

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1951 Session of
1984

INTRODUCED BY ITKIN, J. L. WRIGHT, PETRARCA, PISTELLA, KUKOVICH,
PRATT, SWEET AND PRESTON, MARCH 12, 1984

REFERRED TO COMMITTEE ON MINES AND ENERGY MANAGEMENT,
MARCH 12, 1984

AN ACT

1 Amending the act of December 15, 1980 (P.L.1203, No.222),
2 entitled "An act providing for the regulation for energy
3 conservation purposes of the construction of buildings, the
4 establishment of a Building Energy Conservation Committee and
5 a Board on Variances, appeals and for penalties," changing
6 the definition of "building"; further providing for
7 certification; further providing for notice to the
8 department; providing for notice to public utilities; further
9 providing for penalties; and further providing for variances.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The definition of "building" in section 103 of
13 the act of December 15, 1980 (P.L.1203, No.222), known as the
14 Building Energy Conservation Act, amended July 10, 1981
15 (P.L.231, No.75), is amended and a definition is added to read:
16 Section 103. Definitions.

17 The following words and phrases when used in this act shall
18 have, unless the context clearly indicates otherwise, the
19 meanings given to them in this section:

20 "Building." Any structure that provides facilities or

shelter for public assembly or for educational, business, mercantile, institutional, warehouse or residential occupancy, or industrial use including, but not limited to, those portions of factory and industrial occupancy such as office space except for:

(1) Buildings and structures or portions thereof whose peak design rate of energy usage is less than one watt per square foot or [3.4] 3.5 BTU/hr per square foot of floor area for all purposes.

(2) Structures or those portions of structures used for housing equipment or machinery, or in which manufacturing or processing is done, where the operation of such equipment or machinery, or the manufacturing or processing procedures employed require the use of or generate substantial heat producing energy or cooling within the structure. As used herein, the generation of substantial heat shall mean generation of more than 6 watts per square foot of floor area.

(3) Buildings which are neither heated nor cooled.

(4) Historic buildings.

(5) Buildings owned by the Federal Government.

(6) All units subject to the act of May 11, 1972 (P.L.286, No.70), known as the "Industrialized Housing Act."

(7) All units subject to Title VI (Public Law 93-383), referred to as the Federal Mobile Home Construction and Safety Standards Act of 1974.

(8) Buildings which are constructed primarily of tree logs and only incidentally of other materials.

* * *

"Public utility." A person or corporation in this

1 Commonwealth owning or operating equipment or facilities for
2 producing, generating, transmitting, distributing or furnishing
3 electricity, gas or steam to or for the public for compensation
4 for the purpose of heating and/or cooling residential buildings.

5 The term does not include:

6 (1) Any generator, producer or manufacturer of
7 electricity or steam not engaged in distributing such
8 electricity, gas or steam directly to the public for
9 consumption.

10 (2) Any person or corporation not otherwise a public
11 utility who or which furnishes service only to himself or
12 itself.

13 * * *

14 Section 2. Section 305(e) of the act is amended to read:

15 Section 305. Certification.

16 * * *

17 (e) Certification by builder.--If a licensed design
18 professional is not retained in connection with the [design and]
19 construction of a building, it shall be the responsibility of
20 the builder or owner, if he is the builder, to perform the
21 inspections and certification required by this section including
22 payment of the filing fee.

23 Section 3. Section 306(a) of the act is amended and a
24 subsection is added to read:

25 Section 306. Use Group R-3; notice; warranty.

26 (a) Notice to department.--Prior to construction of any
27 building classified as Use Group R-3, the builder shall notify
28 the department by certified mail of his intent to begin
29 construction. Such notice shall include a filing fee of [\$5] \$10
30 and contain the name of the owner of the building and its

1 location. The filing fee may be subject to change by the
2 Building Energy Conservation Committee, upon the recommendation
3 of the department to the Building Energy Conservation Committee,
4 provided, however, that advance notice of such change has
5 appeared in the Pennsylvania Bulletin.

6 (a.1). Notice to public utilities.--

7 (1) The builder shall also provide a copy of the notice
8 of intent to begin construction required by subsection (a) to
9 all public utilities which may be requested to furnish
10 services to or for buildings classified as Use Group R-3
11 which are constructed after the effective date of this
12 subsection. No public utility shall furnish, render or supply
13 any service to or for any building classified as Use Group R-
14 3 unless it shall have first received a copy of the required
15 notice.

16 (2) All public utilities shall rely absolutely on the
17 copy of the required notice in furnishing, rendering or
18 supplying any service to or for a building classified as Use
19 Group R-3, and no public utility which receives a copy of
20 such notice shall conduct any audit, inspection or
21 examination of the building for the purpose of determining
22 compliance with this act. The furnishing, rendering or
23 supplying of service by a public utility, in reliance upon
24 the copy of the required notice, to or for a building
25 classified as Use Group R-3 shall not constitute a
26 certification or determination by the utility that the
27 building has been constructed in compliance with this act.

28 (3) The copy of the notice of intent to begin
29 construction required by this subsection shall be submitted
30 to the appropriate public utilities not later than the date

1 on which any service to or for a building classified as Use
2 Group R-3 is to be provided by such utilities.

3 * * *

4 Section 4. Sections 313(b) and 504 of the act are amended to
5 read:

6 Section 313. Penalties.

7 * * *

8 (b) Violations of act.--Any person who shall willfully or
9 negligently violate any of the provisions of this act, or the
10 rules and regulations or the orders for the enforcement of the
11 said provisions or rules and regulations issued by duly
12 authorized officers of the department or who shall hinder, delay
13 or interfere with any officer charged with the enforcement of
14 this act in the performance of his duty, [shall, upon conviction
15 thereof, be punished by a fine of not more than \$300 and costs]
16 commits a summary offense, and upon conviction thereof, shall be
17 sentenced to pay a fine of \$300 plus costs, or undergo
18 imprisonment for 30 days, or both. In the event of violation of
19 more than one provision of this act, the violation of each
20 provision shall be deemed a separate and distinct offense for
21 the purposes of this section.

22 * * *

23 Section 504. Variances.

24 Any municipality electing to administer the provisions of
25 this act under section 501 or 502 shall establish a Board on
26 Variances to make determinations on request for variance from
27 the energy conservation standards contained herein or as
28 promulgated by the department with the approval of the Building
29 Energy Conservation Committee, and is authorized exclusive
30 jurisdiction to grant such variances, section 307(a)

1 notwithstanding. A municipality, however, need not establish a
2 Board on Variances if it has established a zoning board pursuant
3 to the act of July 31, 1968 (P.L.805, No.247), known as the
4 "Pennsylvania Municipalities Planning Code." If the municipality
5 does not establish a Board on Variances, the powers and duties
6 established by this section shall be exercised by such zoning
7 board. A variance shall only be granted if the criteria of
8 section 307(b) have been satisfied.

9 Section 5. This act shall take effect in 60 days.