# INITIAL EXPRESS TERMSFOR PROPOSED BUILDING STANDARDSOF THE DIVISION OF THE STATE ARCHITECT (DSA-SS AND DSA-CC) REGARDING THE **2021** CALIFORNIA ADMINISTRATIVE CODE,

# CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART **1**

The State agency shall draft the regulations in plain, straightforward language, avoiding technical terms as much as possible and using a coherent and easily readable style. The agency shall draft the regulation in plain English. A notation shall follow the express terms of each regulation listing the specific statutes authorizing the adoption and listing specific statutes being implemented, interpreted, or made specific (Government Code Section 11346.2(a)(1)).

If using assistive technology, please adjust your settings to recognize underline, strikeout and ellipsis.

## LEGEND for EXPRESS TERMS (California only codes - Parts 1, 6, 8, 11, 12)

* Existing California amendments appear upright
* Amended or new California amendments appear underlined
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* Ellipsis ( ...) indicate existing text remains unchanged
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# INITIAL EXPRESS TERMS

# Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), ARTICLE 1: ESSENTIAL SERVICES BUILDINGS

…

**4-207. Definitions.**

…

**ALTERATION** shall mean changes within an existing building as defined in Part 2, Title 24, CCR. Alterations to existing essential services buildings shall conform to the requirements of Title 24, CCR. Major alterations will be permitted, provided the entire essential services building as modified, including the structural alterations or additions, conforms to the requirements of Title 24, CCR, if the area of the existing building, including additions, exceeds 2,000 square feet. For the purpose of compliance with seismic safety regulations in state-owned essential service buildings, major alterations shall be any of the conditions defined in Section 317.3.1 of Part 10, Title 24, C.C.R.

…

# Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1: SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS, ARTICLE 1: GENERAL PROVISIONS

…

**4-309. Reconstruction or alteration projects in excess of $100,000 in cost.**

…

**(c) Required rehabilitation.** …

2. When the cost of the reconstruction, alterations or addition project does not exceed 50 percent of the replacement value of the existing building, and the proposed ~~modifications~~ work results in any of the following: …

B. A reduction in the lateral-force-resisting capacity or stiffness of any story in any one direction by more than 10 percent, cumulative since the original construction. For the purposes of evaluating the strength or stiffness reduction, any new strengthening as part of the project shall not be included.

**~~Exception to A and B:~~** ~~A rehabilitation of the structure will not be required if the elements of the existing lateral-force-resisting system, without considering new strengthening as part of the project, comply with Section 319.1 or 317.7, Part 10, and Section 1609A, Part 2.~~ The capacity of the lateral-force-resisting system may include past strengthening that was approved and certified by DSA as the basis for the percentage comparison.

…

**(d) Voluntary lateral-force-resisting system modifications.** Alterations to existing structural components or additions of new structural components that do not exceed the limitations of Section 4-309(c)2 for required rehabilitation and are initiated for the purpose of increasing the strength or stiffness of the lateral-force-resisting system of an existing structure are permitted to be evaluated and designed in accordance with Section 317.~~11~~12 of Part 10, Title 24, C.C.R. and Section 1609A, Part 2, Title 24, C.C.R. for voluntary lateral force-resisting system modifications.

**(e) Repair of damage due to earthquake or wind.** When building damage due to an earthquake or wind is repaired, all portions of the building associated to this damage shall be retrofitted to comply with currently effective regulations. Structural repair shall be in accordance with Section 405 of Part 10, Title 24, C.C.R.

…

# Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1: SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS, ARTICLE 5: CERTIFICATION OF CONSTRUCTION

**4-330. Time of beginning construction and partial construction.** Construction work, whether for a new school building, reconstruction, rehabilitation, alteration or addition, shall not be commenced, and no contract shall be let until the school board has applied for and obtained from DSA written approval of plans and specifications. Construction for each school building shall be commenced within ~~one~~ four years after the approval of the application, otherwise the approval ~~may be~~ is void~~ed~~ for those school buildings that have not commenced construction. ~~DSA may require that the plans and specifications be revised to meet its current regulations before an extension of approval is granted.~~

~~Renewals may be granted in annual increments. Renewal shall not extend beyond a period of four years from the initial date of the application approval.~~

~~A written request for extension of approval must be made by the school board to DSA.~~

# Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1, ARTICLE 5 CERTIFICATION OF CONSTRUCTION

…

**4-333. Observation and inspection of construction.** …

(b) **Inspection by a project inspector.** …

1. The project inspector and any assistant inspector must be approved by DSA for each individual project. Prior to being eligible for approval, any project inspector or any assistant inspector shall establish, to the satisfaction of DSA that he or she:
2. is appropriately certified by DSA, per ~~Section 4-333.1~~ Article 10; and

 …

1. DSA may withdraw the inspector’s approval for the project ~~due to failure of project inspector to comply with the requirements contained~~ in accordance with ~~Section 4-342(b)~~ Article 10. DSA shall communicate the withdrawal of the project inspector’s approval in writing to the school district and the architect or registered engineer in general responsible charge. The school district shall ensure that a replacement inspector is provided prior to continuation of construction work.

…

(d) **Assistant inspectors.** Assistant inspectors are approved by DSA to assist the project inspector with the inspection of one or more aspects of the construction. Assistant inspectors must work under the supervision of a Class 1 or 2 certified project inspector.

…

1. Failure of the assistant inspector to perform any of the duties specified in these regulations may be cause for DSA to take action as outlined in ~~Section 4-342(d)~~ Article 10.

# Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1, ARTICLE 5 CERTIFICATION OF CONSTRUCTION

…

(Relocated to Article 10, Sections 4-360.1, 4-361.1.1, 4-362, 4-363, and 4-364.) **~~4-333.1. Project inspector certification.~~** ~~To become a DSA certified project inspector, an applicant must qualify for and successfully complete a written examination administered by DSA. The examination measures the applicant's ability to read and comprehend construction documents associated with performing inspections as well as the construction, inspection and testing requirements of the~~ *~~California Building Standards Code~~*~~. Examinations are given in three classes.~~

1. ~~A Class 1 certified inspector may be approved to inspect any project.~~
2. ~~A Class 2 certified inspector may be approved to inspect any project, except a project containing one or more new structures or additions with a primary lateral force resisting system of steel, masonry or concrete.~~
3. ~~A Class 3 certified inspector may be approved to inspect projects containing alterations to approved buildings, site placement of relocatable buildings and construction of minor structures.~~
4. ~~Though an examination is no longer offered for Class 4, a Class 4 certified inspector may be approved to inspect projects containing site placement of relocatable buildings and associated site work.~~

(Relocated to Section 4-361.1.1 and modified.) ~~To qualify for an examination, an applicant shall possess a high school diploma or equivalent and shall meet the following minimum qualifications for the classification. Alternative qualifications consistent with those noted herein may be considered by DSA.~~ (Relocated to Section 4-361.1.1(a) and modified.) ~~Possession of a valid California registration as a civil or structural engineer or a valid California license as an architect, and one year qualifying experience in construction observation of buildings or structures as a civil or structural engineer or architect will qualify for any classification.~~

(Relocated to Section 4-361.1.1(b) and modified.)

~~(a) For Class 1 inspector exam, one of the following:~~

1. ~~Four years of experience as a non-licensed or non-registered architect’s, engineer’s, owner’s, or local building official’s representative in building code-enforcement inspection with a valid certification as a commercial combination building inspector by a state or nationally-recognized organization, as accepted by DSA, on:~~
	1. ~~new building public school construction projects subject to the requirements of Education Code Section 17280 or 81130 consistent with the DSA Class 1 or 2 project classification and these regulations; and/or,~~
	2. ~~construction of new hospital buildings as defined by Health and Safety Code Section 129725; or,~~
	3. ~~building projects of Type I or II construction.~~

**~~Exception:~~** ~~Possession of a valid California registration as a mechanical or electrical engineer responsible for the design and/or construction of respective building systems may be substituted for two years of required experience. Possession of a baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for one year of required experience. Possession of an associate’s degree in architecture, engineering, building inspection and/or construction may be substituted for six months of required experience.~~

1. ~~Four years of qualifying experience as the lead project construction superintendent on:~~
2. ~~new building public school construction projects subject to the requirements of Education Code Section 17280 or 81130 consistent with the DSA Class 1 or 2 project classification and these regulations; and/or,~~
3. ~~construction of new hospital buildings as defined by Health and Safety Code Section 129725; or,~~
4. ~~building projects of Type I or II construction.~~

**~~Exception:~~** ~~Possession of a valid California registration as a mechanical or electrical engineer responsible for the design and/or construction of respective building systems may be substituted for two~~~~years of required experience. Possession of a baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for one year of required experience. Possession of an associate’s degree in architecture, engineering, building inspection and/or construction may be substituted for six months of required experience.~~

1. ~~Two years of qualifying experience as a DSA certified Class 2 project inspector.~~
2. ~~Possession of certification as a DSA Class 2 project inspector with one year minimum qualifying experience as a DSA Class 2 project inspector and any combination of three years of qualifying experience on projects consistent with the DSA Class 1 or 2 project classification as:~~
3. ~~an assistant project inspector; or~~
4. ~~a special inspector (inspecting steel, concrete or masonry construction with a valid certification from a state or nationally-recognized organization, as accepted by DSA). (Note: special inspector experience may be substituted on a month-for-month basis up to a maximum of one year); or~~
5. ~~a non-licensed or non-registered architect’s, engineer’s, owner’s, or local building official’s representative in building code-enforcement inspection (with a valid certification as a commercial combination building inspector by a state or nationally-recognized organization, as accepted by DSA); or~~
6. ~~a lead project construction superintendent or construction experience as a journeyman or equivalent limited to working in the carpentry, steel, concrete or masonry trades (note: journeyman or equivalent experience may be substituted on a month-for-month basis up to a maximum of one year).~~
7. ~~Possession of certification as a DSA Class 3 project inspector with three years minimum qualifying experience as a DSA Class 3 project inspector and any combination of three years of qualifying experience on projects consistent with the DSA Class 1 or 2 project classification as:~~
	1. ~~an assistant project inspector, or~~
	2. ~~a special inspector (inspecting steel, concrete or masonry construction with a valid certification from a state or nationally-recognized organization, as accepted by DSA). (Note: special inspector experience may be substituted on a month-for-month basis up to a maximum of one year); or~~
	3. ~~a non-licensed or non-registered architect’s, engineer’s, owner’s, or local building official’s representative in building code-enforcement inspection (with a valid certification as a commercial combination building inspector by a state or nationally-recognized organization, as accepted by DSA); or~~
	4. ~~a lead project construction superintendent or construction experience as a journeyman or equivalent limited to working in the carpentry, steel, concrete or masonry trades (note: journeyman or equivalent experience may be substituted on a month-for-month basis up to a maximum of one year).~~
8. ~~Possession of certification as a DSA Class 3 project inspector with one year minimum qualifying experience as a DSA Class 3 project inspector and ten years of relevant construction experience, including four years as a journeyman or equivalent experience level, limited to working in the carpentry, steel, concrete or masonry trades on construction projects consistent with the DSA Class 1 or 2 project classification.~~

**~~Exception:~~** ~~Possession of a baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for the required journeyman or equivalent experience. Possession of an associate’s degree in architecture, engineering, building inspection and/or construction may be substituted for two years of required journeyman or equivalent experience. Completed coursework in architecture, engineering, building inspection and/or construction may be substituted on a month-for-month basis up to a maximum of one year of required journeyman or equivalent experience.~~

(Relocated to Section 4-361.1.1(c) and modified.)

~~(b) For Class 2 inspector exam, one of the following:~~

(Relocated to Section 4-361.1.1(c)7 and modified.) **~~Exception:~~**~~DSA may allow an applicant lacking years of experience, up to a maximum of one year, in the minimum qualifications options below to sit for the Class 2 examination. However, upon successful completion of the exam, the applicant shall not be granted certification until all requirements for one of the minimum qualifications options are completely satisfied. The applicant must obtain their last year of required experience within three calendar years of the administration date of the examination passed.~~

(Relocated to Section 4-361.1.1(c) and modified.)

1. ~~Three years of experience as a non-licensed or non-registered architect’s, engineer’s, owner’s, or local building official’s representative in building code-enforcement inspection, with a valid certification as a commercial combination building inspector by a state or nationally-recognized organization, as accepted by DSA, or five years of experience in the same role with a valid certification as a commercial building inspector or residential combination building inspector by a state or nationally-recognized organization, as accepted by DSA on:~~
	1. ~~new building public school construction projects subject to the requirements of Education Code Sections 17280 or 81130 consistent with the DSA Class 1 or 2 project classification and these regulations; and/or~~
	2. ~~construction of new hospital buildings as defined by Section 129725 of the Health and Safety Code; or~~
	3. ~~building projects of Type I, II, III or IV construction.~~

**~~Exception:~~** ~~Possession of a valid California registration as a mechanical or electrical engineer responsible for the design and/or construction of respective building systems, may be substituted for two years of required experience. Possession of a baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for one year of required experience. Possession of an associate’s degree in architecture, engineering, building inspection and/or construction may be substituted for six months of required experience.~~

1. ~~Three years of qualifying experience as the lead project construction superintendent on:~~
	1. ~~new building public school construction projects subject to the requirements of Education Code Sections 17280 or 81130, and these regulations; and/or~~
	2. ~~construction of new hospital buildings as defined by Section 129725 of the Health and Safety Code; or~~
	3. ~~building projects of Type I, II, III, or IV construction; or~~
	4. ~~building construction consistent with the DSA Class 1 or 2 project classification.~~

**~~Exception:~~** ~~Possession of a valid California registration as a mechanical or electrical engineer responsible for the design and/or construction of respective building systems may be substituted for two~~~~years of required experience. Possession of a baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for one year of required experience. Possession of an associate’s degree in architecture, engineering, building inspection and/or construction may be substituted for six months of required experience.~~

1. ~~Two years of qualifying experience as a DSA certified Class 3 project inspector.~~
2. ~~Possession of certification as a DSA Class 3 project inspector with one year minimum qualifying experience as a DSA Class 3 project inspector and any combination of two years of qualifying experience on projects consistent with the DSA Class 1 or 2 project classification as:~~
	1. ~~an assistant project inspector; or~~
	2. ~~a special inspector (inspecting steel, concrete or masonry construction with a valid certification from a state or nationally-recognized organization, as accepted by DSA). (Note: special inspector experience may be substituted on a month-for-month basis up to a maximum of one year); or~~
	3. ~~a non-licensed or non-registered architect’s, engineer’s, owner’s, or local building official’s representative in building code-enforcement inspection (with a valid certification as a commercial building inspector or residential combination inspector by a state or nationally-recognized organization, as accepted by DSA); or~~
	4. ~~a lead project construction superintendent or construction experience as a journeyman or equivalent limited to working in the carpentry, steel, concrete or masonry trades. (Note: journeyman or equivalent experience may be substituted on a month-for-month basis up to a maximum of one year.)~~
3. ~~Eight years of relevant construction experience, including three years as a journeyman or equivalent, limited to working in carpentry, steel, concrete or masonry trades on construction projects consistent with the DSA Class 1 or 2 project classification.~~

**~~Exception:~~** ~~Possession of a baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for the required journeyman or equivalent experience. Possession of an associate’s degree in architecture, engineering, building inspection and/or construction may be substituted for two years of required journeyman or equivalent experience. Completed coursework in architecture, engineering, building inspection and/or construction may be substituted on a month-for-month basis up to a maximum of one year of required journeyman or equivalent experience.~~

1. ~~Possession of at least two valid special inspector certifications in steel, concrete, or masonry and eight years of special inspector experience (inspecting steel, concrete or masonry construction). No more than three years of a single type (related to steel, concrete, or masonry) of special inspection experience can be used.~~

(Relocated to Section 4-361.1.1(d) and modified.)

~~(c) For the Class 3 inspector exam, one of the following:~~

(Relocated to Section 4-361.1.1(d)8 and 9 and modified.)

**~~Exceptions:~~**

~~i. DSA may allow an applicant lacking years of experience, up to a maximum of one year, in the minimum qualifications options below to sit for the Class 3 examination. However, upon successful completion of the exam, the applicant shall not be granted certification until all requirements for one of the minimum qualifications options are completely satisfied. The applicant must obtain their last year of required experience within three calendar years of the administration date of the examination passed.~~

~~ii. Possession of a baccalaureate or higher in architecture, engineering, building inspection and/or construction may sit for the Class 3 examination. However, upon successful completion of the exam, the applicant shall not be granted certification until all requirements for one of the minimum qualifications options are completely satisfied. The applicant must obtain their last year of required experience within three calendar years of the administration date of the examination passed.~~

(Relocated to Section 4-361.1.1(d) and modified.)

1. ~~Two years of experience as an architect’s, engineer’s, owner’s, or local building official’s representative in building code-enforcement inspection of building construction or construction consistent with the DSA Class 1, 2 or 3 project classification with a valid certification as a residential combination or commercial building inspector by a state-or nationally-recognized organization, as accepted by DSA.~~

**~~Exception:~~** ~~Possession of a baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for one year of required experience. Possession of an associate’s degree in architecture, engineering, building inspection and/or construction may be substituted for six months of required experience.~~

1. ~~Possession of a valid California registration as a mechanical, or electrical engineer and one year qualifying experience in construction observation of building systems.~~
2. ~~Two years of qualifying experience as the lead project construction superintendent working on building projects or projects consistent with the DSA Class 1, 2 or 3 project classification.~~

**~~Exception:~~** ~~Possession of a baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for one year of required experience. Possession of an associate’s degree in architecture, engineering, building inspection and/or construction may be substituted for six months of required experience. Experience may be substituted with completed college coursework in architecture, engineering, building inspection and/or construction on a month-for-month basis for a maximum of six months.~~

1. ~~Two years of qualifying experience as a DSA certified Class 4 project inspector.~~
2. ~~Possession of certification as a DSA Class 4 project inspector with one year minimum qualifying experience as a DSA Class 4 project inspector and any combination of one year of qualifying experience on building projects or projects consistent with the DSA Class 1, 2 or 3 project classification and three years of experience as:~~
	1. ~~an assistant project inspector; or~~
	2. ~~a special inspector (inspecting steel, concrete or masonry construction with a valid certification from a state or nationally-recognized organization, as accepted by DSA); or~~
	3. ~~a non-licensed or non-registered architect’s, engineer’s, owner’s, or local building official’s representative in building code-enforcement inspection (with a valid certification as a commercial building inspector or residential combination inspector by a state or nationally-recognized organization, as accepted by DSA); or~~
	4. ~~a journeyman or equivalent limited to working in the carpentry, steel, concrete or masonry trades.~~

**~~Exception:~~** ~~Possession of a baccalaureate or higher, associate’s degree, or completed college coursework in architecture, engineering, building inspection and/or construction may be substituted as part of the combined (i.e., non-Class 4) experience on a month-for-month basis up to a maximum of one year.~~

1. ~~Six years of relevant construction experience, including two years as a journeyman or equivalent experience level, limited to working in the carpentry, steel, concrete or masonry trades on building construction projects consistent with the DSA Class 1, 2 or 3 project classification.~~

**~~Exception:~~** ~~Two years of journeyman or equivalent experience may be substituted with possession of a baccalaureate or higher. One year of journeyman or equivalent experience may be substituted with possession of an associate’s degree. Journeyman or equivalent experience may be substituted with or completed college coursework in architecture, engineering, building inspection and/or construction on a month-for-month basis for up to a maximum of six months.~~

1. ~~Possession of at least two valid special inspector certifications in steel, concrete, or masonry and four years of special inspector experience (inspecting steel, concrete or masonry construction). No more than two years of a single type (related to steel, concrete, or masonry) of special inspection experience can be used.~~

(Relocated to Section 4-364(a) and modified.) ~~An applicant for the certification examination or an inspector possessing a valid certificate issued by DSA, shall file changes of name, mailing address, email address or telephone number with the DSA headquarters office within 10 working days of that change. The information filed shall include the new and former name, mailing address, email address or telephone number.~~

(Relocated to Section 4-363(b) and modified.) ~~Certification will be valid for a period of four years unless revoked in accordance with Section 4-342(d) or upgraded by achieving certification in a different class.~~ (Relocated to Section 4-363(c) and modified.) ~~Certification may be renewed by passing a recertification examination and attending DSA training classes which may include applicable continuing education courses acceptable to DSA that are presented by other entities acceptable to DSA.~~

(Relocated to Section 4-362 and modified.) ~~DSA may charge an examination fee and training fee to recover reasonable costs.~~

(Relocated initial portion to 4-364(b) and latter to 4-366(b), with both portions further modified.) ~~An applicant for either the certification or recertification examination shall conduct his or her self during the examination in an ethical manner, with honesty and consideration for other examinees, shall not reveal examination contents with anyone during or after the examination, shall not falsify documents required for examination entrance, and shall comply with published rules of the examination. Non-compliance may result in immediate expulsion from the examination without passage of any or all parts, forfeiture of fees, required payment of fines and other costs incurred by DSA in addressing the non-compliance, and non-entry to future certification or recertification examinations. Non-compliance by certified inspectors attempting to elevate their inspector classification may be cause for DSA to take disciplinary action in accordance with Section 4-342(d).~~

# Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1: SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS, ARTICLE 5: CERTIFICATION OF CONSTRUCTION

**4-335. Structural tests and special inspections.**

(a) **General.** Structural tests and special inspections are required as set forth in these regulations and Part 2 of Title 24, C.C.R.

…

The school board shall, with the advice of the architect or registered engineer in general responsible charge, select the laboratory of record, acceptable to DSA in accordance with ~~Section 4-335.1~~ Article 11, to conduct all required tests for the project, and special inspections which are contracted to the laboratory of record. The laboratory of record shall be directly employed by the school board and not be in the employ of any other agency or individual.

All tests shall be made by a laboratory acceptable to DSA, as described in Section 4-335.1. Where job conditions warrant, the architect or registered engineer in general responsible charge may waive certain tests with the approval of DSA. The responsible architect or structural engineer shall prepare a statement of structural tests and special inspections, obtain DSA approval, and provide a copy of the approved statement of structural tests and special inspections to the laboratory of record and the project inspector prior to the start of construction.

…

(f) **Special inspection.** A special inspector shall not be less than 25 years of age, shall have had at least three years of experience in construction work or special inspection work on one or more projects similar to the project for which the inspector is applying, shall have a thorough knowledge of the building materials of his or her specialty, and shall be able to read and interpret plans and specifications.

DSA may require evidence of the proposed special inspector’s knowledge and experience by requiring proof of valid certification, as appropriate, from national, regional, or state authorities and/or by successful completion of a written and/or oral examination by the applicant before approval is granted. ~~DSA may charge a fee to administer such examinations.~~ DSA will maintain a list of special inspectors who have successfully completed an examination by DSA, and continued eligibility to remain on that list will be dependent on demonstrated accept­able performance of duties assigned and/or attendance at continuing education classes.

…

1. The acceptance or approval of special inspectors may be withdrawn by DSA ~~if the special inspector fails to comply with any part of these regulations or the applicable inspection-related referenced standards on the approved plans and specification.~~ in accordance with Article 10 and laboratories employing such special inspectors may have their DSA acceptance negatively affected in accordance with Article 11.

…

# Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1: SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS, ARTICLE 5: CERTIFICATION OF CONSTRUCTION

**4-335.1. Responsibilities of a Laboratory participating in the DSA Laboratory Evaluation and Acceptance program.**

(a) **General.** Laboratories conducting any special inspection, testing, or obtaining, handling, preparing, protecting, transporting or storing of samples must be accepted by the DSA Laboratory Evaluation and Acceptance (LEA) program in compliance with Article 11. (Relocated stricken portion to Section 4-370(a) and modified.) ~~A laboratory may apply for DSA acceptance by submitting an application on a form prescribed by DSA, along with supporting documentation, to DSA.~~ (Relocated stricken portion to Section 4-370(e) and modified.) ~~Upon receipt of a valid application, DSA shall evaluate the laboratory to verify that requirements of these regulations are met and that engineering managerial and supervisory staff are familiar with Title 24, C.C.R. requirements pertinent to materials testing and special inspection.~~

(Relocated stricken portion to Section 4-370(f) and modified.) ~~A letter of acceptance by DSA shall be issued to the laboratory and shall state that the laboratory has demonstrated that it has met the criteria established by DSA for performance of material testing and special inspection of work under DSA jurisdiction~~. A list of accepted LEA laboratories showing the types of tests and inspections for which they have been approved shall be posted on the DSA website.

(b) A laboratory shall comply with the following requirements: (Relocated stricken portion to Section 4-370(c) and modified.) ~~To qualify for acceptance, a laboratory shall comply with the following requirements:~~

* 1. **~~Qualification criteria:~~** ~~The laboratory shall obtain and maintain accreditation for ASTM E329-11: Standard Specification for Agencies Engaged in Construction Inspection, Testing, or Special Inspection, through required evaluation and accreditation as described below.~~

~~Other nationally recognized evaluation services or accreditation bodies, equivalent to those indicated below, may be accepted by DSA with prior approval.~~

~~A. The laboratory shall receive on-site assessments and quality system evaluations by the American Association of State Highway and Transportation Officials (AASHTO) Materials Reference Laboratory (AMRL) or the Cement and Concrete Reference Laboratory (CCRL).~~

~~B. The laboratory shall maintain accreditation from the AASHTO Accreditation Program (AAP).~~

~~In addition, the laboratory must maintain accreditation for the following standards, as applicable: ASTM C1077 (Aggregate), ASTM C1077 (Concrete), ASTM C1093 (Masonry) and ASTM D3740 (Soil).~~

~~The laboratory shall maintain participation in applicable AMRL and CCRL proficiency sample programs.~~

~~The laboratory must authorize the release of accreditation, assessment, and proficiency sample testing information to DSA.~~

* 1. 1. **Laboratory structure:** Each ~~The~~ laboratory facility shall ~~have~~ employ a full-time engineering manager who is a State of California registered civil engineer in ~~good standing~~ compliance with Article 11. (Relocated stricken portion to 4-370(d) and modified as shown.)~~The engineering manager shall possess a minimum of 5 years of relevant experience in the inspection and testing industry and hold a management position in the company.~~ All testing and special inspection services shall be performed under ~~his or her~~ the engineering manager’s general supervision. The engineering manager shall be responsible for ensuring that all technicians and special inspectors employed by the laboratory are appropriately trained, qualified, and certified in their area of expertise. The engineering manager shall verify and ensure no laboratory personnel with criminal convictions specified in Section 4-371(c) are permitted at school construction sites. The engineering manager may not be employed by any other DSA accepted laboratory that provides special inspection or testing services on DSA regulated projects. Administration and business practices of the laboratory shall comply with all relevant California State and Federal laws. The laboratory shall maintain accreditation as described in Article 11.
	2. 2. **Supervision:** Supervision by the engineering manager shall include but is not limited to the following tasks:

…

F. Ensuring no laboratory personnel with criminal convictions specified in Section 4-371(c) are permitted at school construction sites.

 (Renumber remaining items not shown below.)

…

1. 4. **Equipment and tools.** (Relocated stricken portion to Section 4-370(e) and modified.) ~~A DSA accepted laboratory shall have adequate facilities, equipment, personnel expertise and technical references to permit the performance of testing and special inspections in compliance with applicable national standards and regulations.~~ The laboratory shall possess and maintain all tools and equipment required to perform the specific tests and special inspections for which it is approved. Such tools and equipment shall be maintained and calibrated periodically in accordance with applicable nationally accepted standards.

…

1. 7. **Evaluations.** The qualifications and capabilities of testing laboratories statewide are subject to on-site evaluation by DSA LEA program personnel. Evaluations occur upon application for initial acceptance in accordance with Section 4-370, application for renewal, a change in responsible engineering manager, laboratory location, supervisory personnel, and company name and/or services. Evaluations may include but are not limited to a review of the application submittal, consultation with the engineering manager as well as an on-site examination/evaluation of the quality system, equipment, personnel and records.
2. (Relocated to Section 4-370(g)) **~~Audits.~~** ~~The operations of a DSA accepted laboratory may be subject to audit by DSA. Audits may occur upon receipt of complaints or evidence of failure by the laboratory to meet the requirements of these regulations. Audits may include but are not limited to the following: review of LEA program records, project specific records, on-site examination of equipment, and records of special inspection and testing services. An audit may result in a requirement that the laboratory be reevaluated.~~
3. 8. **Obligation to cooperate with inquiries.** All accepted laboratories shall cooperate in any investigation by DSA into the activities at any school project site or fabricating/manufacturing facility for which they have provided special inspection and/or testing services and shall provide prompt, accurate and complete responses to reasonable inquiries by DSA and other appropriate individuals or agencies.

~~(c)~~ **~~Duration of LEA laboratory acceptance.~~** (Relocated to Section 4-370(f) and modified.) ~~Acceptance will remain valid for a period of four years unless approval is withdrawn for failure to comply with the requirements of these regulations.~~ (Relocated to Section 4-371(a) and modified.) ~~Examples of such failure include, but are not limited to:~~

1. ~~Making changes in engineering management, supervisory personnel, laboratory location, major equipment, or other key factors without prior notification to the DSA LEA program.~~
2. ~~Failing to have the laboratory facility evaluated and accredited as outlined in Section 335(b)1, as applicable to services offered.~~
3. ~~Reporting that materials and/or workmanship meet the requirements of DSA approved documents when they do not.~~
4. ~~Failing to sample, handle and/or test materials as required by the approved documents, code and referenced standards.~~
5. ~~Utilizing technicians or special inspectors that do not meet the qualification and/or certification requirements.~~
6. ~~Failing to adequately supervise technicians and/or special inspectors.~~
7. ~~Failing to comply with any of the other requirements of these regulations or the DSA approved documents for a project.~~

~~(d)~~ (Relocated to Section 4-370(b) and modified.) **~~Fees for testing laboratory evaluation.~~** ~~DSA may charge a fee to cover the costs of evaluating and reevaluating the laboratory. DSA reserves the right to visit, audit and observe the laboratories.~~

# Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1: SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS, ARTICLE 5: CERTIFICATION OF CONSTRUCTION

**4-342. Duties of the project inspector.**

…

1. **Duties.** The general duties of the project inspector in fulfilling his or her responsibilities are as follows:

…

1. **Deviations.** The project inspector shall notify the contractor, in writing, of any deviations from the approved plans and specifications which are not immediately corrected by the contractor when brought to the contractor’s attention. Copies of such notice shall be forwarded immediately to the architect or registered engineer, to the school board, and to DSA.

Failure on the part of the project inspector to notify the contractor of deviations from the approved plans and specifications shall in no way relieve the contractor of any responsibility to complete the work covered by his or her contract in accordance with the approved plans and specifications and all laws and regulations.

…

1. **Performance of duties.** ~~The inspector shall perform all duties and render all services with honesty.~~ Inspectors who fail to carry out their duties in an ethical manner or who engage in illegal activities may be subject to disciplinary action as defined in ~~Section 4-342(d)~~Article 10.

(c) **Violations.** ~~Failure, refusal or neglect~~ Violations on the part of an inspector in performance of his/her duties to ~~notify the contractor of any work which does not~~ comply with these regulations ~~requirements of the approved plans and specifications, or failure, refusal or neglect to report immediately, in writing, any such violation to the architect or registered engineer, to the school board, and to DSA shall constitute a violation of the Act and~~ shall be ~~cause~~ grounds for DSA to take action ~~which may result in the withdrawal of the inspector’s approval. The State Architect or designee may take appropriate action~~ as described in Article 10.~~Section 4-342(d) when any of the following conditions exist:~~

1. (Relocated to Section 4-365(a)1.D and modified for context in new section.) ~~The inspector has failed to fulfill any of the relevant requirements of this code.~~
2. (Relocated to Section 4-365(c) and modified for context in new section.) ~~The inspector has been convicted of a crime considered to be substantially related to the qualifications, functions or duties of an inspector in a manner consistent with the public health, safety or welfare.~~

~~(d)~~ **~~Disciplinary actions.~~** ~~Failure to satisfactorily perform inspector duties identified in this code may be cause for DSA to take action(s) which include but are not limited to the following:~~

1. ~~Requiring the inspector to meet with DSA in the regional office for counseling.~~
2. ~~Requiring the inspector to attend training classes.~~
3. ~~Withdrawal of the inspector’s approval for the project.~~
4. ~~Downgrading of the inspector’s class of certification.~~
5. ~~Suspension of the inspector’s certification.~~
6. ~~Withdrawal of the inspector’s certification.~~

~~(e)~~ **~~Notice of disciplinary actions.~~** ~~Notice of disciplinary action shall specify the grounds for the actions taken.~~

~~(f)~~ **~~Criteria for reinstatement~~**~~. When considering reversal of any disciplinary action taken pursuant to Section 4-342(d), the State Architect or designee evaluating the reinstatement of an inspector’s approval for a project, or certification, may consider the following criteria:~~

1. ~~Nature and severity of the act(s) or offense(s).~~
2. ~~The time that has elapsed since the commission of the act(s) or offense(s).~~
3. ~~If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.~~

~~(g)~~ **~~Filing an appeal.~~**

1. ~~The State Architect or his/her designee has the discretion to immediately order that approval of a project inspector for a project, or certification, be temporarily invalidated or to seek additional information, pending a final determination by the State Architect or his/her designee pursuant to Section 4-342(c). The decision to temporarily invalidate approval of a project inspector for a project, or certification, will be made on a case by case basis, as necessary to ensure public health, safety and welfare.~~
2. (Relocated to Section 4-366(c) and modified.) ~~The State Architect or his/her designee shall provide the appellant with written notice that their approval for a project, or certification, has been temporarily invalidated as of a specific date or is subject to suspension or denial pursuant to Section 4-342(d), pending a final determination. The written notice shall include the reasons for the action being taken or investigated, as applicable, and provide a summary of the facts and allegations. Service of the written notice of the proposed action shall be confirmed by certified mail.~~
3. (Relocated to Section 4-366(c) and (e) and modified.) ~~Written notice of the final determination by the State Architect or his/her designee shall be confirmed by certified mail within 60 days from the initial written notification. The time to render his/her determination may be extended an additional 30 days, as necessary to consider any additional supporting documentation provided to the State Architect relevant to the issue being investigated.~~
4. (Relocated to Section 4-367(b) and modified.) ~~An appeal of an action by the State Architect or his/her designee to suspend approval of a project inspector for a project, or certification, or to deny renewal of a certification must be filed in writing with DSA within 60 days of the date posted on the certified service of the written notice of the final determination from the State Architect. Unless a hearing is specifically requested as provided in Section 4-342(g)6 the appeal will be based on an analysis of the materials available.~~
5. ~~Within 60 days from the date of receipt of the appeal the State Architect or his/her designee shall render his/her determination on the appeal. The time to render the determination may be extended an additional 30 days, as necessary to conclude any research or investigation required, at the discretion of the State Architect or his/her designee.~~
6. ~~Should an individual submit a written request for a hearing, the State Architect may designate an appropriate hearing officer to conduct the hearing. Written notice of the date and time of the hearing and the reasons for the action being taken or investigated, as applicable, shall be provided to the appellant. The hearing shall be limited in scope to the actions stated in the written notice. The appellant may bring a representative of his/her choice.~~
7. (Relocated to Section 4-367(d) and modified.) ~~The appellant shall be notified in writing of the determination made by State Architect or his/her designee regarding the appeal. Service of the written notice of the decision shall be confirmed by certified mail.~~
8. (Relocated to Section 4-367(e) and modified.) ~~Any appeal of a decision rendered by the State Architect or his/her designee to rescind approval for a project or certification may be appealed to the Superior Court.~~

# Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1: SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS, ARTICLE 10: INSPECTOR CERTIFICATION

## ARTICLE 10

## INSPECTOR CERTIFICATION

**4-360. Inspector certification.** DSA certifies Project Inspectors and Special Inspectors. To become a DSA certified inspector, an applicant must qualify for and pass a written examination specific to the certification.

**4-360.1 Project Inspector classifications.** DSA offers certification as a Project Inspector in three of four distinct classifications. Each classification has the following project limitations: (Relocated from 4-333.1 and modified as shown.)

1. A Class 1 ~~certified~~ Project I~~i~~nspector may be approved to inspect any project.
2. A Class 2 ~~certified~~ Project I~~i~~nspector may be approved to inspect any project, except a project containing one or more new structures or additions with a primary lateral force resisting system of steel, masonry or concrete.
3. A Class 3 ~~certified~~ Project I~~i~~nspector may be approved to inspect projects containing alterations to approved buildings, site placement of relocatable buildings and construction of minor structures.
4. ~~Though an examination is no longer offered for Class 4, a~~ A Class 4 ~~certified~~ Project I~~i~~nspector may be approved to inspect projects containing site placement of relocatable buildings and associated site work. A Class 4 Project Inspector certification examination is no longer offered but the classification remains valid and may be renewed for those currently holding certification. Class 4 inspectors are subject to the requirements in this Article.

**4-360.2 Special Inspectors certified by DSA.** DSA certifies the following Special Inspectors: masonry, shotcrete, and structural wood or lumber.

**4-361 Inspector Examination.** Each inspector classification examination measures the applicant's ability to read and comprehend construction documents associated with performing inspections on projects applicable to that classification as well as the construction, inspection and testing requirements of the *California Building Standards Code*.

**4-361.1 Inspector Examination Eligibility Qualifications.** Eligibility requirements for DSA project and Special Inspector examinations shall be in accordance with this section. Eligibility review by DSA of submitted applications shall be in accordance with Section 4-361.2.

**4-361.1.1 Project Inspector Examination Eligibility Qualifications.** (Relocated from 4-333.1 and modified as shown.) To ~~qualify~~ be eligible for an examination, an applicant shall possess a high school diploma or equivalent and shall meet the following minimum qualifications for the classification examination. Alternative qualifications consistent with ~~those noted herein~~ specified requirements per classification may be considered by DSA.

1. (Relocated from 4-333.1 and modified as shown.) ~~Possession of a v~~Valid California registration as a civil or structural engineer or a valid California license as an architect, and one year ~~qualifying~~ verifiable experience in construction observation of buildings or structures as a civil or structural engineer or architect will ~~qualify~~ make a candidate eligible for any classification examination.
2. (Relocated from 4-333.1(a) and modified as shown.) ~~(a)~~ For the Class 1 Project I~~i~~nspector examination, the candidate must meet one of the following requirements:
3. Four years of verifiable experience as a non-licensed or non-registered representative of an architect~~’s~~, engineer~~’s~~, or owner~~’s,~~ observing code compliance in construction or local building official’s representative in building code-enforcement inspection with a valid certification as a commercial combination building inspector by a state or nationally-recognized organization such as the Office of Statewide Health Planning and Development (OSHPD), International Code Council (ICC), or American Construction Inspectors Association (ACIA), as accepted by DSA, on:
	1. construction of new or additions to ~~building~~ public school buildings ~~construction projects~~ subject to the requirements of Education Code Section 17280 or 81130 consistent with ~~the DSA Class 1 or 2 project classification and these regulations~~ Section 4-360.1(a) and (b); and/or,
	2. construction of new or additions to hospital buildings as defined by Health and Safety Code Section 129725; and/or,
	3. construction of new or additions to building projects of Type I or II construction.

**~~Exception:~~**For the experience specified in items A, B, and C the following provides the limited equivalency noted:

1. ~~Possession of a v~~Valid California registration as a mechanical or electrical engineer responsible for the design and/or construction of respective building systems may be substituted for two years of required experience.
2. ~~Possession of a~~ A baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for one year of required experience.
3. ~~Possession of a~~An associate~~’s~~ degree with major work in architecture, engineering, building inspection and/or construction may be substituted for six months of required experience.
4. Four years of ~~qualifying~~ verifiable experience as the lead project construction superintendent on:
	1. construction of new or additions to ~~building~~ public school buildings ~~construction projects~~ subject to the requirements of Education Code Section 17280 or 81130 consistent with ~~the DSA Class 1 or 2 project classification and these regulations~~ Section 4-360.1(a) and (b); and/or,
	2. construction of new or additions to hospital buildings as defined by Health and Safety Code Section 129725; and/or,
	3. construction of new or additions to building projects of Type I or II construction.

**~~Exception:~~**For the experience specified in items A, B, and C the following provides the limited equivalency noted:

1. ~~Possession of a v~~Valid California registration as a mechanical or electrical engineer responsible for the design and/or construction of respective building systems may be substituted for two years of required experience.
2. ~~Possession of a~~ A baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for one year of required experience.
3. ~~Possession of a~~An associate~~’s~~ degree with major work in architecture, engineering, building inspection and/or construction may be substituted for six months of required experience.
4. Two years of ~~qualifying~~ verifiable experience as a DSA ~~certified~~ Class 2 P~~p~~roject I~~i~~nspector performing inspections on projects consistent with Section 4-360.1(b).
5. ~~Possession of c~~Certification as a DSA Class 2 P~~p~~roject I~~i~~nspector with one year ~~minimum qualifying~~ verifiable experience ~~as a DSA Class 2 project inspector~~ performing inspections on projects consistent with Section 4-360.1(b) and any combination of three years of ~~qualifying~~ verifiable experience on projects consistent with ~~the DSA Class 1 or 2 project classification~~ Section 4-360(a) and (b) as:
6. an ~~a~~Assistant ~~project~~ I~~i~~nspector as specified in Section 4-333(d); ~~or~~
7. a S~~s~~pecial I~~i~~nspector with a valid certification by a state or nationally-recognized organization such as ICC, American Welding Society (AWS), or American Concrete Institute (ACI) to ~~(~~inspect~~ing~~ steel, concrete or masonry construction ~~with a valid certification from a state or nationally-recognized organization,~~ as accepted by DSA~~)~~. ~~(Note: special inspector~~ E~~e~~xperience used to qualify is limited ~~may be substituted on a month-for-month basis up~~ to a maximum of one year, incremented on a monthly basis~~)~~; ~~or~~
8. a non-licensed or non-registered representative of an architect~~’s~~, engineer~~’s~~, owner~~’s,~~ observing code compliance in construction or local building official’s representative in building code-enforcement inspection (with a valid certification as a commercial combination building inspector by a state or nationally-recognized organization such as OSHPD, ICC, or ACIA, as accepted by DSA); ~~or~~
9. a lead project construction superintendent;

E. ~~or construction experience as~~ a journeyman or equivalent verifiable experience limited to working in the carpentry, steel, concrete or masonry trades. ~~(note: journeyman or equivalent~~ E~~e~~xperience used to qualify is limited ~~may be substituted on a month-for-month basis up~~ to a maximum of one year, incremented on a monthly basis~~)~~.

1. ~~Possession of c~~Certification as a DSA Class 3 P~~p~~roject I~~i~~nspector with three years ~~minimum qualifying~~ verifiable experience ~~as a DSA Class 3 project inspector~~ performing inspections on projects consistent with Section 4-360.1(c) and any combination of three years of ~~qualifying~~ verifiable experience on projects consistent with ~~the DSA Class 1 or 2 project classification~~ Section 4-360(a) and (b) as:
	1. an ~~a~~Assistant ~~project~~ I~~i~~nspector as specified in Section 4-333(d); ~~or~~
	2. a S~~s~~pecial I~~i~~nspector with a valid certification by a state or nationally-recognized organization such as ICC, AWS, or ACI to ~~(~~inspect~~ing~~ steel, concrete or masonry construction ~~with a valid certification from a state or nationally-recognized organization,~~ as accepted by DSA~~)~~. ~~(Note: special inspector~~ E~~e~~xperience used to qualify is limited ~~may be substituted on a month-for-month basis up~~ to a maximum of one year, incremented on a monthly basis~~)~~; ~~or~~
	3. a non-licensed or non-registered representative of an architect~~’s~~, engineer~~’s~~, owner~~’s,~~ observing code compliance in construction or local building official’s representative in building code-enforcement inspection (with a valid certification as a commercial combination building inspector by a state or nationally-recognized organization such as OSHPD, ICC, or ACIA, as accepted by DSA); ~~or~~
	4. a lead project construction superintendent;

E. ~~or construction experience as~~ a journeyman or equivalent verifiable experience limited to working in the carpentry, steel, concrete or masonry trades. ~~(note: journeyman or equivalent~~ E~~e~~xperience used to qualify is limited ~~may be substituted on a month-for-month basis up~~ to a maximum of one year, incremented on a monthly basis~~)~~.

1. ~~Possession of c~~Certification as a DSA Class 3 P~~p~~roject I~~i~~nspector with one year ~~minimum qualifying~~ verifiable experience ~~as a DSA Class 3 project inspector~~ performing inspections on projects consistent with Section 4-360.1(c) and ten years of relevant construction experience, including four years as a journeyman or equivalent experience level, limited to working in the carpentry, steel, concrete or masonry trades on construction projects consistent with ~~the DSA Class 1 or 2 project classification~~ Section 4-360(a) and (b).

**~~Exception:~~**For the experience specified the following provides the limited equivalency noted:

1. ~~Possession of a~~ A baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for the required journeyman or equivalent experience.
2. ~~Possession of a~~An associate~~’s~~ degree with major work in architecture, engineering, building inspection and/or construction may be substituted for two years of required journeyman or equivalent experience.
3. Completed coursework in architecture, engineering, building inspection and/or construction may be substituted on a month-for-month basis up to a maximum of one year of required journeyman or equivalent experience.
4. (Relocated from 4-333.1(b) and modified as shown.) ~~(b)~~ For the Class 2 Project I~~i~~nspector examination, the candidate must meet one of the following requirements:
5. Three years of verifiable experience as a non-licensed or non-registered representative of an architect~~’s~~, engineer~~’s~~, or owner~~’s,~~ observing code compliance in construction or local building official’s representative in building code-enforcement inspection with a valid certification as a commercial combination building inspector by a state or nationally-recognized organization such as the OSHPD, ICC, or ACIA, as accepted by DSA, or five years of verifiable experience in the same role with a valid certification as a commercial building inspector or residential combination building inspector by a state or nationally-recognized organization such as the OSHPD, ICC, or ACIA, as accepted by DSA on:
	1. construction of new or additions to ~~building~~ public school buildings ~~construction projects~~ subject to the requirements of Education Code Section 17280 or 81130 consistent with ~~the DSA Class 1 or 2 project classification and these regulations~~ Section 4-360.1(a) and (b); and/or,
	2. construction of new or additions to hospital buildings as defined by Health and Safety Code Section 129725; and/or,
	3. construction of new or additions to building projects of Type I, II, III or IV construction.

**~~Exception:~~**For the experience specified in items A, B, and C the following provides the limited equivalency noted:

1. ~~Possession of a v~~Valid California registration as a mechanical or electrical engineer responsible for the design and/or construction of respective building systems may be substituted for two years of required experience.
2. ~~Possession of a~~A baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for one year of required experience.
3. ~~Possession of a~~An associate~~’s~~ degree with major work in architecture, engineering, building inspection and/or construction may be substituted for six months of required experience.
4. Three years of ~~qualifying~~ verifiable experience as the lead project construction superintendent on:
	1. construction of new or additions to ~~building~~ public school buildings ~~construction projects~~ subject to the requirements of Education Code Section 17280 or 81130 consistent with ~~the DSA Class 1 or 2 project classification and these regulations~~ Section 4-360.1(a), (b) and (c); and/or,
	2. construction of new or additions to hospital buildings as defined by Health and Safety Code Section 129725; and/or,
	3. construction of new or additions to building projects of Type I, II, III or IV construction.
5. ~~building construction consistent with the DSA Class 1 or 2 project classification.~~

**~~Exception:~~**For the experience specified in items A, B, and C the following provides the limited equivalency noted:

1. ~~Possession of a v~~Valid California registration as a mechanical or electrical engineer responsible for the design and/or construction of respective building systems may be substituted for two years of required experience.
2. ~~Possession of a~~ A baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for one year of required experience.
3. ~~Possession of a~~An associate~~’s~~ degree with major work in architecture, engineering, building inspection and/or construction may be substituted for six months of required experience.
4. Two years of ~~qualifying~~ verifiable experience as a DSA ~~certified~~ Class 2 P~~p~~roject I~~i~~nspector performing inspections on projects consistent with Section 4-360.1(c).
5. ~~Possession of c~~Certification as a DSA Class 3 P~~p~~roject I~~i~~nspector with one year ~~minimum qualifying~~ verifiable experience ~~as a DSA Class 3 project inspector~~ performing inspections on projects consistent with Section 4-360.1(c) and any combination of two years of ~~qualifying~~ verifiable experience on projects consistent with ~~the DSA Class 1 or 2 project classification~~ Section 4-360(a) and (b) as:
	1. an ~~a~~Assistant ~~project~~ I~~i~~nspector as specified in Section 4-333(d); ~~or~~
	2. a S~~s~~pecial I~~i~~nspector with a valid certification by a state or nationally-recognized organization such as ICC, AWS, or ACI to ~~(~~inspect~~ing~~ steel, concrete or masonry construction ~~with a valid certification from a state or nationally-recognized organization,~~ as accepted by DSA~~)~~. ~~(Note: special inspector~~ E~~e~~xperience used to qualify is limited ~~may be substituted on a month-for-month basis up~~ to a maximum of one year, incremented on a monthly basis~~)~~; ~~or~~
	3. a non-licensed or non-registered representative of an architect~~’s~~, engineer~~’s~~, owner~~’s,~~ observing code compliance in construction or local building official’s representative in building code-enforcement inspection (with a valid certification as a commercial combination building inspector or residential combination inspector by a state or nationally-recognized organization such as OSHPD, ICC, or ACIA, as accepted by DSA); ~~or~~
	4. a lead project construction superintendent;

E. ~~or construction experience as~~ a journeyman or equivalent verifiable experience limited to working in the carpentry, steel, concrete or masonry trades. ~~(note: journeyman or equivalent~~ E~~e~~xperience used to qualify is limited ~~may be substituted on a month-for-month basis up~~ to a maximum of one year, incremented on a monthly basis~~)~~.

1. Eight years of relevant construction experience, including three years as a journeyman or equivalent, limited to working in carpentry, steel, concrete or masonry trades on construction projects consistent with ~~the DSA Class 1 or 2 project classification~~ Section 4-360(a) and (b).

**~~Exception:~~**For the experience specified the following provides the limited equivalency noted:

1. ~~Possession of a~~ A baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for the required journeyman or equivalent experience.
2. ~~Possession of a~~An associate~~’s~~ degree with major work in architecture, engineering, building inspection and/or construction may be substituted for two years of required journeyman or equivalent experience.
3. Completed coursework in architecture, engineering, building inspection and/or construction may be substituted on a month-for-month basis up to a maximum of one year of required journeyman or equivalent experience.
4. Possession of at least two valid S~~s~~pecial I~~i~~nspector certifications by a state or nationally-recognized organization such as ICC, AWS, or ACI in steel, concrete, or masonry and eight years of S~~s~~pecial I~~i~~nspector experience (inspecting steel, concrete or masonry construction). No more than three years of a single type (related to steel, concrete, or masonry) of special inspection experience can be used.
5. (Relocated from 4-333.1(b) exception and modified as shown.) **~~Exception:~~** ~~DSA may allow aA~~n applicant who is lacking ~~years of experience, up to~~ a maximum of one year of experience, in the minimum qualifications options ~~below to sit~~ 1-6 may be eligible for the Class 2 examination;~~.~~ ~~H~~however, upon passing ~~successful completion~~ of the examination~~,~~ the applicant ~~shall~~ will not be granted certification until all requirements for one of the six minimum qualifications options are completely satisfied. The applicant must obtain their last year of required experience within three calendar years of the administration date of the examination passed.
6. (Relocated from 4-333.1(c) and modified as shown.) ~~(c)~~ For the Class 3 Project I~~i~~nspector examination, the candidate must meet one of the following requirements:
7. Two years of verifiable experience as a non-licensed or non-registered representative of an architect~~’s~~, engineer~~’s~~, or owner~~’s,~~ observing code compliance in construction or local building official’s representative in building code-enforcement inspection consistent with ~~the DSA Class 1, 2 or 3 project classification~~ Sections 4-360(a) through (c) with a valid certification as a residential combination or commercial building inspector by a state-or nationally-recognized organization such as the OSHPD, ICC, or ACIA, as accepted by DSA.

**~~Exception:~~**For the experience specified the following provides the limited equivalency noted:

1. ~~Possession of a~~A baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for one year of required experience.
2. ~~Possession of a~~An associate~~’s~~ degree with major work in architecture, engineering, building inspection and/or construction may be substituted for six months of required experience.
3. ~~Possession of a v~~Valid California registration as a mechanical, or electrical engineer and one year ~~qualifying~~ verifiable experience in construction observation of building systems.
4. Two years of ~~qualifying~~ verifiable experience as the lead project construction superintendent working on building projects or projects consistent with Sections 4-360(a), (b) and (c) ~~the DSA Class 1, 2 or 3 project classification.~~

**~~Exception:~~**For the experience specified the following provides the limited equivalency noted:

1. ~~Possession of a~~A baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for one year of required experience.
2. ~~Possession of a~~An associate~~’s~~ degree with major work in architecture, engineering, building inspection and/or construction may be substituted for six months of required experience.
3. Experience may be substituted with completed college coursework in architecture, engineering, building inspection and/or construction on a month-for-month basis for a maximum of six months.
4. Two years of ~~qualifying~~ verifiable experience as a DSA certified Class 4 P~~p~~roject I~~i~~nspector.
5. ~~Possession of c~~Certification as a DSA Class 4 P~~p~~roject I~~i~~nspector with one year ~~minimum qualifying~~ verifiable experience ~~as a DSA Class 4 project inspector~~ performing inspections on Class 4 projects and any combination of one year of ~~qualifying~~ verifiable experience on building projects or projects consistent with ~~the DSA Class 1, 2 or 3 project classification~~ Sections 4-360(a), (b) and (c) and three years of verifiable experience as:
	1. an ~~a~~Assistant ~~project~~ I~~i~~nspector as specified in Section 4-333(d); ~~or~~
	2. a S~~s~~pecial I~~i~~nspector with a valid certification by a state or nationally-recognized organization such as ICC, AWS, or ACI to ~~(~~inspect~~ing~~ steel, concrete or masonry construction ~~with a valid certification from a state or nationally-recognized organization,~~ as accepted by DSA~~)~~; ~~or~~
	3. a non-licensed or non-registered representative of an architect~~’s~~, engineer~~’s~~, owner~~’s,~~ observing code compliance in construction or local building official’s representative in building code-enforcement inspection (with a valid certification as a commercial combination building inspector or residential combination inspector by a state or nationally-recognized organization such as OSHPD, ICC, or ACIA, as accepted by DSA); ~~or~~
	4. a journeyman or equivalent limited to working in the carpentry, steel, concrete or masonry trades.

**~~Exception:~~**For the experience specified in items A-D the following provides up to a maximum of one-year equivalency, on a month-for-month basis:

1. ~~Possession of a~~A baccalaureate or higher.~~,~~
2. An associate~~’s~~ degree with major work in architecture, engineering, building inspection and/or construction.~~, or~~
3. ~~c~~Completed college coursework in architecture, engineering, building inspection and/or construction ~~may be substituted as part of the combined (i.e., non-Class 4) experience on a month-for-month basis up to a maximum of one year~~.
4. Six years of relevant construction experience, including two years as a journeyman or equivalent experience level, limited to working in the carpentry, steel, concrete or masonry trades on building construction projects consistent with ~~the DSA Class 1, 2 or 3 project classification~~ Sections 4-360(a) through (c).

**~~Exception:~~**For the experience specified the following provides the limited equivalency noted:

1. Two years of journeyman or equivalent experience may be substituted with possession of a baccalaureate or higher.
2. One year of journeyman or equivalent experience may be substituted with possession of an associate~~’s~~ degree with major work in architecture, engineering, building inspection and/or construction.
3. Journeyman or equivalent experience may be substituted with or completed college coursework in architecture, engineering, building inspection and/or construction on a month-for-month basis for up to a maximum of six months.
4. ~~Possession of at least t~~Two or more valid S~~s~~pecial I~~i~~nspector certifications by a state or nationally-recognized organization to such as ICC, AWS, or ACI inspect ~~in~~ steel, concrete, or masonry and four years of S~~s~~pecial I~~i~~nspector experience (inspecting steel, concrete or masonry construction). No more than two years of a single type (related to steel, concrete, or masonry) of special inspection experience can be used.

(Relocated from 4-333.1(c) exception i and ii and modified as shown.) **~~Exceptions:~~**

1. ~~i. DSA may allow a~~An applicant who is lacking ~~years of experience, up to~~ a maximum of one year of experience~~,~~ in the minimum qualifications options 1-7 may be eligible ~~below to sit~~ for the Class 3 examination;~~.~~ ~~H~~however, upon ~~successful completion~~ passing of the examination~~,~~ the applicant ~~shall~~ will not be granted certification until all requirements for one of the seven minimum qualifications options are completely satisfied. The applicant must obtain their last year of required experience within three calendar years of the administration date of the examination passed.
2. ~~ii. Possession of a~~ A baccalaureate or higher in architecture, engineering, building inspection and/or construction may sit for the Class 3 examination;~~.~~ ~~H~~however, upon ~~successful completion~~ passing of the examination~~,~~ the applicant ~~shall~~ will not be granted certification until all requirements for one of the seven minimum qualifications options are completely satisfied. The applicant must obtain their last year of required experience within three calendar years of the administration date of the examination passed.

**4-361.1.2 DSA Special Inspector Examination Eligibility Qualifications.** To be eligible for DSA Special Inspector certification examinations, an applicant shall meet the age and experience requirements specified in Article 5.

**4-361.2 Inspector Examination Eligibility Review.** Applicants for a DSA inspector certification must submit to DSA an application demonstrating their eligibility based on criteria in Section 4-361.1. DSA will perform an eligibility review of and verify information provided in each submitted application. Applicants with criminal convictions identified in Section 4-365(c) or appearing on a certified list specified in Section 4-365(e) or (f) or engaged in unethical behavior as described in 4-365(b), (d), (g) or (h) are ineligible.

**4-362. Fees.** (Relocated from 4-333.1, after (d)7, and modified as shown.) DSA ~~may~~ will charge ~~an~~ a fee to administer examination~~s fee~~ and training as specified on DSA’s website and not to exceed costs to develop and administer such.

* 1. **. Issuance of Certification.**
		+ 1. Certification is issued upon successful completion of the examination and submission of a signed and completed Form DSA 650: Disclosure of Social Security Number and/or Federal Taxpayer Identification Number incorporated by reference.
			2. (Relocated from 4-333.1, after (d)7, and modified as shown.) Certification will be valid for a period of four years unless ~~revoked~~ withdrawn, suspended, reclassified or denied in accordance with Sections ~~4-342(d)~~ 4-362 through 4-366 or, for Project Inspectors, upgraded by achieving certification in a ~~different~~ higher class.
			3. (Relocated from 4-333.1, after (d)7, and modified as shown.) Certification ~~may~~ shall be renewed prior to expiration by passing a recertification examination and meeting other specified requirements in order to continue being eligible to perform inspections on DSA projects. For Project Inspectors, attending DSA training classes is required, which may include applicable continuing education courses acceptable to DSA that are presented by other entities acceptable to DSA.
			4. Should certification expiration occur, individuals in good standing may be granted a six-month extension period beyond their expiration date to fulfill all recertification requirements for reinstatement but may not perform inspections without valid certification. Extension requests can be made to DSA in writing or by email up to three months prior to and six months after expiration, along with payment of a non-refundable delinquency fee of $200.00. The delinquency fee is in addition to any training, continuing education, or other fees associated with reinstatement requirements. The request must include the following information: contact information, certification number, certification expiration date, and an explanation why the requestor is/was unable to meet recertification requirements prior to their certification expiration. DSA will review each extension request. DSA will notify the individual in writing or by email whether the extension request is granted or not. DSA may provide or request additional information pertaining to the individual’s circumstance, such as reinstatement requirements. Until reinstatement requirements are satisfied, individuals lacking valid certification will have their name removed from DSA’s certified inspector list and any active project approval withdrawn. If an individual fails to recertify within the six-month extension period, that individual must apply for and pass the certification examination and obtain a new certification in accordance with Section 4-360.
	2. **. Professional Conduct.**
		+ 1. (Relocated from 4-333.1, after (d)7, and modified as shown.) An applicant or candidate for the DSA certification examination or a~~n~~ Project I~~i~~nspector or Special Inspector possessing a valid certificate issued by DSA~~,~~ shall file changes of name, mailing address, email address and/or telephone number with the DSA headquarters office within 10 ~~working~~ business days of that change. The information filed shall include the new and former name, mailing address, email address or telephone number.
			2. An ~~applicant~~ examinee for either the DSA certification or recertification examination shall conduct his or her self during the examination in an ethical manner, with honesty and consideration for other examinees, shall not reveal examination contents with anyone during or after the examination, shall not falsify documents required for examination entrance, and shall comply with published rules of the examination. Non-compliance ~~may result in immediate expulsion from the examination without passage of any or all parts, forfeiture of fees, required payment of fines and other costs incurred by DSA in addressing the non-compliance, and non-entry to future certification or recertification examinations. Non-compliance by certified inspectors attempting to elevate their inspector classification~~ may be cause for DSA to take disciplinary action in accordance with Sections ~~4-342(d)~~4-365 and 4-366.
			3. An applicant, candidate, Project Inspector, Assistant Inspector, or Special Inspector engaging in unprofessional conduct described in Section 4-365 may cause DSA to take disciplinary action in accordance with Section 4-366.

**4-365. Grounds for Action.** For Project Inspectors, Assistant Inspector, or Special Inspectors certified by DSA, DSA may withdraw, suspend, reclassify or deny certification, including deny a certification renewal or, in the case of Special Inspectors not certified by DSA or uncertified examination candidates DSA may take action in accordance with Section 4-366 for any of the following acts including, but not limited to:

1. Failure, refusal or neglect to fulfill the requirements of Group 1, Article 5 and Article 6 of these regulations and this Article, including, but not limited to:
2. On the part of a Project Inspector, even when acting in the role as an Assistant Inspector, as applicable, to:
3. Avoid conflicts of interest described in Section 4-333(b) items 1 and 2.
4. Perform duties in accordance with Section 4-342(b).
5. Comply with professional conduct in accordance with Section 4-364.
6. (Relocated from 4-342(c)1 and modified as shown.) ~~1. The inspector has failed to f~~Fulfill any of the relevant requirements of this code.
7. On the part of a Special Inspector, regardless of whether certified by DSA or not, to:
	1. Perform duties in accordance with Sections 4-335(f).
	2. Comply with any part of these regulations or the applicable inspection-related referenced standards on the approved plans and specification.
	3. To comply with professional conduct in accordance with Section 4-364.
8. On the part of examinee to:
	1. Comply with professional conduct in accordance with Section 4-364.
9. Failure, refusal or neglect to fulfill the requirements of Group 1, Article 5 and Article 6 of these regulations and this Article, including, but not limited to:
10. Making a false statement or omitting to state a material fact required to be revealed in the candidate eligibility application or certification renewal application.
11. (Relocated from 4-342(c)2 and modified as shown.) ~~2. The inspector has been c~~Convict~~ed~~ion of a crime considered to be substantially related to the qualifications, functions, or duties of a Project I~~i~~nspector, Assistant Inspector, or a Special Inspector in a manner consistent with the public health, safety or welfare. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Such crimes shall also include, but not be limited to, the following:
12. A conviction of child abuse.
13. A conviction as a sex offender.
14. The conviction of any crime involving narcotics, dangerous drugs, or dangerous devices, as defined in section 4022 of the Business and Professions Code.
15. A conviction for assault and/or battery or lewd conduct.
16. The suspension, revocation, or denial of a professional license by a state licensing board or other governmental agency, or by another state or territory of the United States. A certified copy of the decision or judgment shall be conclusive evidence of that action.
17. The appearance of a certification holder on a certified list of persons (obligators) who have not complied with a judgment or court order to provide child support payments, pursuant to Family Code section 17520, and who fails to come into compliance within 150 days of issuance of a written notice of intent to suspend or withhold issuance or renewal of certification. Temporary certification will be offered for a period of 150 days, which, upon expiration, the temporary certification will be invalidated unless DSA has received a release from the local child support agency that submitted the name on the certified list.
18. The appearance of a certification holder on a certified list of persons who have outstanding tax obligations due to the Franchise Tax Board or the State Board of Equalization, pursuant to Business and Professions Code section 494.5, and who fails to come into compliance within 90 days of issuance of a written notice of intent to suspend or withhold issuance or renewal of certification. Temporary certification will be offered for a period of 90 days, which, upon expiration, the temporary certification will be invalidated unless the DSA has received a release from the Franchise Tax Board or the State Board of Equalization that submitted the name on the certified list.
19. Engaging in acts of dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.
20. Failure to immediately report to DSA information that affects good standing, and/or failure to provide documentation requested by DSA, including, but not limited to, certified court documents, certified court orders, sentencing documents, or documentation from a licensing board that led to a determination of suspension, revocation, or denial of a professional license.

**4-366. Denial of Eligibility, Denial of Certification,** **Withdrawal, Suspension, Reclassification or Denial of Certification Renewal.** DSA may deny an application for eligibility, deny certification, or withdraw, suspend, reclassify or deny Project Inspector or Assistant Inspector or Special Inspector certification renewal or project approval, based on an act that affects good standing, as set forth in Section 4-365, or to ensure public health, safety, and welfare. Laboratories employing Special Inspectors lacking good standing may have their DSA acceptance negatively affected in accordance with Article 11.

1. An individual that has had his or her certification application denied for eligibility for the program may request reconsideration on a form prescribed by DSA. The applicant may provide additional information to support the request without payment of an additional application fee unless the eligibility criteria originally cited by the applicant has changed as determined by DSA.
2. (Relocated from 4-333.1 after item 7 and modified as shown.) An examinee not in ~~Non-~~compliance with professional conduct specified in Section 4-364(b) may ~~result in~~ forfeit fees, be immediately ~~expulsion~~ expelled from the examination without passage of any or all parts, be required to pay~~ment of~~ fines and other costs incurred by DSA in addressing the non-compliance, and non-entry to future certification or recertification examinations.
3. (Relocated from 4-342(g)2 and first statement in 3 modified as shown.) DSA may require individuals with performance or other issues of concern meet with DSA informally to discuss and explore resolving those prior to formal meetings or other procedures occurring. ~~The State Architect or his/her designee shall provide the appellant with~~ DSA will issue a written ~~n~~Notice of Order (Order) to the Project Inspector, Assistant Inspector, or Special Inspector, the school district, and the individual’s employer, when applicable, that of as of a specific date his/her certification will be withdrawn, suspended, reclassified, or certification renewal denied, or ~~that their approval for a~~ project approval withdrawn ~~or certification, has been temporarily invalidated as of a specific date or is subject to suspension or denial pursuant to Section 4-342(d),~~ pending an ~~final determination~~ investigation and decision. ~~Written notice of the final determination by the State Architect or his/her designee shall be confirmed by certified mail within 60 days from the initial written notification.~~ The notice will be issued a minimum of 60 calendar days prior to the effective date of the Order. The ~~written notice~~ Order shall include a description of and ~~the~~ reasons for the action~~s~~ being taken, the issues being ~~or~~ investigated, ~~as applicable,~~ and provide a summary of the facts and allegations in support of the Order. Service of the ~~written notice~~ Order ~~of the proposed action~~ shall be ~~confirmed~~ by registered/certified mail addressed to the individual at the latest address on file with DSA. Service by mail is complete on the date of mailing. As of the date of mailing the Order, all inspections performed by the individual shall be subject to additional scrutiny and may be deemed ineffective by DSA. Completed construction work affected by ineffective inspections may require demolition and reconstruction inspected by other inspectors acceptable to DSA.
4. Within 30 calendar days, after receipt of the Order, the individual may submit written argument in support of his/her position and relevant to the actions being taken or issues being investigated in the Order. DSA will not consider anyinformation that is submitted after the 30 calendar day period.
5. (Relocated from 4-342(g)3, last statement, and modified as shown.) After investigation, a decision on the Order (Decision) will be determined by DSAand confirmed in writing prior to the effective date of the Order. The time to render ~~his/her determination~~ the Decision may be extended an additional 30 calendar days by DSA, as necessary to consider any additional supporting information provided to ~~the State Architect~~ DSA that is timely and relevant to the ~~issue~~ action(s) being taken or the issues being investigated.
6. Service of the Decision shall be by registered/certified mail addressed to the individual at the latest address filed by the individual with DSA. Service by mail is complete on the date of mailing.
7. The individual with a withdrawn, suspended, reclassified or denied certification or project approval withdrawn shall not perform inspections beyond the effective date of the Decision.
8. The individual with a withdrawn, suspended or denied certification will be removed from any DSA published listings of certified Project or Special Inspectors. DSA published listings will also be updated to accurately reflect a reclassification. Individuals with project approval withdrawn shall not be eligible for work on other DSA projects.
9. The individual may make a request for reinstatement as set forth in Section 4-369.

**4-367. Filing an Appeal.** An individual may appeal to the Office of Administrative Hearings a Decision issued by DSA.

 ~~(a) An individual that has had his or her certification application denied may request reconsideration on a form prescribed by DSA and may provide additional information to support the request without payment of an additional application fee.~~

1. There shall be no stay of Decision while a final determination of the appeal is pending.
2. (Relocated from 4-342(g)4 and modified as shown.) The ~~An~~ appeal ~~of an action by the State Architect or his/her designee to suspend approval of a project inspector for a project, or certification, or to deny renewal of a certification~~ must be filed in writing ~~with~~ to DSA within ~~60~~ 30 calendar days of the date posted on the registered/certified service ~~of the written notice of the final determination from the State Architect~~ by mail of the Decision. ~~Unless a hearing is specifically requested as provided in Section 4-342(g)6 the appeal will be based on an analysis of the materials available.~~
3. The appeal proceedings shall be conducted in accordance with chapter 5 (commencing with section 11500) of part 1 division 3 of title 2 of the Government Code.
4. (Relocated from 4-342(g)7 and modified as shown.) The Administrative Law Judge will render a recommendation on the appeal to the State Architect. The appellant shall be notified in writing of the final determination by the State Architect ~~or his/her designee~~ regarding the appeal. Service of the ~~written notice of the decision~~ final determination of the appeal shall be by registered/certified mail.
5. (Relocated from 4-342(g)8 and modified as shown.) ~~Any appeal of a decision~~ A final determination rendered by the State Architect ~~or his/her designee to rescind approval for a project or certification~~ may be ~~appealed to the~~ challenged in Superior Court.

**4-368.** (Relocated from 4-342(f) and modified as shown.) **Criteria for Reinstatement.** When considering ~~reversal of any disciplinary action taken pursuant to~~ the reinstatement of certification or project approval of an individual who was subject to an Order and Decision as set forth in Section ~~4-342(d)~~4-366, ~~the State Architect or designee evaluating the reinstatement of an inspector’s approval for a project, or certification~~ DSA may consider the following criteria:

1. ~~1.~~ Nature and severity of the act(s) or offense(s) that were the subject of the Order and Decision.
2. Demonstration by the individual of his or her efforts to correct and/or address the act(s) or offense(s) that were the subject of the Order and Decision, or meeting the conditions for reinstatement as specified in the Decision.
3. ~~2.~~ The time that has elapsed since the commission of the act(s) or offense(s) that were the subject of the Order and Decision.
4. ~~3.~~ If applicable, evidence of expungement proceedings pursuant to Sections 1203.4, 1203.4a, or 1203.41 of the Penal Code.

**Section 4-369. Reinstatement.** An individual may seek reinstatement according to the following:

* + - * 1. A request for reinstatement must be in writing to the State Architect and may be granted at the discretion of the State Architect or his/her designee and subject to the criteria set forth in Sections 4-360 and 4-364.

 (b) If certification is reinstated prior to certification expiration, no extension of the certification period will be granted, and the certification will expire on the last day of the certification period.

(c) If reinstatement is granted after certification expiration, the individual may renew their certification subject to the limitations and requirements in Section 4-363(d) or obtain a new certification by meeting the requirements set forth in Section 4-360.

(d) If after certification expiration an appellant has had certification reinstated through the appeal process as set forth in Section 4-367, the individual is subject to the requirements of Section 4-363(c), and the certification period is established from the original expiration date of the previous certification period. DSA may require corrective action for reinstatement including, but not limited to, evidence of resolution of deficiencies cited in the Decision.

# Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1: SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS, ARTICLE 11: LABORATORY ACCEPTANCE

**ARTICLE 11**

**LABORATORY ACCEPTANCE**

**4-370. DSA Laboratory Evaluation and Acceptance.** Laboratories conducting special inspection and/or material testing services in accordance with Section 4-335.1 must be accepted by the DSA Laboratory Evaluation and Acceptance (LEA) program.

1. **Application.** (Relocated from 4-335.1(a) and modified as shown.) A laboratory may apply for ~~DSA~~ acceptance by submitting to DSA an application on a form prescribed by DSA~~,~~ along with supporting documentation~~, to DSA~~.
2. (Relocated from 4-335.1(d) and modified as shown.) **Fee~~s for testing laboratory evaluation~~.** DSA ~~may~~ will charge a fee to cover the costs of evaluating and reevaluating the laboratory. DSA reserves the right to visit, audit and observe the laboratories.
3. (Relocated from 4-335.1(b)1 and modified as shown.) **Qualification criteria:** To qualify for acceptance, a laboratory shall comply with the following requirements:

**Accreditation Criteria:** The laboratory shall obtain and maintain accreditation for ASTM E329-11: Standard Specification for Agencies Engaged in Construction Inspection, Testing, or Special Inspection, through required evaluation and accreditation as described below.

1. ~~A.~~ The laboratory shall receive on-site assessments and quality system evaluations by the American Association of State Highway and Transportation Officials (AASHTO) re:source and/~~Materials Reference Laboratory (AMRL)~~or the Cement and Concrete Reference Laboratory (CCRL).
	1. ~~B.~~ The laboratory shall maintain accreditation from the AASHTO Accreditation Program (AAP).
	2. ~~In addition, t~~The laboratory must obtain and maintain accreditation for the following standards, as applicable: ASTM C1077 (Aggregate), ASTM C1077 (Concrete), ASTM C1093 (Masonry) and ASTM D3740 (Soil).
	3. The laboratory shall maintain participation in applicable AASHTO re:source~~AMRL~~ and CCRL proficiency sample programs.
2. Other nationally recognized evaluation services or accreditation bodies, equivalent to those indicated above~~below~~, may be approved~~accepted~~ by DSA ~~with prior approval~~. The laboratory must authorize the release of accreditation, assessment, and proficiency sample testing information to DSA.
3. **Engineering manager:** (Relocated or repeated from 4-335.1(b)2 and modified as shown.) Each ~~The~~ laboratory facility shall ~~have~~ employ a full-time engineering manager who is a State of California registered civil engineer in good standing. The engineering manager shall possess a minimum of 5 years of relevant experience in the inspection and testing industry and hold a management position in the company. The engineering manager may not be employed by any other DSA accepted laboratory that provides special inspection or testing services on DSA regulated projects. The engineering manager shall verify and ensure no laboratory personnel with criminal convictions specified in Section 4-371(c) are permitted at school construction sites.
4. **Laboratory evaluation.** (Relocated or repeated from 4-335.1(a) and modified as shown.) Upon receipt of a valid application, DSA ~~shall~~ will perform an on-site assessment to evaluate the laboratory to verify that requirements of these regulations are met and that the engineering managerial and the supervisory staff are familiar with Title 24, C.C.R. requirements pertinent to materials testing and special inspection. (Relocated from 4-335.1(b)5 and modified as shown.) A DSA accepted laboratory shall have adequate facilities, equipment, personnel expertise and technical references to permit the performance of testing and special inspections in compliance with applicable national standards and regulations.
5. **Letter of Acceptance.** (Relocated or repeated from 4-335.1(a) and modified as shown.) Upon meeting all the requirements for the program, a ~~A~~ letter of acceptance by DSA ~~shall~~ will be issued to the laboratory and ~~shall~~ will state that the laboratory has demonstrated that it has met the criteria established by DSA for performance of material testing and special inspection of work under DSA jurisdiction. (Relocated from 4-335.1(c) and modified as shown.) **~~Duration of LEA laboratory acceptance.~~** Acceptance will remain valid for a period of four years unless ~~approval is withdrawn for failure to comply with the requirements of these regulations~~ action is taken by DSA in accordance with this Article.
6. (Relocated from 4-335.1(b)9 and modified as shown.) **Audits.** The operations of a DSA accepted laboratory may be subject to audit by DSA at DSA’s discretion in order to maintain DSA acceptance in the LEA program. Audits may include but are not limited to the following: review of LEA program records, project specific records, on-site examination of equipment, and records of special inspection and testing services. The findings of ~~A~~an audit may result in ~~a requirement that the laboratory be reevaluated~~ action taken in accordance with Sections 4-371 and 4-372.

**4-371. Grounds for Action.** For the LEA program, DSA may withdraw or deny laboratory acceptance or acceptance renewal, restrict services or withdraw its approval of the engineering manager in accordance with Section 4-372 for any of the following acts including, but not limited to:

1. (Relocated from 4-335.1(c) and modified as shown.) Failure, refusal or neglect to fulfill the requirements of Group 1, Article 5 and Article 6 of these regulations and this Article, ~~Examples of such failure~~ includ~~e~~ing~~,~~ but ~~are~~ not limited to:
	1. Employ a full-time engineering manager in compliance with Section 4-335 and Sections 4-335.1(b)1 and 2.
	2. Make~~ing~~ changes in engineering management, supervisory personnel, laboratory location, major equipment, or other key factors upon which acceptance is contingent without prior notification to the DSA LEA program.
	3. ~~Failing to have the~~ Maintain laboratory facility ~~evaluated and~~ accreditation~~ed~~ as outlined in Section 4-370~~35~~(b)1, as applicable to services offered.
	4. Report~~ing~~ that materials and/or workmanship of tested construction fail to meet the requirements of DSA approved documents ~~when they do not~~.
	5. ~~Failing to s~~Sample, handle and/or test materials as required by the approved documents, code and referenced standards.
	6. Utilize~~ing~~ technicians or ~~s~~Special ~~i~~Inspectors that ~~do not~~ meet the qualification and/or certification requirements.
	7. ~~Failing to a~~Adequately supervise technicians and/or ~~s~~Special ~~i~~Inspectors.
	8. ~~Failing to c~~Comply with any of the other requirements of ~~these regulations~~this Article or the DSA approved documents for a project.
2. Making a false statement or omitting to state a material fact required to be revealed in the laboratory eligibility application or acceptance renewal application.
3. Conviction of a crime considered to be substantially related to the qualifications, functions, or duties of a laboratory’s engineering manager or laboratory personnel providing services at school construction sites. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Such crimes shall also include, but not be limited to, the following:
4. A conviction of child abuse.
5. A conviction as a sex offender.
6. The conviction of any crime involving narcotics, dangerous drugs, or dangerous devices, as defined in section 4022 of the Business and Professions Code.
7. A conviction for assault and/or battery or lewd conduct.
8. The withdrawal, or denial of a laboratory engineering manager’s professional license by a state licensing board or other governmental agency, or by another state or territory of the United States. A certified copy of the decision or judgment shall be conclusive evidence of that action.
9. The appearance of a laboratory owner? on a certified list of persons (obligators) who have not complied with a judgment or court order to provide child support payments, pursuant to Family Code section 17520, and who fails to come into compliance within 150 days of issuance of a written notice of intent to withhold issuance or renewal of acceptance. Temporary acceptance will be offered for a period of 150 days, which, upon expiration, the temporary acceptance will be invalidated unless DSA has received a release from the local child support agency that submitted the name on the certified list.
10. The appearance of a the laboratory owner(s) on a certified list of persons who have outstanding tax obligations due to the Franchise Tax Board or the State Board of Equalization, pursuant to Business and Professions Code section 494.5, and who fails to come into compliance within 90 days of issuance of a written notice of intent to withhold issuance or renewal of acceptance. Temporary certification will be offered for a period of 90 days, which, upon expiration, the temporary certification will be invalidated unless the DSA has received a release from the Franchise Tax Board or the State Board of Equalization that submitted the name on the certified list.
11. Engaging in acts of dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another for the laboratory owner, engineering manager, laboratory staff, and Special Inspectors employed by the laboratory in connection with a school construction project.
12. Failure to immediately report to DSA information that affects good standing of the laboratory.

**4-372. Denial or Withdrawal of Acceptance; Denial of Acceptance Renewal; Restriction of Services; Withdrawal of approval of Engineering Manager.** DSA may deny or withdraw laboratory acceptance, deny laboratory acceptance renewal, restrict services provided by a laboratory or withdraw approval of the engineering manager based on an act that affects good standing, as set forth in Section 4-371, or to ensure public health, safety and welfare.

1. A laboratory that has had a laboratory acceptance application denied may request reconsideration on a form prescribed by DSA and may provide additional information to support the request without payment of an additional application fee.
2. DSA will issue a written Notice of LEA Order (LEA Order) to the laboratory that as of a specific date their acceptance will be withdrawn, acceptance renewal will be denied, laboratory services will be restricted or approval of the engineering manager will be withdrawn pending an investigation and decision by DSA (LEA Order). The LEA Order will be issued a minimum of 60 calendar days prior to the effective date. The LEA Order shall include a description of and the reasons for the actions being taken or issues being investigated, as applicable, and provide a summary of the facts and allegations in support of the LEA Order. Within 30 calendar days after receipt of the LEA Order, the affected laboratory may submit written argument in support of its position and relevant to the actions being taken or issues being investigated in the LEA Order. DSA will not consider any information that is submitted after the 30 calendar day period. Service of the LEA Order shall be by registered/certified mail addressed to the laboratory at the latest address filed by the laboratory with DSA in its record. Service by mail is complete on the date of mailing.
3. After investigation, a decision on the LEA Order (Decision) will be determined by DSA and confirmed in writing prior to the effective date of the LEA Order. The time to render the Decision may be extended an additional 30 calendar days by DSA, as necessary to consider any additional supporting information that is timely provided to DSA, relevant to the action(s) being taken or the issues being investigated.
4. Service of the Decision shall be by registered/certified mail addressed to the laboratory at the latest address filed by the laboratory with DSA in the laboratory’s record. Service by mail is complete on the date of mailing.
5. A laboratory with withdrawn or denied acceptance shall not provide material testing and special inspection services beyond the effective date of the Decision. A laboratory with restricted acceptance shall only provide material testing and special inspection services unaffiliated with the restrictions identified in the Decision.
6. A laboratory with withdrawn or denied acceptance will be removed from any DSA published listings of accepted laboratories. DSA published laboratory acceptance listings will also be updated to accurately reflect any restricted acceptance identified in the Decision.
7. The laboratory may make a request for reinstatement as set forth in Section 4-375.

**4-373. Filing an Appeal.** A laboratory may appeal to the Office of Administrative Hearings when a Decision is issued by DSA.

1. There shall be no stay of Decision while a final determination of the appeal is pending.
2. The appeal must be filed in writing to DSA within 30 calendar days of the date posted on the registered/certified service by mail of the Decision.
3. The appeal proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 Division 3 of Title 2 of the Government Code.
4. The Administrative Law Judge will render a recommendation on the appeal to the State Architect. The appellant shall be notified in writing of the final determination by the State Architect regarding the appeal. Service of the final determination of the appeal shall be by registered/certified mail.
5. A final determination rendered by the State Architect may be challenged in Superior Court.

**4-374. Criteria for Reinstatement.** When considering the reinstatement of acceptance of a laboratory that was subject to an LEA Order and Decision as set forth in Section 4-372, DSA may consider the following criteria:

1. Nature and severity of the act(s) or offense(s) that were the subject of the LEA Order and Decision.
2. Demonstration by the laboratory and/or the engineering manager of the efforts to correct and/or address the act(s) or offense(s) that were the subject of the LEA Order and Decision or meeting the conditions for reinstatement as specified in the Decision.
3. The time that has elapsed since the commission of the act(s) or offense(s) that were the subject of the LEA Order and Decision.
4. If applicable, evidence of expungement proceedings pursuant to Sections 1203.4, 1203.4a, or 1203.41 of the Penal Code.

**4-375. Reinstatement.** A laboratory may seek reinstatement according to the following:

1. A request for reinstatement must be in writing to the State Architect and may be granted at the discretion of the State Architect and subject to the criteria set forth in Sections 4-370 and 4-374. Reinstatement will require the laboratory to be subject to the requirements of Section 4-370.
2. After an appeal, if an appellant has had acceptance reinstated the acceptance will expire on the last day of the original acceptance period. DSA may require corrective action for reinstatement including, but not limited to, evidence of resolution of deficiencies cited in the Decision.

# Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 2, ARTICLE 5 CERTIFICATION OF CONSTRUCTION

# Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 3: SUSTAINABLE CONSTRUCTION OF PUBLIC SCHOOLS AND COMMUNITY COLLEGES OUTDOOR WATER USE

**…**

**4-509. Application for self-certified drawings and specifications.** The irrigation plans and specifications shall meet the California Code of Regulations, Title 24, Part 11 (CALGreen Code), Section 5.304~~.5, Outdoor Water Use~~ requirements for outdoor water use adopted by DSA-SS. The architect, landscape architect, or civil engineer in general responsible charge shall self-certify that the project’s landscape planting and irrigation design is compliant with the current version of the Model Water Efficient Landscape Ordinance (MWELO) per Section 5.304~~.5~~ requirements for outdoor water use adopted by DSA-SS of the CALGreen Code and built in accordance to these regulations. All related drawings and specifications must display their registration seal and signature.

Before commencing with construction of a landscape irrigation project and any associated buildings, the architect, landscape architect, or civil engineer in general responsible charge shall submit to DSA for approval the ~~forms~~ documentation prescribed by the DSA certifying that the landscape irrigation design complies with the Outdoor Water Use regulations and that periodic site observations during construction will occur to ensure the landscape planting and irrigation work is completed in accordance with the requirements of the CALGreen Section 5.304 requirements for outdoor water use adopted by DSA-SS ~~and obtain approval of the self-certified plans and specifications from the DSA intake specialist.~~

~~When construction is complete, a self-certification form prescribed by the DSA certifying that the landscape irrigation system is installed in compliance with the Outdoor Water Use regulations shall be filed with the DSA intake specialist~~.

**…**

**~~ARTICLE 4~~**

**~~FEES~~**

**~~4-510. Fees.~~** ~~The filing fee for the self-certification review shall be $500 due at the time of submission of the project and is non-refundable.~~

~~Notation:~~

~~Authority:~~ ~~Education Code Sections 17310 and 81142.~~

~~Reference:~~ ~~Education Code Sections 17280 and 81130.~~

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