

JAN 31 2002
STATE GOVERNMENT

2/4/02 Rereferred To: Local Gov.
2/19/02 Do Pass

HOUSE FILE 2181
BY RICHARDSON and VAN ENGELENHOVEN
3/20/02 Rereferred To: Local Gov.

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to optional private retention of inspectors when
2 inspections are required pursuant to building regulations
3 applicable in a governmental subdivision.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 2181

H-8118

- 1 Amend House File 2181 as follows:
- 2 1. Page 1, line 8, by striking the word "two" and
- 3 inserting the following: "three".
- 4 2. Page 2, line 7, by striking the word "two" and
- 5 inserting the following: "five".

By SIEVERS of Scott
RICHARDSON of Warren

H-8118 FILED FEBRUARY 27, 2002

HF 2181

1 Section 1. NEW SECTION. 103A.27 CONSTRUCTION INSPECTIONS
2 -- PRIVATE RETENTION.

3 1. If a person, firm, or corporation engaged in a
4 construction project which requires inspection pursuant to a
5 law or ordinance adopted by a governmental subdivision under
6 section 103A.19 submits a written request for inspection to
7 the governmental subdivision and the governmental subdivision
8 cannot provide inspection services within two business days of
9 receiving the written request, the person, firm, or
10 corporation may, in lieu of inspection by inspectors or other
11 personnel employed by the governmental subdivision, retain at
12 its own expense a professional engineer licensed pursuant to
13 chapter 542B to perform the required inspection. A licensed
14 professional engineer retained pursuant to this section shall
15 not be an employee of or otherwise affiliated with or
16 financially interested in the person, firm, or corporation
17 requesting the inspection. The following shall apply to an
18 inspection performed pursuant to this section:

- 19 a. The inspection shall be no less extensive than an
20 inspection conducted by the governmental subdivision.
- 21 b. The person, firm, or corporation shall pay to the
22 governmental subdivision requiring the inspection the same
23 permit fees and other charges which would have been required
24 if the inspection had been performed by an inspector furnished
25 by the governmental subdivision.
- 26 c. The licensed professional engineer retained by the
27 person, firm, or corporation may perform any inspection
28 required by the governmental subdivision including, but not
29 limited to, inspections for footings, foundations, concrete
30 slabs, framing, electrical, plumbing, heating, ventilation,
31 and air conditioning, or any and all other inspections
32 necessary or required, provided that the inspection is within
33 the scope of the professional engineer's license and area of
34 expertise.

35 2. A licensed professional engineer retained pursuant to

1 this section shall submit an inspection report to the
2 governmental subdivision. The governmental subdivision shall
3 accept the inspection report without the necessity of further
4 inspection or approval by the inspectors or other personnel
5 employed by the governmental subdivision, unless the
6 governmental subdivision notifies the licensed professional
7 engineer, within two business days after submission of the
8 inspection report, that the governmental subdivision finds the
9 report incomplete or the inspection inadequate and has
10 provided the engineer with a written description of the
11 deficiencies and specific requirements which have not been
12 adequately addressed.

13 3. A governmental subdivision may provide for the
14 prequalification of licensed professional engineers for
15 authorization to perform inspections pursuant to this section.
16 An ordinance implementing prequalification shall not become
17 effective until notice of the governmental subdivision's
18 intent to require prequalification and the specific
19 requirements for prequalification have been advertised in a
20 local newspaper of general circulation within the governmental
21 subdivision. The ordinance implementing prequalification
22 shall provide for evaluation of the qualifications of a
23 licensed professional engineer on the basis of the licensed
24 professional engineer's expertise with respect to the
25 objectives of the inspection, as demonstrated by the licensed
26 professional engineer's experience, education, and training.

27 EXPLANATION

28 This bill provides for the optional retention of a licensed
29 professional engineer by a person, firm, or corporation when
30 inspections are required pursuant to building regulations
31 applicable in a governmental subdivision, and the inspection
32 cannot be furnished by the governmental subdivision within two
33 business days. The bill provides that the retained inspector
34 shall be a professional engineer licensed pursuant to Code
35 chapter 542B, who is not an employee of or otherwise

1 affiliated with or financially interested in the person, firm,
2 or corporation requesting the inspection.

3 The bill provides that the inspection performed shall be no
4 less extensive than an inspection which would otherwise be
5 conducted by the governmental subdivision, and that the same
6 fees and other charges which would have been required if the
7 inspection had been performed by an inspector furnished by the
8 governmental subdivision must be paid to that governmental
9 subdivision. The bill also provides that the licensed
10 professional engineer may perform any inspection required by
11 the governmental subdivision and within the engineer's scope
12 of license including, but not limited to, a specified listing
13 of commonly required inspection procedures.

14 The bill provides that the licensed professional engineer
15 shall submit an inspection report to the governmental
16 subdivision, and that the governmental subdivision shall
17 accept it unless the governmental subdivision notifies the
18 licensed professional engineer, within two business days after
19 submission of the report, that the report is incomplete or the
20 inspection inadequate, and has supplied a written description
21 of the deficiencies and specific requirements which have not
22 been adequately addressed. The bill provides that a
23 governmental subdivision may provide for the prequalification
24 of licensed professional engineers for authorization to
25 perform inspections.

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