

COMMUNITY AFFAIRS

Division Of Codes And Standards

Uniform Construction Code

Special Inspector Certification

Adopted Emergency Amendment and Concurrent Proposed Amendment: N.J.A.C. 5:23-5.4

Authorized by: Joseph V. Doria, Jr., Acting Commissioner,
Department of Community Affairs

Authority: N.J.S.A. 52:27D-124

Calendar: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2007-

Submit written comments by December 18, 2007 to:

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Joseph V. Doria, Jr., Acting Commissioner

The agency proposal follows:

Summary

At N.J.A.C. 5:23-2.20(b), the Uniform Construction Code (UCC) requires qualified individuals (special inspectors) to independently verify that certain work in Class I buildings has been completed in accordance with Chapter 17 of the building sub code, entitled "Structural Tests and Special Inspections." Special inspections are inspections that require constant attendance at the job site to witness the work being performed, for example pouring concrete, to ensure that the work is done properly in order to protect public safety. The construction work that requires special inspections is critical to the structural integrity and safety of the building. Because of the need to remain on the job site, these are not inspections that can be performed by inspectors working for local enforcing agencies. To ensure that those performing this work are qualified to do so, the Department has adopted amendments which establish certification

requirements for special inspectors. These amendments, which appeared in the November 6, 2006 issue of the *New Jersey Register* at 38 *N.J.R.* 4691(a), allowed until November 6, 2007 for qualified persons to obtain special inspector certification. The rule provides that, from that date forth, no person is to act as a special inspector who is not certified.

Thus far, the number of individuals who have applied for certification as special inspectors is not sufficient to meet the needs of the construction industry. In order to avoid delays in construction that would have a severe impact upon the economy of the State, it is necessary to extend by one year the date by which special inspectors must obtain certification. During the course of that year, any changes to program requirements that may be necessary in order to allow a sufficient number of properly qualified persons to obtain certification can be made.

As this is a notice of emergency adoption and concurrent proposal involving imminent peril to the public welfare, this notice is exempt from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a) 3.

Social Impact

By establishing certification requirements for special inspectors, the Department seeks to ensure that special inspectors are qualified to verify that certain work in Class I buildings has been completed in accordance with the UCC. Extension of the date for compliance with certification requirements will enable additional qualified individuals to obtain this certification, with the expectation that, with the additional time and possible changes to the rules, enough will be certified to meet the needs of construction in this State.

Economic Impact

Adoption of this proposal will avoid creation of serious delays in large construction projects, thus avoiding the adverse economic impacts upon property and business owners and construction companies and workers that would otherwise result.

Jobs Impact

The Department anticipates that many jobs in the construction industry would be saved as a result of the adoption of this amendment, and the loss of future jobs in other businesses at buildings under construction would be avoided.

Agriculture Industry Impact

The Department does not anticipate that the proposed amendments would have any impact on the agriculture industry.

Regulatory Flexibility Analysis

Some special inspectors who would be affected by the emergency adopted amendment and proposed amendment might be considered "small businesses" as defined by the Regulatory Flexibility Act at N.J.S.A. 52:14B-16 et seq. The extension of the compliance date for certification would be beneficial to those who have not yet obtained certification and would not impose recordkeeping, reporting, or compliance requirements or require additional professional services for the businesses.

Smart Growth Impact

The Department anticipates that the proposed amendments would have a positive impact upon the achievement of "smart growth" and implementation of the State Development and Redevelopment Plan to the extent that it would avoid delays in construction in areas in which growth is intended to be directed under the State Plan.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions Indicated in brackets [thus]):

5:23-5.4 Licenses required

(a) - (e) (No change.)

(f) Effective November 6 [2007] **2008**, special inspectors shall be certified in accordance with the administrative provisions of the Uniform Construction Code. No person shall act as a special inspector to enforce any provision of the building sub code for which this chapter has established a certification requirement unless that person has received the certification required by these rules for that specialty.

(g) (No change.)