

52:27D-124

LEGISLATIVE HISTORY CHECKLIST

NJSA: 52:27D-124

(Uniform Construction Code -
private inspection agency fees -
Community Affairs may establish)

LAW OF: 1983

CHAPTER: 338

Bill No: A619

Sponsor(s): Pellechia

Date Introduced: February 1, 1982

Committee:

Assembly: Municipal Government

Senate: County and Municipal Government

Amended during passage:

YES

Amendments during passage denoted
by asterisks

Date of Passage:

Assembly: January 27, 1983

Senate: June 30, 1983

Date of Approval: September 6, 1983

Following statements are attached if available:

Sponsor statement:

YES

Committee statement:

Assembly

YES

Senate

NO

Fiscal Note:

NO

Veto Message:

NO

Message on Signing:

NO

Following were printed:

Reports:

YES

Hearings:

YES

Report, referred to in sponsor's statement:

974.90 New Jersey. Legislature. Assembly Committee on Municipal Government
B923 Report...State Uniform Construction
1980 Code, January 3, 1980. Trenton, 1980.
(see pp. 6, 18-20)

(over)

Hearings referred to in report:

974.90 New Jersey. Legislature. Assembly Committee on Municipal Government
B923 Public hearings..held 2/14/79, Paterson, New Jersey
1979 1979.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 619

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 1, 1982

By Assemblyman PELLECCIA

Referred to Committee on Municipal Government

AN ACT to amend the "State Uniform Construction Code Act,"
approved October 7, 1975 (P. L. 1975, c. 217).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 6 of P. L. 1975, c. 217 (C. 52:27D-124) is amended to
2 read as follows:

3 6. Powers of the commissioner. The commissioner shall have
4 all the powers necessary or convenient to effectuate the purposes
5 of this act, including, but not limited to, the following powers in
6 addition to all others granted by this act:

7 a. To adopt, amend and repeal, after consultation with the code
8 advisory board, rules: (1) relating to the administration and
9 enforcement of this act and (2) the qualifications or licensing, or
10 both, of all persons employed by enforcing agencies of the State to
11 enforce this act or the code, except that, plumbing inspectors shall
12 be subject to the rules adopted by the commissioner only insofar as
13 such rules are compatible with such rules and regulations, regard-
14 ing health and plumbing for public and private buildings, as may
15 be promulgated by the Public Health Council in accordance with
16 Title 26 of the Revised Statutes.

17 b. To enter into agreements with federal and State of New Jer-
18 sey agencies, after consultation with the code advisory board, to
19 provide insofar as practicable (1) single-agency review of construc-
20 tion plans and inspection of construction and (2) intergovern-
21 mental acceptance of such review and inspection to avoid unneces-
22 sary duplication of effort and fees. The commissioner shall have

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendment adopted December 13, 1982.**

23 the power to enter into such agreements although the federal
24 standards are not identical with State standards; provided that
25 the same basic objectives are met. The commissioner shall have
26 the power through such agreements to bind the State of New Jersey
27 and all governmental entities deriving authority therefrom.

28 c. To take testimony and hold hearings relating to any aspect
29 of or matter relating to the administration or enforcement of this
30 act, including but not limited to prospective interpretation of the
31 code so as to resolve inconsistent or conflicting code interpreta-
32 tions, and, in connection therewith, issue subpoenas to compel the
33 attendance of witnesses and the production of evidence. The com-
34 missioner may designate one or more hearing examiners to hold
35 public hearings and report on such hearings to the commissioner.

36 d. To encourage, support or conduct, after consultation with
37 the code advisory board, educational and training programs for
38 employees, agents and inspectors of enforcing agencies, either
39 through the Department of Community Affairs or in cooperation
40 with other departments of State Government, enforcing agencies,
41 educational institutions, or associations of code officials.

42 e. To study the effect of this act and the code to ascertain their
43 effect upon the cost of building construction and maintenance, and
44 the effectiveness of their provisions for insuring the health, safety,
45 and welfare of the people of the State of New Jersey.

46 f. To make, establish and amend, after consultation with the
47 code advisory board, such rules as may be necessary, desirable or
48 proper to carry out his powers and duties under this act.

49 g. To adopt, amend, and repeal rules and regulations providing
50 for the charging of and setting the amount of fees for the following
51 code enforcement services, licenses or approvals performed or
52 issued by the department, pursuant to the "State Uniform Con-
53 struction Code Act":

54 (1) Plan review, construction permits, certificates of occupancy,
55 demolition permits, moving of building permits, elevator permits
56 and sign permits; *and*,

57 (2) Review of applications for and the issuance of licenses certi-
58 fying an individual's qualifications to act as a construction code
59 official, subcode official or assistant under this act[; and].

60 (3) [Review of applications for and the issuance of approvals
61 authorizing a private agency to act as an onsite inspection and plan
62 review agency or as an inplant inspection agency under this act]
63 (*Deleted by amendment P. L. 1982, c. . . .*).

64 h. To adopt, amend and repeal rules and regulations providing
65 for the charging of and setting the amount of construction permit

66 surcharge fees to be collected by the enforcing agency and remitted
67 to the department to support those activities which may be under-
68 taken with moneys credited to the Uniform Construction Code Re-
69 volving Fund.

70 *i. To adopt, amend and repeal rules and regulations providing*
71 *for:*

72 *(1) setting the amount of and the changing of fees to be paid*
73 *to the department by a private agency for the review of applica-*
74 *tions for and the issuance of approvals authorizing a private*
75 *agency to act as an onsite inspection and plan review agency or an*
76 *inplant inspection agency;*

77 *(2) the setting of the amounts of fees to be charged by a private*
78 *agency for inspection and plan review services*; provided, how-*
78A *ever, that such fees shall be identical to those adopted and charged*
78B *by the department when it serves as a local enforcement agency*
78C *pursuant to section 10 of P. L. 1975, c. 217 (C. 52:27D-128)*; and,*

79 *(3) the formulation of standards to be observed by a municipality*
80 *in the evaluation of a proposal submitted by a private agency to*
81 *provide inspection or plan review services within a municipality.*

1 2. This act shall take effect immediately.

ASSEMBLY, No. 619

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 1, 1982

By Assemblyman PELLECCCHIA

Referred to Committee on Municipal Government

AN ACT to amend the "State Uniform Construction Code Act,"
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14 ing health and plumbing for public and private buildings, as may
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17 b. To enter into agreements with federal and State of New Jer-
18 sey agencies, after consultation with the code advisory board, to
19 provide insofar as practicable (1) single-agency review of construc-
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21 mental acceptance of such review and inspection to avoid unneces-
22 sary duplication of effort and fees. The commissioner shall have
23 the power to enter into such agreements although the federal
24 standards are not identical with State standards; provided that
25 the same basic objectives are met. The commissioner shall have
26 the power through such agreements to bind the State of New Jersey
27 and all governmental entities deriving authority therefrom.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

28 c. To take testimony and hold hearings relating to any aspect
29 of or matter relating to the administration or enforcement of this
30 act, including but not limited to prospective interpretation of the
31 code so as to resolve inconsistent or conflicting code interpreta-
32 tions, and, in connection therewith, issue subpoenas to compel the
33 attendance of witnesses and the production of evidence. The com-
34 missioner may designate one or more hearing examiners to hold
35 public hearings and report on such hearings to the commissioner.

36 d. To encourage, support or conduct, after consultation with
37 the code advisory board, educational and training programs for
38 employees, agents and inspectors of enforcing agencies, either
39 through the Department of Community Affairs or in cooperation
40 with other departments of State Government, enforcing agencies,
41 educational institutions, or associations of code officials.

42 e. To study the effect of this act and the code to ascertain their
43 effect upon the cost of building construction and maintenance, and
44 the effectiveness of their provisions for insuring the health, safety,
45 and welfare of the people of the State of New Jersey.

46 f. To make, establish and amend, after consultation with the
47 code advisory board, such rules as may be necessary, desirable or
48 proper to carry out his powers and duties under this act.

49 g. To adopt, amend, and repeal rules and regulations providing
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51 code enforcement services, licenses or approvals performed or
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54 (1) Plan review, construction permits, certificates of occupancy,
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57 (2) Review of applications for and the issuance of licenses certi-
58 fying an individual's qualifications to act as a construction code
59 official, subcode official or assistant under this act **[; and]**.

60 (3) **[**Review of applications for and the issuance of approvals
61 authorizing a private agency to act as an onsite inspection and plan
62 review agency or as an inplant inspection agency under this act **]**
63 *(Deleted by amendment P. L. 1982, c. . . .)*

64 h. To adopt, amend and repeal rules and regulations providing
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 78 *agency for inspection and plan review services; and,*

79 *(3) the formulation of standards to be observed by a municipality*
 80 *in the evaluation of a proposal submitted by a private agency to*
 81 *provide inspection or plan review services within a municipality.*

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to amend the "State Uniform Construction Code Act" to allow the Department of Community Affairs to establish the fees which a private agency may charge for providing inspection and plan review services for a municipality. The bill also authorizes the department to promulgate standards to be observed by a municipality when evaluating a proposal from a private agency to provide inspection and plan review services within the municipality.

The bill is based on recommendations made by the General Assembly Municipal Government Committee in its report on the "State Uniform Construction Code Act." The committee held that certain municipalities lack sufficient expertise to evaluate contracts with private inspection agencies and that technical standards from the State would place these local units in a more advantageous bargaining position. It also held that fees charged by private agencies were, in certain instances, too high and that the State should be granted authority to curb excesses.

The Department of Community Affairs, which is charged with administering the "State Uniform Construction Code Act," endorses the bill.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 619

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 13, 1982

Assembly Bill No. 619 amends section 6 of the "State Uniform Construction Code Act," P. L. 1975, c. 217 (C. 52:27D-124) to authorize the Department of Community Affairs to establish the fees which a private agency may charge for providing inspection and plan review services for a municipality. The bill also authorizes the department to promulgate standards to be observed by a municipality when evaluating a proposal from a private agency to provide inspection and plan review services within the municipality.

The committee, at the sponsor's request, amended the bill to provide that the fees established by the department must be identical to those charged by the department itself when it serves as a local enforcement agency pursuant to the provisions of section 10 of the "State Uniform Construction Code Act," P. L. 1975, c. 217 (C. 52:27D-128).

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: PAUL WOLCOTT

THURSDAY, SEPTEMBER 8, 1983

Governor Thomas H. Kean has signed the following bills:

S-3585, jointly sponsored by State Senators William L. Gormley, R-Atlantic, and Richard J. Codey, D-Essex, which authorizes simulcast betting on horse racing.

A-619, sponsored by Assemblyman Vincent O. Pellecchia, D-Passaic, which permits the Department of Community Affairs to establish the fees which a private agency must charge for providing inspection and plan review services for a municipality under the State Uniform Construction Code Act.

A-2185, sponsored by Assemblyman John P. Doyle, D-Ocean, which provides for the certification of landscape architects, expands membership on the State Board of Architects and provides for evaluation and examination of candidates for certification.

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