  
 3 fire marshal, state inspector, or designated code official which requires the plan review  
 4 the same regulatory fees and charges which would have been required had the plan  
 5 review been conducted by the state fire marshal, the proper local fire marshal, state  
 6 inspector, or designated code official.

7 (E) A private professional provider performing plan reviews under this subsection shall  
 8 review construction plans to determine compliance with the state's minimum fire safety  
 9 standards in effect which were adopted pursuant to this chapter and, where applicable,  
 10 the state's minimum accessibility standards adopted pursuant to Chapter 3 of Title 30.  
 11 Upon determining that the plans reviewed comply with the applicable codes and  
 12 standards as adopted, such private professional provider shall prepare an affidavit or  
 13 affidavits on a form prescribed by the Safety Fire Commissioner certifying under oath  
 14 that the following is true and correct to the best of such private professional provider's  
 15 knowledge and belief and in accordance with the applicable professional standard of  
 16 care:

17 (i) The plans were reviewed by the affiant who is duly authorized to perform plan  
 18 review pursuant to this subsection and who holds the appropriate license or  
 19 certifications and insurance coverage and insurance coverage stipulated in this  
 20 subsection; and

21 (ii) The plans comply with the state's minimum fire safety standards in effect which  
 22 were adopted pursuant to this chapter and, where applicable, the state's minimum  
 23 accessibility standards adopted pursuant to Chapter 3 of Title 30.

24 (F) All private professional providers providing plan review services pursuant to this  
 25 subsection shall secure and maintain insurance coverage for professional liability  
 26 (errors and omissions) insurance. The limits of such insurance shall be not less than \$1  
 27 million per claim and \$1 million in aggregate coverage. Such insurance may be a  
 28 practice policy or project-specific coverage. If the insurance is a practice policy, it shall  
 29 contain prior acts coverage for the private professional provider. If the insurance is  
 30 project-specific, it shall continue in effect for two years following the issuance of the  
 31 certificate of final completion for the project. The state fire marshal, the proper local  
 32 fire marshal, state inspector, or designated code official may establish, for private  
 33 professional providers working within their respective jurisdictions specified by this  
 34 chapter, a system of registration listing the private professional providers within their  
 35 areas of competency and verifying compliance with the insurance requirements of this  
 36 subsection.

1 (G) The private professional provider shall be empowered to perform any plan review  
 2 required by the state fire marshal, the proper local fire marshal, state inspector, or  
 3 designated code official, regardless if the plan review is required by this subsection or  
 4 by local county or municipal ordinance, provided that the plan review is within the  
 5 scope of such private professional provider's area of expertise and competency. This  
 6 subsection shall not apply to hospitals, ambulatory health care centers, nursing homes,  
 7 jails, penal institutions, or buildings or structures that impact national or state homeland  
 8 security or plans related to Code Section 25-2-16 or 25-2-17 or Chapter 8, 9, or 10 of  
 9 this title.

10 (H)(i) The permit applicant shall submit a copy of the private professional provider's  
 11 plan review report to the state fire marshal, the proper local fire marshal, state  
 12 inspector, or designated code official. Such plan review report shall include at a  
 13 minimum all of the following:

14 (I) The affidavit of the private professional provider required pursuant to this  
 15 subsection;

16 (II) The applicable fees required for permitting;

17 (III) Other documents deemed necessary due to unusual construction or design,  
 18 smoke removal systems where applicable with engineering analysis, and additional  
 19 documentation required where performance based code options are used; and

20 (IV) Any documents required by the state fire marshal, the proper local fire  
 21 marshal, state inspector, or designated code official to determine that the permit  
 22 applicant has secured all other governmental approvals required by law.

23 (ii) No more than 30 business days after receipt of a permit application and the  
 24 private professional provider's plan review report required pursuant to this subsection,  
 25 the state fire marshal, the proper local fire marshal, state inspector, or designated code  
 26 official shall issue the requested permit or provide written notice to the permit  
 27 applicant identifying the specific plan features that do not comply with the applicable  
 28 codes or standards, as well as the specific reference to the relevant requirements. If  
 29 the state fire marshal, the proper local fire marshal, state inspector, or designated code  
 30 official does not provide a written notice of the plan deficiencies within the prescribed  
 31 30 day period, the permit application shall be deemed approved as a matter of law and  
 32 the permit shall be issued by the state fire marshal, the proper local fire marshal, state  
 33 inspector, or designated code official on the next business day.

34 (iii) If the state fire marshal, the proper local fire marshal, state inspector, or  
 35 designated code official provides a written notice of plan deficiencies to the permit  
 36 applicant within the prescribed 30 day period, the 30 day period shall be tolled  
 37 pending resolution of the matter. To resolve the plan deficiencies, the permit

1 applicant may elect to dispute the deficiencies pursuant to this chapter, the  
2 promulgated rules and regulations adopted thereunder, or, where appropriate for  
3 existing buildings, the local governing authority's appeals process or the permit  
4 applicant may submit revisions to correct the deficiencies.

5 (iv) If the permit applicant submits revisions, the state fire marshal, the proper local  
6 fire marshal, state inspector, or designated code official shall have the remainder of  
7 the tolled 30 day period plus an additional five business days to issue the requested  
8 permit or to provide a second written notice to the permit applicant stating which of  
9 the previously identified plan features remain in noncompliance with the applicable  
10 codes or standards, with specific reference to the relevant requirements. If the state  
11 fire marshal, the proper local fire marshal, state inspector, or designated code official  
12 does not provide the second written notice within the prescribed time period, the  
13 permit shall be issued by the state fire marshal, the proper local fire marshal, state  
14 inspector, or designated code official on the next business day.

15 (v) If the state fire marshal, the proper local fire marshal, state inspector, or  
16 designated code official provides a second written notice of plan deficiencies to the  
17 permit applicant within the prescribed time period, the permit applicant may elect to  
18 dispute the deficiencies pursuant to this chapter, the rules and regulations promulgated  
19 thereunder, or, where applicable for existing buildings, the local governing authority's  
20 appeals process or the permit applicant may submit additional revisions to correct the  
21 deficiencies. For all revisions submitted after the first revision, the state fire marshal,  
22 the proper local fire marshal, state inspector, or designated code official shall have an  
23 additional five business days to issue the requested permit or to provide a written  
24 notice to the permit applicant stating which of the previously identified plan features  
25 remain in noncompliance with the applicable codes or standards, with specific  
26 reference to the relevant requirements.

27 (I) The state fire marshal may provide for the prequalification of private professional  
28 providers who may perform plan reviews pursuant to this subsection by rule or  
29 regulation authorized in Code Section 25-2-4. In addition, any local fire marshal, state  
30 inspector, or designated code official may provide for the prequalification of private  
31 professional providers who may perform plan reviews pursuant to this subsection;  
32 however, no additional local ordinance implementing prequalification shall become  
33 effective until notice of the proper local fire marshal, state inspector, or designated code  
34 official's intent to require prequalification and the specific requirements for  
35 prequalification have been advertised in the newspaper in which the sheriff's  
36 advertisements for that locality are published. The ordinance implementing  
37 prequalification shall provide for evaluation of the qualifications of a private

1 professional provider only on the basis of the private professional provider's expertise  
 2 with respect to the objectives of this subsection, as demonstrated by the private  
 3 professional provider's experience, education, and training. Such ordinance may  
 4 require a private professional provider to hold additional certifications, provided that  
 5 such certifications are required by ordinance or state law for plan review personnel  
 6 currently directly employed by such local governing authority.

7 (J) Nothing in this subsection shall be construed to limit any public or private right of  
 8 action designed to provide protection, rights, or remedies for consumers.

9 (K) If the state fire marshal, the proper local fire marshal, state inspector, or designated  
 10 code official determines that the building construction or plans do not comply with the  
 11 applicable codes or standards, the state fire marshal, the proper local fire marshal, state  
 12 inspector, or designated code official may deny the permit or request for a certificate  
 13 of occupancy or certificate of completion, as appropriate, or may issue a stop-work  
 14 order for the project or any portion thereof as provided by law or rule or regulation,  
 15 after giving notice and opportunity to remedy the violation, if the state fire marshal, the  
 16 proper local fire marshal, state inspector, or designated code official determines that  
 17 noncompliance exists with state laws, adopted codes or standards, or local ordinances,  
 18 provided that:

19 (i) The state fire marshal, the proper local fire marshal, state inspector, or designated  
 20 code official shall be available to meet with the private professional provider within  
 21 two business days to resolve any dispute after issuing a stop-work order or providing  
 22 notice to the applicant denying a permit or request for a certificate of occupancy or  
 23 certificate of completion; and

24 (ii) If the state fire marshal, the proper local fire marshal, state inspector, or  
 25 designated code official and the private professional provider are unable to resolve the  
 26 dispute, the matter shall be referred to the local enforcement agency's board of  
 27 appeals, except as provided in Code Section 25-2-12 and appeals for those proposed  
 28 buildings classified under paragraph (1) of subsection (b) of Code Section 25-2-13 or  
 29 any existing building under the specific jurisdiction of the state fire marshal's office  
 30 shall be made to the state fire marshal and further appeal shall be under Code Section  
 31 25-2-10.

32 (L) The state fire marshal, the proper local fire marshal, state inspector, or designated  
 33 code official enforcement personnel shall be immune from liability to any person or  
 34 party for any action or inaction by an owner of a building or by private professional  
 35 provider or its duly authorized representative in connection with building code plan  
 36 review services by private professional providers as provided in this subsection.

1 (M) Except as provided in this paragraph, no proper local fire marshal, state inspector,  
2 or designated code official shall adopt or enforce any laws, rules, procedures, policies,  
3 or standards more stringent than those prescribed in this subsection related to private  
4 professional provider services.

5 (N) Nothing in this subsection shall limit the authority of the state fire marshal, the  
6 proper local fire marshal, state inspector, or designated code official to issue a  
7 stop-work order for a building project or any portion of such project, as provided by  
8 law or rule or regulation authorized pursuant to Code Section 25-2-4, after giving notice  
9 and opportunity to remedy the violation, if the official determines that a condition on  
10 the building site constitutes an immediate threat to public safety and welfare.

11 (O) When performing building code plan reviews related to determining compliance  
12 with the Georgia State Minimum Standard Codes most recently adopted by the  
13 Department of Community Affairs, the state's minimum fire safety standards adopted  
14 by the safety fire marshal, or the state's minimum accessibility standards pursuant to  
15 Chapter 3 of Title 30, a private professional provider is subject to the disciplinary  
16 guidelines of the applicable professional licensing board with jurisdiction over such  
17 private professional provider's license or certification under Chapters 4 and 15 of Title  
18 43, as applicable. Any complaint processing, investigation, and discipline that arise out  
19 of a private professional provider's performance of the adopted building, fire safety, or  
20 accessibility codes or standards plan review services shall be conducted by the  
21 applicable professional licensing board or as allowed by state rule or regulation."

### 22 SECTION 3.

23 All laws and parts of laws in conflict with this Act are repealed.