

The Senate Regulated Industries and Utilities Committee offered 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 provide
11 for exceptions; to amend Chapter 2 of Title 25 of the Official Code of Georgia Annotated,
12 relating to regulation of fire and other hazards to persons and property generally, so as to
13 provide for the employment of private professional providers to perform building plan
14 reviews when the state fire marshal, local fire marshal, state inspector, or designated code
15 official cannot timely perform such services; to provide a definition; to provide for the
16 qualifications of such persons; to provide for the manner of such reviews and inspections;
17 to provide for certain insurance requirements; to provide for the manner of submitting
18 reports; to provide for the issuance of notices of deficiencies to the applicants and time for
19 curing such deficiencies; to provide for the issuance of permits under certain conditions; to
20 provide for appeals; to provide for applicability; to provide for certain immunities; to prohibit
21 adoption of more stringent standards by local jurisdictions; to provide for other related
22 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

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

1 applicant to begin work on the project, provided that portion of the initial phase of work
 2 is compliant with applicable codes, laws, and rules. If a full permit is not issued for the
 3 portion requested for permitting, then the governing authority shall have an additional 20
 4 business days to complete the review and issue the full permit. If the plans submitted for
 5 permitting are denied for any deficiency, the time frames and process for resubmittal shall
 6 be governed by subparagraphs (C) through (E) of paragraph (7) of this subsection.

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

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

15 (4) A private professional provider performing plan reviews under this subsection shall
 16 review construction plans to determine compliance with the Georgia State Minimum
 17 Standard Codes most recently adopted by the Department of Community Affairs and any
 18 locally adopted ordinances and amendments to such codes; the Manual for Erosion and
 19 Sediment Control in Georgia as of January 1 of the year in which the land disturbing
 20 activity was permitted; and the requirements of subsection (b) of Code Section 12-7-6,
 21 if applicable to the project. Upon determining that the plans reviewed comply with the
 22 applicable codes, such private professional provider shall prepare an affidavit or
 23 affidavits on a form adopted by the Department of Community Affairs certifying under
 24 oath that the following is true and correct to the best of such private professional
 25 provider's knowledge and belief and in accordance with the applicable professional
 26 standard of care:

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

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

35 (5) All private professional providers providing plan review or inspection services
 36 pursuant to this subsection shall secure and maintain insurance coverage for professional
 37 liability (errors and omissions) insurance. The limits of such insurance shall be not less

1 than \$1 million per claim and \$1 million in aggregate coverage. Such insurance may be
 2 a practice policy or project-specific coverage. If the insurance is a practice policy, it shall
 3 contain prior acts coverage for the private professional provider. If the insurance is
 4 project-specific, it shall continue in effect for two years following the issuance of the
 5 certificate of final completion for the project. A local enforcement agency, local building
 6 official, or local government may establish, for private professional providers working
 7 within that jurisdiction, a system of registration listing the private professional providers
 8 within their areas of competency and verifying compliance with the insurance
 9 requirements of this subsection.

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

21 ~~(5)~~(7)(A) The registered permit applicant shall submit a copy of the private
 22 professional ~~engineer~~ provider's plan
 23 review report to the county or municipality. Such plan review report shall include at
 24 a minimum all of the following:

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

27 (ii) The applicable fees; and

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

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

1 of law and the permit shall be issued by the local building official on the next business
 2 day.

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

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

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

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

34 ~~(7)~~(9) A local governing authority may provide for the prequalification of registered
 35 private professional engineers providers who may perform plan reviews or inspections
 36 pursuant to this subsection. No ordinance implementing prequalification shall become
 37 effective until notice of the governing authority's intent to require prequalification and

1 the specific requirements for prequalification have been advertised in the newspaper in
2 which the sheriff's advertisements for that locality are published. The ordinance
3 implementing prequalification shall provide for evaluation of the qualifications of a
4 registered private professional engineer provider only on the basis of the engineer's
5 private professional provider's expertise with respect to the objectives of the inspection
6 this subsection, as demonstrated by the engineer's private professional provider's
7 experience, education, and training. Such ordinance may require a private professional
8 provider to hold additional certifications, provided that such certifications are required
9 by ordinance for plan review personnel currently directly employed by such local
10 governing authority.

11 (8)(10) Nothing in this subsection shall be construed to limit any public or private right
12 of action designed to provide protection, rights, or remedies for consumers.

13 (11) This subsection shall not apply to hospitals, ambulatory health care centers, nursing
14 homes, jails, penal institutions, airports, buildings or structures that impact national or
15 state homeland security, or any building defined as a high-rise building in the State
16 Minimum Standards Code; provided, however, that interior tenant build-out projects
17 within high-rise buildings are not exempt from this subsection.

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

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

28 (B) If the local building official and the private professional provider are unable to
29 resolve the dispute, the matter shall be referred to the local enforcement agency's board
30 of appeals, if one exists, which shall consider the matter not later than its next
31 scheduled meeting. Any decisions by the local official, if there is no board of appeals,
32 may be appealed to the Department of Community Affairs as provided in this chapter.
33 The Department of Community Affairs shall develop rules and regulations which shall
34 establish reasonable time frames and fees to carry out the provisions of this paragraph.

35 (13) The local government, the local building official, and local building code
36 enforcement personnel and agents of the local government shall be immune from liability
37 to any person or party for any action or inaction by an owner of a building or by a private

1 professional provider or its duly authorized representative in connection with building
 2 code plan review and inspection services by private professional providers as provided
 3 in this subsection.

4 (14) Except as provided in paragraph (9) of this subsection and Chapter 7 of Title 12, no
 5 local enforcement agency, local code official, or local government shall adopt or enforce
 6 any rules, procedures, policies, qualifications, or standards more stringent than those
 7 prescribed in this subsection.

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

13 (16) When performing building code plan reviews or inspection services, a private
 14 professional provider is subject to the disciplinary guidelines of the applicable
 15 professional licensing board with jurisdiction over such private professional provider's
 16 license or certification under Chapters 4 and 15 of Title 43, as applicable. Any complaint
 17 processing, investigation, and discipline that arise out of a private professional provider's
 18 performance of building code plan reviews or inspection services shall be conducted by
 19 the applicable professional licensing board. Notwithstanding any disciplinary rules of the
 20 applicable professional licensing board with jurisdiction over such private professional
 21 provider's license or certification under Chapters 4 and 15 of Title 43, any local building
 22 official may decline to accept building code plan reviews or inspection services submitted
 23 by any private professional provider who has submitted multiple reports which required
 24 revisions due to negligence, noncompliance, or deficiencies.

25 (17) Nothing in this subsection shall apply to inspections for erosion and sedimentation
 26 control exempted in Code Section 8-2-26.1."

27 **SECTION 2.**

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

33 "(a)(1) Plans and specifications for all proposed buildings which come under
 34 classification in paragraph (1) of subsection (b) of Code Section 25-2-13 and which come
 35 under the jurisdiction of the office of the Commissioner pursuant to Code Section
 36 25-2-12 shall be submitted to and receive approval by either the state fire marshal, the

1 proper local fire marshal, or state inspector before any state, municipal, or county
2 building permit may be issued or construction started. All such plans and specifications
3 submitted as required by this subsection shall be accompanied by a fee in the amount
4 provided in Code Section 25-2-4.1 and shall bear the seal and Georgia registration
5 number of the drafting architect or engineer or shall otherwise have the approval of the
6 Commissioner.

7 (2)(A) If the state fire marshal, the proper local fire marshal, state inspector, or
8 designated code official cannot provide plan review within 30 business days of
9 receiving a written application for permitting in accordance with the code official's plan
10 submittal process, then, in lieu of plan review by personnel employed by such
11 governing authority, any person, firm, or corporation engaged in a construction project
12 which requires plan review, regardless if the plan review is required by subsection (a)
13 of this Code section or by local county or municipal ordinance, shall have the option
14 of retaining, at its own expense, a private professional provider to provide the required
15 plan review. As used in this paragraph, the term 'private professional provider' means
16 a professional engineer who holds a certificate of registration issued under Chapter 15
17 of Title 43 or a professional architect who holds a certificate of registration issued
18 under Chapter 4 of Title 43, who is not an employee of or otherwise affiliated with or
19 financially interested in the person, firm, or corporation engaged in the construction
20 project to be reviewed.

21 (B) The state fire marshal, the proper local fire marshal, state inspector, or designated
22 code official shall advise the permit applicant at the time the complete submittal
23 application for a permit in accordance with the code official's plan submittal process
24 is received that the state fire marshal, the proper local fire marshal, state inspector, or
25 designated code official intends to complete the required plan review within the time
26 prescribed by this paragraph or that the applicant may immediately secure the services
27 of a private professional provider to complete the required plan review pursuant to this
28 subsection. The plan submittal process shall include those procedures and approvals
29 required by the local jurisdiction before plan review can take place. If the state fire
30 marshal, the proper local fire marshal, state inspector, or designated code official states
31 its intent to complete the required plan review within the time prescribed by this
32 paragraph, the applicant shall not be authorized to use the services of a private
33 professional provider as provided in this subsection. The permit applicant and the state
34 fire marshal, the proper local fire marshal, state inspector, or designated code official
35 may agree by mutual consent to extend the time period prescribed by this paragraph for
36 plan review if the characteristics of the project warrant such an extension. However,
37 if the state fire marshal, the proper local fire marshal, state inspector, or designated code

1 official states its intent to complete the required plan review within the time prescribed
2 by this paragraph, or any extension thereof mutually agreed to by the applicant and the
3 state fire marshal, the proper local fire marshal, state inspector, or designated code
4 official and does not permit the applicant to use the services of a private professional
5 provider and the state fire marshal, the proper local fire marshal, state inspector, or
6 designated code official fails to complete such plan review in the time prescribed by
7 this paragraph, or any extension thereof mutually agreed to by the applicant and the
8 state fire marshal, the proper local fire marshal, state inspector, or designated code
9 official, the state fire marshal, the proper local fire marshal, state inspector, or
10 designated code official shall issue the applicant a project initiation permit to allow the
11 applicant to begin work on the project, provided that portion of the initial phase of work
12 is compliant with applicable codes, laws, and rules. If a full permit is not issued for
13 the portion requested for permitting, then the state fire marshal, the proper local fire
14 marshal, state inspector, or designated code official shall have an additional 20 business
15 days to complete the review and issue the full permit. If the plans submitted for
16 permitting are denied for any deficiency, the time frames and process for resubmittal
17 shall be governed by divisions (2)(H)(iii) through (2)(H)(v) of this subsection.

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

23 (D) The person, firm, or corporation retaining a private professional provider to
24 conduct a plan review shall be required to pay to the state fire marshal, the proper local
25 fire marshal, state inspector, or designated code official which requires the plan review
26 the same regulatory fees and charges which would have been required had the plan
27 review been conducted by the state fire marshal, the proper local fire marshal, state
28 inspector, or designated code official.

29 (E) A private professional provider performing plan reviews under this subsection shall
30 review construction plans to determine compliance with the state's minimum fire safety
31 standards in effect which were adopted pursuant to this chapter and, where applicable,
32 the state's minimum accessibility standards adopted pursuant to Chapter 3 of Title 30.
33 Upon determining that the plans reviewed comply with the applicable codes and
34 standards as adopted, such private professional provider shall prepare an affidavit or
35 affidavits on a form prescribed by the Safety Fire Commissioner certifying under oath
36 that the following is true and correct to the best of such private professional provider's

1 knowledge and belief and in accordance with the applicable professional standard of
2 care:

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

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

10 (F) All private professional providers providing plan review services pursuant to this
11 subsection shall secure and maintain insurance coverage for professional liability
12 (errors and omissions) insurance. The limits of such insurance shall be not less than \$1
13 million per claim and \$1 million in aggregate coverage. Such insurance may be a
14 practice policy or project-specific coverage. If the insurance is a practice policy, it shall
15 contain prior acts coverage for the private professional provider. If the insurance is
16 project-specific, it shall continue in effect for two years following the issuance of the
17 certificate of final completion for the project. The state fire marshal, the proper local
18 fire marshal, state inspector, or designated code official may establish, for private
19 professional providers working within their respective jurisdictions specified by this
20 chapter, a system of registration listing the private professional providers within their
21 areas of competency and verifying compliance with the insurance requirements of this
22 subsection.

23 (G) The private professional provider shall be empowered to perform any plan review
24 required by the state fire marshal, the proper local fire marshal, state inspector, or
25 designated code official, regardless if the plan review is required by this subsection or
26 by local county or municipal ordinance, provided that the plan review is within the
27 scope of such private professional provider's area of expertise and competency. This
28 subsection shall not apply to hospitals, ambulatory health care centers, nursing homes,
29 jails, penal institutions, airports, buildings or structures that impact national or state
30 homeland security, or any building defined as a high-rise building in the State
31 Minimum Standards Code, provided that interior tenant build-out projects within
32 high-rise buildings are not exempt from this subsection, or plans related to Code
33 Section 25-2-16 or 25-2-17 or Chapter 8, 9, or 10 of this title.

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

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

3 (II) The applicable fees required for permitting;

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

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

10 (ii) No more than 30 business days after receipt of a permit application and the
11 private professional provider's plan review report required pursuant to this subsection,
12 the state fire marshal, the proper local fire marshal, state inspector, or designated code
13 official shall issue the requested permit or provide written notice to the permit
14 applicant identifying the specific plan features that do not comply with the applicable
15 codes or standards, as well as the specific reference to the relevant requirements. If
16 the state fire marshal, the proper local fire marshal, state inspector, or designated code
17 official does not provide a written notice of the plan deficiencies within the prescribed
18 30 day period, the permit application shall be deemed approved as a matter of law and
19 the permit shall be issued by the state fire marshal, the proper local fire marshal, state
20 inspector, or designated code official on the next business day.

21 (iii) If the state fire marshal, the proper local fire marshal, state inspector, or
22 designated code official provides a written notice of plan deficiencies to the permit
23 applicant within the prescribed 30 day period, the 30 day period shall be tolled
24 pending resolution of the matter. To resolve the plan deficiencies, the permit
25 applicant may elect to dispute the deficiencies pursuant to this chapter, the
26 promulgated rules and regulations adopted thereunder, or, where appropriate for
27 existing buildings, the local governing authority's appeals process or the permit
28 applicant may submit revisions to correct the deficiencies.

29 (iv) If the permit applicant submits revisions, the state fire marshal, the proper local
30 fire marshal, state inspector, or designated code official shall have the remainder of
31 the tolled 30 day period plus an additional five business days to issue the requested
32 permit or to provide a second written notice to the permit applicant stating which of
33 the previously identified plan features remain in noncompliance with the applicable
34 codes or standards, with specific reference to the relevant requirements. If the state
35 fire marshal, the proper local fire marshal, state inspector, or designated code official
36 does not provide the second written notice within the prescribed time period, the

1 permit shall be issued by the state fire marshal, the proper local fire marshal, state
2 inspector, or designated code official on the next business day.

3 (v) If the state fire marshal, the proper local fire marshal, state inspector, or
4 designated code official provides a second written notice of plan deficiencies to the
5 permit applicant within the prescribed time period, the permit applicant may elect to
6 dispute the deficiencies pursuant to this chapter, the rules and regulations promulgated
7 thereunder, or, where applicable for existing buildings, the local governing authority's
8 appeals process or the permit applicant may submit additional revisions to correct the
9 deficiencies. For all revisions submitted after the first revision, the state fire marshal,
10 the proper local fire marshal, state inspector, or designated code official shall have an
11 additional five business days to issue the requested permit or to provide a written
12 notice to the permit applicant stating which of the previously identified plan features
13 remain in noncompliance with the applicable codes or standards, with specific
14 reference to the relevant requirements.

15 (I) The state fire marshal may provide for the prequalification of private professional
16 providers who may perform plan reviews pursuant to this subsection by rule or
17 regulation authorized in Code Section 25-2-4. In addition, any local fire marshal, state
18 inspector, or designated code official may provide for the prequalification of private
19 professional providers who may perform plan reviews pursuant to this subsection;
20 however, no additional local ordinance implementing prequalification shall become
21 effective until notice of the proper local fire marshal, state inspector, or designated code
22 official's intent to require prequalification and the specific requirements for
23 prequalification have been advertised in the newspaper in which the sheriff's
24 advertisements for that locality are published. The ordinance implementing
25 prequalification shall provide for evaluation of the qualifications of a private
26 professional provider only on the basis of the private professional provider's expertise
27 with respect to the objectives of this subsection, as demonstrated by the private
28 professional provider's experience, education, and training. Such ordinance may
29 require a private professional provider to hold additional certifications, provided that
30 such certifications are required by ordinance or state law for plan review personnel
31 currently directly employed by such local governing authority.

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

34 (K) If the state fire marshal, the proper local fire marshal, state inspector, or designated
35 code official determines that the building construction or plans do not comply with the
36 applicable codes or standards, the state fire marshal, the proper local fire marshal, state
37 inspector, or designated code official may deny the permit or request for a certificate

1 of occupancy or certificate of completion, as appropriate, or may issue a stop-work
2 order for the project or any portion thereof as provided by law or rule or regulation,
3 after giving notice and opportunity to remedy the violation, if the state fire marshal, the
4 proper local fire marshal, state inspector, or designated code official determines that
5 noncompliance exists with state laws, adopted codes or standards, or local ordinances,
6 provided that:

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

12 (ii) If the state fire marshal, the proper local fire marshal, state inspector, or
13 designated code official and the private professional provider are unable to resolve the
14 dispute, the matter shall be referred to the local enforcement agency's board of
15 appeals, except as provided in Code Section 25-2-12 and appeals for those proposed
16 buildings classified under paragraph (1) of subsection (b) of Code Section 25-2-13 or
17 any existing building under the specific jurisdiction of the state fire marshal's office
18 shall be made to the state fire marshal and further appeal shall be under Code Section
19 25-2-10.

20 (L) The state fire marshal, the proper local fire marshal, state inspector, local
21 government, designated code official enforcement personnel, or agents of the governing
22 authority shall be immune from liability to any person or party for any action or
23 inaction by an owner of a building or by a private professional provider or its duly
24 authorized representative in connection with building plan review services by private
25 professional providers as provided in this subsection.

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

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

36 (O) When performing building code plan reviews related to determining compliance
37 with the Georgia State Minimum Standard Codes most recently adopted by the

1 Department of Community Affairs, the state's minimum fire safety standards adopted
2 by the safety fire marshal, or the state's minimum accessibility standards pursuant to
3 Chapter 3 of Title 30, a private professional provider is subject to the disciplinary
4 guidelines of the applicable professional licensing board with jurisdiction over such
5 private professional provider's license or certification under Chapters 4 and 15 of Title
6 43, as applicable. Any complaint processing, investigation, and discipline that arise out
7 of a private professional provider's performance of the adopted building, fire safety, or
8 accessibility codes or standards plan review services shall be conducted by the
9 applicable professional licensing board or as allowed by state rule or regulation.
10 Notwithstanding any disciplinary rules of the applicable professional licensing board
11 with jurisdiction over such private professional provider's license or certification under
12 Chapters 4 and 15 of Title 43, the state fire marshal, the proper local fire marshal, state
13 inspector, or designated code official enforcement personnel may decline to accept
14 building plan reviews submitted by any private professional provider who has
15 submitted multiple reports which required revisions due to negligence, noncompliance,
16 or deficiencies."

17 **SECTION 3.**

18 This Act shall become effective on January 1, 2007.

19 **SECTION 4.**

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