
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 409 Session of
2017

INTRODUCED BY EVANKOVICH, DOWLING, GABLER, A. HARRIS, HARPER,
ZIMMERMAN, BERNSTINE, IRVIN, BENNINGHOFF, EVERETT AND TURZAI,
FEBRUARY 8, 2017

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, FEBRUARY 8, 2017

AN ACT

1 Amending the act of November 10, 1999 (P.L.491, No.45), entitled
2 "An act establishing a uniform construction code; imposing
3 powers and duties on municipalities and the Department of
4 Labor and Industry; providing for enforcement; imposing
5 penalties; and making repeals," in preliminary provisions,
6 further providing for definitions and for Uniform
7 Construction Code Review and Advisory Council and providing
8 for review of updated sections and adoption of updated
9 sections into Uniform Construction Code; in Uniform
10 Construction Code, further providing for revised or successor
11 codes; in adoption and enforcement by municipalities, further
12 providing for administration and enforcement; in training and
13 certification of inspectors, further providing for education
14 and training programs; and, in exemptions, applicability and
15 penalties, further providing for applicability to certain
16 buildings.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. Section 103 of the act of November 10, 1999
20 (P.L.491, No.45), known as the Pennsylvania Construction Code
21 Act, is amended by adding definitions to read:

22 Section 103. Definitions.

23 The following words and phrases when used in this act shall
24 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 * * *

3 "Collective codes." The term includes:

4 (1) Provisions of the ICC codes specified in 34 Pa. Code
5 § 403.21 (relating to Uniform Construction Code).

6 (2) Any other sections of the ICC codes which were
7 previously subject to review by the council whether or not
8 those sections were incorporated into the Uniform
9 Construction Code or specified in 34 Pa. Code § 403.21.

10 * * *

11 "Existing sections." All sections of the collective codes
12 that have been incorporated into the Uniform Construction Code
13 that are currently in effect at the time of review by the
14 council pursuant to section 108.

15 * * *

16 "Unopposed sections." Any and all updated sections that:

17 (1) Do not receive a public comment recommending
18 modification or rejection pursuant to section 108(a)(3)(ii).

19 (2) Are not selected for further review by a technical
20 advisory committee pursuant to section 108(a)(3)(v).

21 (3) Are not selected for further review by the council
22 pursuant to section 108(a)(3)(ix)(A).

23 "Updated sections." Any and all sections of the newest
24 editions of the ICC codes subject to review by the council under
25 section 108(a)(1) that are different from, added to or deleted
26 from, the immediately preceding editions of the ICC codes. Each
27 updated section shall be referenced by the section number
28 assigned to such section by the ICC codes.

29 * * *

30 Section 2. Section 107 of the act is amended to read:

1 Section 107. Uniform Construction Code Review and Advisory
2 Council.

3 (a) Establishment.--The Uniform Construction Code Review and
4 Advisory Council is hereby established.

5 (b) Duties.--The council shall do the following:

6 (1) Gather information from municipal officers, building
7 code officials, construction code officials, licensed design
8 professionals, builders [and], property owners, construction
9 trades and consumer representatives concerning issues with
10 the Uniform Construction Code raised by council members or
11 changes proposed by members of the General Assembly.

12 (2) Evaluate the information compiled under paragraph
13 (1) and make recommendations to the following:

14 (i) The Governor.

15 (ii) The Secretary of Labor and Industry.

16 (iii) The members of any legislative committee
17 considering amendments to this act.

18 (iv) The President pro tempore of the Senate.

19 (v) The Speaker of the House of Representatives.

20 (vi) The [Code Development Councils of the]
21 International Code Council.

22 (3) With the exception of the accessibility provisions
23 of [Chapter 11 and Appendix E of the International Building
24 Code of 2009, or its successor] the most recently published
25 editions of ICC codes, or any other accessibility
26 requirements specified in regulation, contained in or
27 referenced by the Uniform Construction Code relating to
28 persons with physical disabilities, review the [latest
29 triennial code revisions issued by the International Code
30 Council, beginning with the 2012 codes] updated sections, as

1 provided under [subsection (b.1)] section 108, or other
2 sections of the collective codes, as provided under section
3 108(a)(1)(iii).

4 [(b.1) Code review process.--

5 (1) Beginning with the 2012 ICC codes, the council shall
6 review the latest triennial code revisions upon official
7 publication of the codes.

8 (2) During the review process, the council shall hold at
9 least three public hearings. One of the public hearings shall
10 be held in Harrisburg, one shall be held in the eastern
11 region of this Commonwealth and one shall be held in the
12 western region of this Commonwealth.

13 (3) The council shall submit a report to the secretary
14 within the 12-month period following official publication of
15 the latest triennial code revisions under paragraph (1) with
16 provisions of the codes that are specified for adoption. The
17 provisions of the codes that are specified for adoption shall
18 be separately designated in the report.

19 (4) The council shall examine triennial code revisions
20 applying all of the following criteria:

21 (i) The impact that the provision may have upon the
22 health, safety and welfare of the public.

23 (ii) The economic and financial impact of the
24 provision.

25 (iii) The technical feasibility of the provision.

26 (5) Only triennial code revisions that are adopted by a
27 two-thirds vote of council membership shall be included in
28 the report required under paragraph (3).]

29 (c) Composition.--The council shall [consist of the
30 following members appointed by the Governor:

1 (1) A general contractor from an association
2 representing the residential construction industry who has
3 recognized ability and experience in the construction of new
4 residential buildings.

5 (2) A general contractor from an association
6 representing the nonresidential construction industry who has
7 recognized ability and experience in the construction of
8 nonresidential buildings.

9 (3) A Uniform Construction Code-certified residential
10 building inspector who possesses all five residential
11 certifications from an association representing building code
12 officials who has experience administering and enforcing
13 residential codes.

14 (4) A Uniform Construction Code-certified building
15 inspector who possesses all nonresidential inspection
16 certifications, but need not possess a fire inspector
17 certification, or a certified plans examiner who also holds
18 an accessibility certification from an association
19 representing building code officials who has experience
20 administering and enforcing nonresidential codes.

21 (5) A Uniform Construction Code-certified fire inspector
22 from an association representing building code officials.

23 (6) A Uniform Construction Code-certified building code
24 official from an association representing building code
25 officials with building code official certification.

26 (7) A residential contractor from an association
27 representing contractors engaged in remodeling residential
28 buildings who has recognized ability and experience in
29 remodeling residential and nonresidential buildings.

30 (8) A licensed architect from an association

1 representing architects who has recognized ability and
2 experience in the design and construction of nonresidential
3 buildings.

4 (9) A licensed architect from an association
5 representing architects who has recognized ability and
6 experience in the design and construction of residential
7 buildings.

8 (10) A licensed structural engineer from an association
9 representing professional engineers who has recognized
10 ability and experience in the design and construction of
11 buildings.

12 (11) A licensed mechanical engineer specializing in HVAC
13 systems from an association representing professional
14 engineers who has recognized ability and experience in the
15 design and construction of buildings.

16 (12) A licensed mechanical engineer specializing in
17 plumbing and fire protection from an association representing
18 professional engineers who has recognized ability and
19 experience in the design and construction of buildings.

20 (13) A licensed electrical engineer from an association
21 representing professional engineers who has recognized
22 ability and experience in the design and construction of
23 buildings.

24 (14) An elected official of a township of the second
25 class who has recognized ability and experience in
26 construction of buildings.

27 (15) An elected borough official who has recognized
28 ability and experience in construction of buildings.

29 (16) An elected official of a third class city who has
30 recognized ability and experience in the construction of

1 buildings.

2 (17) An individual from an association representing
3 manufactured housing who shall be knowledgeable, licensed or
4 certified to sell and install manufactured housing.

5 (18) An official of a city of the first class who has
6 recognized ability and experience in the administration and
7 enforcement of this act.

8 (19) An individual from an association representing only
9 modular housing manufacturers who is knowledgeable, licensed
10 or certified under the act of May 11, 1972 (P.L.286, No.70),
11 known as the Industrialized Housing Act, to manufacture and
12 sell modular homes in Pennsylvania.]

13 be comprised of members selected as follows:

14 (1) One member, appointed by the President pro tempore
15 of the Senate, who must be a general contractor from an
16 association representing the residential construction
17 industry and have a recognized ability and experience in the
18 construction of new residential dwellings.

19 (2) One member, appointed by the Minority Leader of the
20 Senate, who must be a second or third class city official and
21 have recognized ability and experience in the construction of
22 buildings.

23 (3) One member, appointed by the Speaker of the House of
24 Representatives, who must be a general contractor from an
25 association representing the nonresidential construction
26 industry and have recognized ability and experience in the
27 construction of nonresidential buildings.

28 (4) One member, appointed by the Minority Leader of the
29 House of Representatives, who must have recognized ability
30 and experience in construction trades so as to represent

1 employees in the industry.

2 (5) Seventeen members appointed by the Governor to
3 include the following:

4 (i) One member who must be a Uniform Construction
5 Code-certified residential building inspector, possess
6 all five residential certifications from an association
7 representing building code officials and have experience
8 administering and enforcing residential codes.

9 (ii) One member who must be a Uniform Construction
10 Code-certified building inspector, possess all
11 nonresidential inspection certifications or a certified
12 plans examiner, hold an accessibility certification from
13 an association representing building code officials and
14 have experience administering and enforcing
15 nonresidential codes. The code-certified building
16 inspector need not possess a fire inspector
17 certification.

18 (iii) One member who must be a Uniform Construction
19 Code-certified fire inspector from an association
20 representing fire code officials.

21 (iv) One member who must be a Uniform Construction
22 Code-certified building code official from an association
23 representing building code officials with building code
24 official certification.

25 (v) One member who must be a residential contractor
26 from an association representing contractors engaged in
27 remodeling residential buildings and have recognized
28 ability and experience in remodeling residential and
29 nonresidential buildings.

30 (vi) One member who must be a licensed architect

1 from an association representing architects and have
2 recognized ability and experience in the design and
3 construction of nonresidential buildings.

4 (vii) One member who must be a licensed architect
5 from an association representing architects and have
6 recognized ability and experience in the design and
7 construction of residential buildings.

8 (viii) One member who must be a licensed structural
9 engineer from an association representing professional
10 engineers and have recognized ability and experience in
11 the design and construction of buildings.

12 (ix) One member who must be a licensed mechanical
13 engineer specializing in HVAC systems from an association
14 representing professional engineers and have recognized
15 ability and experience in the design and construction of
16 buildings.

17 (x) One member who must be a licensed mechanical
18 engineer specializing in plumbing and fire protection
19 from an association representing professional engineers
20 and have recognized ability and experience in the design
21 and construction of buildings.

22 (xi) One member who must be a licensed electrical
23 engineer from an association representing professional
24 engineers and have recognized ability and experience in
25 the design and construction of buildings.

26 (xii) One member who must be a public official of a
27 borough and have recognized ability and experience in the
28 construction of buildings.

29 (xiii) One member from an association representing
30 manufactured housing who must be knowledgeable, licensed

1 or certified to sell and install manufactured housing.

2 (xiv) One member who must be a first class city
3 official and have recognized ability and experience in
4 the administration and enforcement of this act.

5 (xv) One member from an association representing
6 only modular housing manufacturers who must be
7 knowledgeable, licensed or certified under the act of May
8 11, 1972 (P.L.286, No.70), known as the Industrialized
9 Housing Act, to manufacture and sell modular homes in
10 this Commonwealth.

11 (xvi) One member who is a public official of a
12 township of the second class and has recognized ability
13 and experience in the construction of buildings.

14 (xvii) One member from an association representing
15 commercial building owners who has recognized ability and
16 experience in the construction and renovation of
17 nonresidential buildings.

18 At least one of the inspectors appointed to the council shall be
19 a municipal employee, and at least one inspector shall be a
20 third-party private sector inspector.

21 (d) Vacancies.--Vacancies on the council shall be filled in
22 the [same] manner [in which they were originally designated]
23 provided under subsection (c) within 30 business days of the
24 vacancy. If the [Governor] appointing authority fails to act
25 within 30 business days, the council chairperson shall appoint
26 an individual to fill the vacancy.

27 (e) Removal.--Council members who miss three or more
28 consecutive meetings or who miss three or more meetings of a
29 technical advisory committee to which they have been appointed,
30 may be removed from the council and any technical advisory

1 committees to which they have been appointed and a new council
2 member shall be appointed in accordance with this section.
3 Notwithstanding any other provision to the contrary, the council
4 chair shall appoint a council member to serve on a technical
5 advisory committee and replace a council member removed from
6 that technical advisory committee pursuant to this subsection. A
7 council member may also be removed for just cause by the
8 Governor.

9 (f) Terms.--[A]

10 (1) Except as otherwise provided under this subsection,
11 a member of the council shall serve terms of [two] three
12 years and until his successor is appointed [beginning July 1,
13 2008, except the initial term of members appointed under
14 subsection (c) (1), (3), (4), (5), (8), (11), (13) and (14)
15 shall be for three years and until their successor is
16 appointed].

17 (2) The term of a member appointed under subsection (c)
18 (1), (2), (3), (4) or (5) (xvii) shall commence immediately
19 upon appointment and shall expire June 30, 2020, and until a
20 successor is appointed.

21 (3) A member appointed to the council before the
22 effective date of this section shall serve on the council
23 according to the following:

24 (i) If the member meets the qualifications as
25 specified under subsection (c) (5) (x) or (xiv), the member
26 shall fill the appointment under subsection (c) (5) (x) or
27 (xiv) until June 30, 2017, and until a successor is
28 appointed.

29 (ii) If the member meets the qualifications as
30 specified under subsection (c) (5) (i), (ii), (iv), (vi),

1 (viii), (ix) or (xv), the member shall fill the
2 appointment under subsection (c)(5)(i), (ii), (iv), (vi),
3 (viii), (ix) or (xv) until June 30, 2018, and until a
4 successor is appointed.

5 (iii) If the member meets the qualifications as
6 specified under subsection (c)(5)(iii), (v), (vii), (xi),
7 (xii), (xiii) or (xvi), the member shall fill the
8 appointment under subsection (c)(5)(iii), (v), (vii)
9 (xi), (xii), (xiii) or (xvi) until June 30, 2019, and
10 until a successor is appointed.

11 (4) If a member serving the council under paragraph
12 (3)(i), (ii) or (iii) resigns or is removed in accordance
13 with subsection (e), the member's successor shall serve for
14 the remainder of the member's term and until a successor is
15 appointed.

16 (g) Chairperson and vice chairperson.--The members shall
17 elect, by a majority vote, a chairperson and vice chairperson of
18 the council.

19 (h) Quorum.--[Ten] Eleven members shall constitute a quorum.

20 (i) Meetings.--Meetings shall be conducted as required under
21 65 Pa.C.S. Ch. 7 (relating to open meetings) as follows:

22 (1) The council shall meet at least once every six
23 months. Meeting dates shall be set by majority vote of the
24 council members or by the call of the chair along with at
25 least seven business days' notice to all members.

26 (2) All meetings of the council shall be publicly
27 advertised and shall be open to the public. Members of the
28 general public shall be given reasonable opportunity to
29 address the council.

30 (3) The council shall publish a schedule of its meetings

1 in the Pennsylvania Bulletin and in at least one newspaper of
2 general circulation. The notice shall be published at least
3 five business days in advance of each meeting. The notice
4 shall specify the date, time and place of the meeting and
5 shall state that the meetings of the council are open to the
6 general public.

7 (4) Council members may participate in council meetings
8 in person, via telephone conference, or via video conference.
9 Council members may submit votes in person, telephonically or
10 by electronic mail to the chair of the council. The
11 department may approve similar methods of communication for
12 participation and voting by council members.

13 (j) Administrative support.--The department shall provide a
14 facility for council meetings under this act, stenographic
15 services, secretarial services, legal representation and
16 required notice of the council's meetings. The department [may]
17 shall provide staff support in drafting any reports required
18 under this act.

19 (k) Technical support.--The council may solicit and retain,
20 with or without compensation, individuals who are qualified by
21 training or experience to provide expert input to the council
22 [and, at]. At the discretion of the [council] department:

23 (1) Except as set forth in paragraph (2), such
24 individuals may be compensated for their services or
25 reimbursed for reasonable travel expenses at a rate
26 established by the secretary, or both.

27 (2) Paragraph (1) does not apply to a member of a
28 technical advisory committee appointed under subsection (m)
29 (1) (v).

30 (1) Compensation and expenses.--Members of the council shall

1 not receive a salary or per diem allowance for their service[.]
2 but shall be reimbursed in amounts and as determined by the
3 department for reasonable travel, lodging and other necessary
4 expenses incurred in performing their duties.

5 (m) Technical advisory committees.--

6 (1) The council shall establish a process by which
7 technical advisory committees will assist the council in the
8 review of the updated sections. The technical advisory
9 committee process shall comply with the following
10 requirements:

11 (i) There shall be a technical advisory committee
12 for each of the codes included in the Uniform
13 Construction Code and specified in 34 Pa. Code § 403.21
14 (relating to Uniform Construction Code), and such other
15 technical advisory committees as the council deems
16 necessary to facilitate its review. Participation in the
17 technical advisory committees may not be limited to
18 members of the council and shall be open to members of
19 industry and to interest groups associated with code
20 development and enforcement.

21 (ii) Each technical advisory committee shall be
22 composed of council members and nonvoting technical
23 advisory members and shall be limited to a maximum of 12
24 members. The chair of the council shall appoint a council
25 member to chair each technical advisory committee. Any
26 other council member may seek appointment to a technical
27 advisory committee and, if no more than four additional
28 council members seek appointment to a specified technical
29 advisory committee, those council members shall also be
30 appointed to the technical advisory committee. If more

1 than four council members seek appointment to a technical
2 advisory committee, the chair of the council shall
3 appoint four of the council members seeking appointment
4 to serve and the remaining council members seeking
5 appointment shall serve only if additional positions on
6 the technical advisory committee remain after selection
7 of the technical advisory committee members pursuant to
8 subparagraph (v).

9 (iii) The department shall publish a notice seeking
10 participation in the technical advisory committees in the
11 Pennsylvania Bulletin and on the department's publicly
12 accessible Internet website or, in the absence of an
13 Internet website, in such other manner as the secretary
14 determines will provide substantially similar public
15 notice.

16 (iv) Interested persons shall submit to the chair of
17 the council the following information within 30 days
18 following the publication of the notice:

19 (A) name;

20 (B) the name or subject matter area of the
21 technical advisory committee to which the individual
22 seeks to be appointed;

23 (C) contact information;

24 (D) industry sector, interest group or area of
25 construction industry expertise, if applicable; and

26 (E) summary of experience and expertise.

27 (v) The chair of the council shall seek to ensure
28 diversity of interests on each technical advisory
29 committee. Technical advisory committee members shall be
30 selected by the chair of the council from among the

1 interested persons identified in subparagraph (iv) so as
2 to ensure that technical advisory committees add relevant
3 expertise as well as differing viewpoints, industries,
4 professions and other interests.

5 (vi) Meetings of the technical advisory committees
6 may be in person, via telephone conference or via video
7 conference. The department may approve similar methods of
8 communication for participation and voting by technical
9 advisory committee members.

10 (vii) Technical advisory committee members may
11 submit votes in person, telephonically or by electronic
12 mail to the chair of the technical advisory committee.
13 Decisions of a technical advisory committee shall be by
14 majority of the votes received from council members on
15 the technical advisory committee.

16 Section 3. The act is amended by adding a section to read:
17 Section 108. Review of updated sections and adoption of updated
18 sections into Uniform Construction Code.

19 (a) Code review process.--

20 (1) (i) Except as specifically provided in this act
21 with respect:

22 (A) to the 2015 changes to the Uniform
23 Construction Code adopted by the council; and

24 (B) to the procedure outlined in subparagraph
25 (iii),

26 the council shall commence its review of the updated
27 sections 21 months following the publication of a new
28 edition of the ICC codes in accordance with paragraph
29 (3). Notwithstanding any other provision of this act to
30 the contrary, the council shall initiate a new review of

1 the updated sections contained in the 2015 edition of the
2 ICC codes within 30 days of the effective date of this
3 section, and this review shall be referred to as the 2015
4 Code Review. The decisions by the council with respect to
5 the 2015 edition of the ICC codes previously provided to
6 the department on May 29, 2015, and the regulations
7 promulgated by the department as a result, shall remain
8 in full force and effect until June 30, 2018. As of July
9 1, 2018, the decisions of the council as a result of the
10 2015 Code Review and the regulations promulgated by the
11 department as a result, shall supersede any previous
12 inconsistent council decisions or departmental
13 regulations.

14 (ii) The 2015 code review shall be conducted in
15 accordance with provisions of this act, except that:

16 (A) the public comment period under paragraph

17 (3)(i) shall be 30 days;

18 (B) notwithstanding the requirements under
19 paragraph (3)(viii), the council shall only be
20 required to conduct one public hearing as scheduled
21 by the council within the 30 days after the end of
22 the public comment period;

23 (C) the council shall not be required to
24 establish technical subcommittees as required by
25 section 107(m) and may establish a committee
26 composition based on past practices of the council
27 provided that the committees shall follow the process
28 as specified under this act to the furthest extent
29 practicable; and

30 (D) the council may rely on the technical

1 analysis of the 2015 edition of the triennial codes
2 performed by the council during the council's
3 previous review.

4 (iii) The council shall also review, in accordance
5 with the procedures outlined in this act, any section of
6 the collective codes that do not otherwise constitute
7 updated sections but only if two-thirds of the council
8 membership so determine. The sections selected for review
9 shall be referred to as "additional sections." The
10 additional sections shall be treated for purposes of
11 review and approval or disapproval by the council as
12 updated sections.

13 (2) Each updated section subject to review under
14 paragraph (3)(v) shall be examined applying all of the
15 following criteria:

16 (i) The impact that the section may have upon the
17 health, safety and welfare of the public.

18 (ii) The economic and financial impact of the
19 section, including impact on the end consumer.

20 (iii) The technical feasibility of the section.

21 (3) The council shall review the updated sections as
22 follows:

23 (i) A 120-day period to receive comments from
24 council members and the general public regarding the
25 updated sections shall commence 30 days following the
26 start of the council's review pursuant to paragraph (1).
27 The public comment period shall be announced in the
28 Pennsylvania Bulletin and on the department's publicly
29 accessible Internet website or, in the absence of an
30 Internet website, in such other manner as the secretary

1 determines will provide substantially similar public
2 notice.

3 (ii) All public comments shall be submitted on a
4 form created by the council. Each comment shall relate to
5 a single updated section. The comment shall, at a
6 minimum, specify the updated section to which the comment
7 relates, state whether the updated section should be
8 adopted, rejected or modified, and specify the rationale
9 for the recommended action based on the criteria set
10 forth in paragraph (2). Any modification shall meet or
11 exceed the standards of the section in effect or
12 currently being reviewed and such modification shall be
13 within the standards under review.

14 (iii) All public comments submitted in accordance
15 with subparagraph (ii) shall be provided to all council
16 members, posted on the department's publicly accessible
17 Internet website or, in the absence of an Internet
18 website, in such other manner as the secretary determines
19 will provide substantially similar public notice. All
20 public comments submitted in accordance with subparagraph
21 (ii) shall be reviewed individually by a technical
22 advisory committee.

23 (iv) After the expiration of the public comment
24 period, the chair shall assign each updated section,
25 regardless of whether a public comment has been received,
26 to the technical advisory committee for the code that
27 contains the updated section.

28 (v) The technical advisory committee shall review
29 all of the updated sections it has been assigned as
30 provided in this section. The technical advisory

1 committee may also review any related updated section,
2 any existing section or any related collective code
3 section as needed to ensure consistency and effectiveness
4 of the Uniform Construction Code. Even if an updated
5 section has not received a public comment in accordance
6 with subparagraph (ii), a technical advisory committee
7 member may select one or more of the updated sections
8 assigned to the technical advisory committee for
9 individual consideration by the council pursuant to
10 subparagraph (ix) (b).

11 (vi) For each updated section that:

12 (A) receives a comment recommending modification
13 or rejection in accordance with subparagraph (ii); or

14 (B) a member of the technical advisory committee
15 to which it has been assigned has separately selected
16 for individual review by the council;

17 the technical advisory committee shall submit to the
18 chair of the council a recommendation that the section
19 and any related section identified in subparagraph (v) be
20 adopted, rejected or modified. The technical advisory
21 committee shall submit the rationale for its
22 recommendations. Notwithstanding any other provision of
23 this subparagraph, updated sections that do not receive a
24 comment recommending modification or rejection in
25 accordance with subparagraph (ii) and that a member of
26 the technical advisory committee has not separately
27 selected for individual review by the council shall be
28 noted in the report as unopposed.

29 (vii) The technical advisory committee's
30 recommendations shall be posted on the department's

1 publicly accessible Internet website or, in the absence
2 of an Internet website, in such other manner as the
3 secretary determines will provide substantially similar
4 public notice. The technical advisory committee's
5 recommendations shall be posted at least 10 business days
6 prior to holding the first hearing pursuant to this
7 section.

8 (viii) After submission of all recommendations of
9 the technical advisory committees, the council shall hold
10 at least three public hearings. One of the public
11 hearings shall be held in Harrisburg, one shall be held
12 in the eastern region of this Commonwealth and one shall
13 be held in the western region of this Commonwealth.

14 (ix) Upon completion of the hearings, the council
15 shall hold one or more official meetings of the council
16 to decide whether to adopt, reject or modify the updated
17 sections and any related section identified in
18 subparagraph (v). The following shall apply:

19 (A) The council shall consider and vote on the
20 unopposed sections as a group. Prior to a vote on the
21 unopposed sections as a group, the council shall
22 first consider any motion made by a council member to
23 exclude a section from the unopposed group. If the
24 motion is supported by a majority of the council
25 membership, that section shall be removed from the
26 unopposed group. There shall be no limit to the
27 number of motions that the council shall consider
28 before consideration of the unopposed sections as a
29 group. Unopposed sections that remain as part of the
30 group, after consideration of motions to exclude

1 sections, may be adopted by a majority vote of the
2 council. All unopposed sections that are rejected as
3 a group or successfully excluded from the group shall
4 be subject to the procedure specified in clause (B).
5 For each unopposed section that the council subjects
6 to the procedure specified in clause (B), the council
7 shall provide, in writing, the specific rationale for
8 its decision.

9 (B) Except for the unopposed sections, a two-
10 thirds majority of the council members is required
11 for adoption or modification of the updated sections.
12 The council may vote on the updated sections
13 individually or in groups. If the council's decision
14 on an updated section differs from the recommendation
15 of the technical advisory committee, the council
16 shall provide, in writing, the specific rationale for
17 its decision.

18 (b) Submission of report.--With the exception of the
19 council's review of the 2015 ICC codes, the council shall submit
20 a report to the secretary within the 24-month period following
21 the commencement of the review process by the council with
22 sections of the updated codes and additional codes that are
23 specified for adoption or modification. The sections of the
24 codes that are specified for adoption or modification shall be
25 separately designated in the report. For the council's review of
26 the 2015 ICC codes only, the council shall submit a report to
27 the secretary on or before March 31, 2018.

28 Section 4. Sections 304, 703 and 902(c) of the act are
29 amended to read:

30 Section 304. Revised or successor codes.

1 (a) Duties of department.--

2 (1) Subject to sections 105(c) and (d), 301(a)(3), (4),
3 (5), (6) and (7), (c) and (d) and 302, within [three] nine
4 months of the receipt of the report under section [107(b.1)]
5 108(b), the department shall promulgate final-omitted
6 regulations under the act of June 25, 1982 (P.L.633, No.181),
7 known as the Regulatory Review Act, to adopt the [triennial
8 code revisions made] council's decisions contained in the
9 report without change. Regulations adopted under this act
10 shall become effective 33 months after the commencement of
11 council review as provided for in section 108(a)(1)(i)
12 provided, however, that the regulations promulgated by the
13 department as a result of the 2015 Code Review shall be
14 effective July 1, 2018.

15 (2) Regulations promulgated under this subsection are
16 exempt from:

17 (i) section 205 of the act of July 31, 1968
18 (P.L.769, No.240), referred to as the Commonwealth
19 Documents Law; and

20 (ii) sections 204(b) and 301(10) of the act of
21 October 15, 1980 (P.L.950, No.164), known as the
22 Commonwealth Attorneys Act.

23 (3) [Notwithstanding paragraphs (1) and (2), the] The
24 department shall promulgate regulations updating
25 accessibility standards under Chapter 3 by adopting [Chapter
26 11 and Appendix E of the International Building Code of 2012,
27 or its successor,] by December 31 of the year of issuance of
28 [the new code.] the accessibility provisions of the most
29 recently published edition of the ICC codes and any other
30 accessibility requirements which shall be specified in the

1 regulations, or contained in or referenced by the Uniform
2 Construction Code relating to persons with disabilities.

3 (4) The department may contract with the ICC to
4 establish and publish code manuals that contain the standards
5 of the Uniform Construction Code. The department shall
6 require in any contract under this paragraph that the
7 documentation be made available on the department's publicly
8 accessible Internet website.

9 (a.1) Continuity.--If [a triennial revision] an updated
10 section is not adopted or modified under section [107(b.1) (5)]
11 108, the relevant provisions of the [prior version of the codes]
12 existing sections shall remain in effect.

13 (c) Prior permits and construction.--

14 (1) A construction permit issued under valid
15 construction regulations prior to the effective date of
16 regulations for a subsequent Uniform Construction Code or
17 International Fuel Gas Code issued under this act shall
18 remain valid, and the construction of any building or
19 structure may be completed pursuant to and in accordance with
20 the permit.

21 (2) If the permit has not been actively prosecuted
22 within two years of the effective date of the regulation or
23 the period specified by a municipal ordinance, whichever is
24 less, the former permitholder shall be required to acquire a
25 new permit.

26 (3) Where construction of a building or structure
27 commenced before the effective date of the regulations for a
28 subsequent Uniform Construction Code or International Fuel
29 Gas Code issued under this act and a permit was not required
30 at that time, construction may be completed without a permit.

1 Section 703. Education and training programs.

2 (a) Fee.--Municipalities administering and enforcing this
3 act under section 501(a) and third-party agencies providing
4 services under section 501(e) shall assess a fee of \$4 on each
5 construction or building permit issued under the authority of
6 this act. The fee shall be in addition to any other fee imposed
7 for the permit.

8 (b) [Training accounts] Accounts.--There [is] are hereby
9 established within the State Treasury [two] three restricted
10 accounts which shall be known as the Municipal Code Official
11 Training Account, the Review and Advisory Council Administration
12 Account and the Construction Contractor Training Account.

13 (c) Deposit.--[Moneys]

14 (1) The fee collected as authorized under subsection (a)
15 shall be transmitted quarterly to the State Treasury and
16 shall be equally divided and deposited in the accounts
17 established in subsection (b)[.] as follows:

18 (i) Forty-five percent of the fee shall be deposited
19 in the Municipal Code Official Training Account.

20 (ii) Forty-five percent of the fee shall be
21 deposited in the Construction Contractor Training
22 Account.

23 (iii) Ten percent of the fee shall be deposited in
24 the Review and Advisory Council Administration Account.

25 (2) [Moneys so] Money deposited [are] under paragraph
26 (1)(i) and (ii) is hereby [equally] appropriated on approval
27 of the Governor to the Department of Community and Economic
28 Development for the purpose of education and training
29 programs [provided by the Pennsylvania Construction Codes
30 Academy] for municipal code officials and individuals

1 employed by third-party agencies under contract to a
2 municipality and to a Pennsylvania-based housing research
3 center located at a land grant university for the
4 construction industry. To assure the programs meet the needs
5 of the construction industry, the education, training and
6 other activities provided by such a housing research center
7 shall be approved by its industry advisory committee.

8 (3) All money deposited under paragraph (1)(iii) shall
9 be transmitted quarterly to the Department of Labor and
10 Industry for expenses of the council as authorized in section
11 107(l), for technical assistance as provided for in section
12 107(k), for administrative assistance as provided for in
13 section 107(j), for fees associated with contracting with the
14 ICC to establish and publish code manuals which contain the
15 standards of the Uniform Construction Code as provided for in
16 section 304(a)(4) and as otherwise determined necessary by
17 the council as money is available.

18 Section 902. Applicability to certain buildings.

19 * * *

20 (c) Uncertified buildings over which the department does not
21 have jurisdiction.--

22 (1) A construction code official shall issue a
23 certificate of occupancy to an uncertified building if it
24 meets the requirements of subsection (b), the latest adopted
25 version of the International Existing Building Code or
26 Chapter 34 of the International Building Code[,]; and the
27 construction code official shall utilize the code [for the
28 municipality which] that, in his professional judgment, he
29 deems to best apply.

30 (2) A construction code official may deny the issuance

1 of a certificate of occupancy if the official deems that a
2 building is unsafe because of inadequate means of egress,
3 inadequate lighting and ventilation, fire hazards or other
4 dangers to human life or to public welfare.

5 [(3) A municipality subject to this subsection may
6 utilize the standards of subsection (b) for the issuance of
7 certificates of occupancy to uncertified buildings by
8 adopting an ordinance adopting the standards of issuance
9 pursuant to the procedures delineated in section 503.]

10 * * *

11 Section 5. This act shall take effect as follows:

12 (1) The amendment of section 902(c) of the act shall
13 take effect in 60 days.

14 (2) The remainder of this act shall take effect
15 immediately.