

ASSEMBLY BILL

No. 2870

Introduced by Assembly Member Harman

February 25, 2002

An act to add Section 43.99 to the Civil Code, relating to building inspections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2870, as introduced, Harman. Building inspections: liability.

Existing law sets forth the State Housing Law, and provides for residential building permits, as specified.

This bill would provide that there is no personal monetary liability on the part of any person who is under contract with an applicant for a residential building permit to check the plans and specifications provided with the application in order to determine compliance with all applicable requirements imposed pursuant to the State Housing Law or any rules or regulations adopted pursuant to that law, or to inspect a work of improvement to determine compliance with these plans and specifications, as specified. The bill would also provide for the construction of its provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 43.99 is added to the Civil Code, to read:
2 43.99. (a) There is no personal monetary liability on the part
3 of any person who is under contract with an applicant for a
4 residential building permit to check the plans and specifications

1 provided with the application in order to determine compliance
2 with all applicable requirements imposed pursuant to the State
3 Housing Law (Part 1.5 (commencing with Section 17910) of
4 Division 13 of the Health and Safety Code) or any rules or
5 regulations adopted pursuant to that law, or to inspect a work of
6 improvement to determine compliance with these plans and
7 specifications if one of the following applies:

8 (1) The person has completed not less than two years of
9 verifiable experience in the appropriate field and has obtained
10 certification from a recognized state, national, or international
11 association pursuant to Sections 18949.28 and 18949.29 of the
12 Health and Safety Code, as determined by the local building code
13 agency with respect to those persons who perform construction
14 inspection and plans examiner services for the local agency from
15 whom the applicant is seeking the residential building permit.

16 (2) The person is a registered professional engineer, licensed
17 surveyor, or licensed architect rendering construction inspection
18 services or plans examination services within the scope of his or
19 her registration or licensure.

20 (b) This section may not be construed to relieve from, or lessen
21 the responsibility of any person who owns, operates, or controls
22 any residential building for any damages to persons or property
23 caused by construction or design defects.

24 (c) Nothing in this section, as it relates to construction
25 inspectors or plans examiners, may be construed to alter the
26 requirements for licensure, or the jurisdiction, authority, or scope
27 of practice, of architects pursuant to Chapter 3 (commencing with
28 Section 5500) of Division 3 of the Business and Professions Code,
29 professional engineers pursuant to Chapter 7 (commencing with
30 Section 6700) of Division 3 of the Business and Professions Code,
31 or land surveyors pursuant to Chapter 15 (commencing with
32 Section 8700) of Division 3 of the Business and Professions Code.

33 (d) Nothing in this section may be construed to alter the
34 immunity of employees of the Department of Housing and
35 Community Development under the Tort Claims Act (Div. 3.6
36 (commencing with Sec. 810), Title 1, Gov. C.) when acting
37 pursuant to Section 17965 of the Health and Safety Code.

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