

Senate Bill 437

By: Senators Dixon of the 45th, Robertson of the 29th, Still of the 48th, Goodman of the 8th and Watson of the 11th

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
3 acknowledgment of an applicant's use of a private professional provider to conduct a plan
4 review or inspection and that such review or inspection may proceed regardless of whether
5 the local governing authority had performed its own plan review or inspection; to permit
6 virtual plan reviews or inspections; to provide for a shorter period for local governing
7 authorities to approve applications; to prohibit local governing authorities from charging
8 convenience fees; to provide for procedures to use a private professional provider for plan
9 review or inspection; to provide for notice; to provide for an acknowledgment; to provide for
10 related matters; to provide for an effective date and applicability; to repeal conflicting laws;
11 and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Part 2 of Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating
15 to state building, plumbing, and electrical codes, is amended by revising paragraphs (3), (4),

S. B. 437

- 1 -

16 (5), (6), (8), (9), and (13) of subsection (g) of Code Section 8-2-26, relating to local
17 enforcement, inspectors, and building permits, as follows:

18 "(3) No later than five business days after receipt of any application related to regulatory
19 requirements, a local building official of a county or municipality shall notify each
20 applicant as to whether the submitted documents meet the requirements of a complete
21 application and shall acknowledge whether an applicant retained a private professional
22 provider to provide the required plan review or inspection, allowing the applicant to
23 proceed with the plan review or inspection irrespective of whether the county or
24 municipality has conducted a plan review or inspection. Except as otherwise provided
25 in this paragraph, time spent by a county or municipality determining whether an
26 application is complete shall count toward the total ~~30~~ ten days for plan review or
27 inspection. If a local building official determines that the application is not complete, the
28 applicant shall be provided written notice identifying the items that are not complete.
29 The ~~30-day~~ ten-day time period is tolled when the application is rejected as incomplete.
30 If within ~~30~~ ten days after the county or municipality has provided notice that the
31 application is incomplete the permit applicant submits revisions to address the identified
32 deficiencies, the local building official shall have an additional five business days to
33 review the application for completeness.

34 (4) At the time a county or municipality notifies the applicant that a complete application
35 has been accepted, it shall also notify such applicant as to whether the personnel
36 employed or contracted by such county or municipality will be able to provide regulatory
37 action within ~~30~~ ten days for plan review or provide inspection services within two
38 business days of receiving a valid written request for inspection.

39 (5) The applicant shall have the option of retaining, at its own expense, a private
40 professional provider to provide the required plan review or inspection, conducted in
41 person or virtually, in accordance with the provisions of this Code section irrespective of
42 whether the county or municipality determines that the personnel employed or contracted

43 by such county or municipality can provide regulatory action or inspection services
 44 within the time frames required under paragraph (4) of this subsection. If the applicant
 45 elects to utilize the services of a private professional provider, the regulatory fees
 46 associated with such regulatory action shall be reduced by 50 percent and such reduced
 47 amount shall be paid to the county or municipality in accordance with such jurisdiction's
 48 policies. The local governing authority shall not charge any convenience fees when an
 49 applicant retains a private professional provider to provide the required plan review or
 50 inspection.

51 ~~(6)(A) If the county or municipality determines that the personnel employed or~~
 52 ~~contracted by such county or municipality can provide regulatory action or inspection~~
 53 ~~services within the time frames required under paragraph (4) of this subsection, a~~
 54 ~~convenience fee not to exceed the full amount of the regulatory fees associated with~~
 55 ~~such regulatory action shall be paid to the county or municipality in accordance with~~
 56 ~~such jurisdiction's policies. An applicant using a private professional provider pursuant~~
 57 ~~to paragraph (5) of this subsection shall notify the local governing authority in writing~~
 58 ~~at the time of the permit application, or by 2:00 P.M. two business days before the first~~
 59 ~~scheduled inspection by the local governing authority that a private professional~~
 60 ~~provider has been contracted to perform the required plan review or inspection. This~~
 61 ~~notice shall include:~~

- 62 (i) The services to be performed by the private professional provider;
 63 (ii) The name, firm, address, telephone number, and email address of the private
 64 professional provider performing such services;
 65 (iii) A directory of licensed individuals who are eligible to perform such services;
 66 (iv) The private professional provider's professional licenses or certification numbers;
 67 (v) A certificate demonstrating professional liability insurance coverage in place for
 68 the private professional provider's firm, the private professional provider, and any
 69 duly authorized representative in the amounts required by this subsection; and

70 (vi) A written acknowledgment from the applicant in substantially the following
71 form:

72 'I have elected to use one or more private professional providers to provide building
73 code plans review and/or inspection services on the building or structure that is the
74 subject of the enclosed permit application, as authorized by O.C.G.A.
75 Section 8-2-26(g). I understand that the county or municipality may not review the
76 plans submitted or perform the required building inspection to determine
77 compliance with the applicable building codes, except to the extent specified in said
78 codes. Instead the plans review and/or required building inspections will be
79 performed by the licensed or certified personnel identified in the application. The
80 law requires minimum insurance requirements for such personnel. By executing
81 this form I acknowledge that I have made an inquiry regarding the competence of
82 the licensed or certified personnel and the level of their insurance and am satisfied
83 my interests are adequately protected. I agree to indemnify, defend, and hold
84 harmless the county and/or municipality, and their building code enforcement
85 personnel from any and all claims arising from my use of these licensed or certified
86 personnel to perform building code inspection services with respect to the building
87 or structure that is the subject of the enclosed permit application.'

88 (vii) The commissioner shall promulgate a notice form on the department website
89 that meets the requirements of divisions (i) through (vi) of this subparagraph.

90 (B) If the applicant makes any changes to the listed private professional providers or
91 services to be provided by such private professional providers, the applicant shall,
92 within one business day after any change or within two business days of the next
93 scheduled inspection, update the notice to reflect such changes.

94 (C) A change of private professional provider named in the permit application does not
95 require a revision of the permit, and the local governing authority shall not charge a fee
96 for making such change."

97 "(8) Any plan review or inspection conducted either in person or virtually ~~conducted~~ by
 98 a private professional provider shall be no less extensive than plan reviews or inspections
 99 conducted by county or municipal personnel.

100 (9) The person, firm, or corporation retaining a private professional provider to conduct
 101 a plan review or an inspection shall be required to pay to the county or municipality
 102 which requires the plan review or inspection the regulatory fees and charges which are
 103 required by paragraph (5) ~~or (6)~~ of this subsection ~~or both, as applicable.~~"

104 "(13)(A) The permit applicant shall submit a copy of the private professional provider's
 105 plan review report to the county or municipality within five days of its completion.
 106 Such plan review report shall include at a minimum ~~at~~ both of the following:

107 (i) The affidavit of the private professional provider required pursuant to this
 108 subsection; and

109 ~~(ii) The applicable fees; and~~

110 ~~(iii)~~(ii) Any documents required by the local official and any other documents
 111 necessary to determine that the permit applicant has secured all other governmental
 112 approvals required by law.

113 (B) No more than ~~30~~ ten days after receipt of both a permit application and the
 114 affidavit from the private professional provider required pursuant to this subsection, the
 115 local building official shall issue the requested permit or provide written notice to the
 116 permit applicant identifying the specific plan features that do not comply with the
 117 applicable regulatory requirements, as well as the specific code chapters and sections
 118 of such regulatory requirements. If the local building official does not provide a written
 119 notice of the plan deficiencies within the prescribed ~~30-day~~ ten-day period, the permit
 120 application shall be deemed approved as a matter of law and the permit shall be issued
 121 by the local building official on the next business day.

122 (C) If the local building official provides a written notice of plan deficiencies to the
 123 permit applicant within the prescribed ~~30-day~~ ten-day period, the ~~30-day~~ ten-day period

124 shall be tolled pending resolution of the matter. To resolve the plan deficiencies, the
125 permit applicant may elect to dispute the deficiencies pursuant to this subsection or to
126 submit revisions to correct the deficiencies.

127 (D) If the permit applicant submits revisions to address the plan deficiencies previously
128 identified, the local building official shall have the remainder of the tolled ~~30-day~~
129 ten-day period plus an additional five business days to issue the requested permit or to
130 provide a second written notice to the permit applicant stating which of the previously
131 identified plan features remain in noncompliance with the applicable regulatory
132 requirements, with specific reference to the relevant code chapters and sections of such
133 regulatory requirements. If the local building official does not provide the second
134 written notice within the prescribed time period, the permit shall be issued by the local
135 building official on the next business day. In the event that the revisions required to
136 address the plan deficiencies or any additional revisions submitted by the applicant
137 require that new governmental approvals be obtained, the applicant shall be required
138 to obtain such approvals before a new plan report can be submitted.

139 (E) If the local building official provides a second written notice of plan deficiencies
140 to the permit applicant within the prescribed time period, the permit applicant may elect
141 to dispute the deficiencies pursuant to this subsection or to submit additional revisions
142 to correct the deficiencies. For all revisions submitted after the first revision, the local
143 building official shall have an additional five business days to issue the requested
144 permit or to provide a written notice to the permit applicant stating which of the
145 previously identified plan features remain in noncompliance with the applicable
146 regulatory requirements, with specific reference to the relevant code chapters and
147 sections."

148

SECTION 2.

149 This Act shall become effective on July 1, 2026, and shall apply to all plan reviews or
150 inspections occurring on or after such date.

151

SECTION 3.

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