
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2749 Session of 2004

INTRODUCED BY MAJOR, LEWIS, SCAVELLO, HARHART, DALLY, BIRMELIN,
R. MILLER AND PICKETT, JUNE 23, 2004

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, NOVEMBER 19, 2004

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," further providing for
6 referenced standards; and abrogating regulations.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 302 of the act of November 10, 1999
10 (P.L.491, No.45), known as the Pennsylvania Construction Code
11 Act, is amended to read:

12 Section 302. Referenced standards.

13 (a) General rule.--[The]

14 (1) Subject to paragraph (2), the standards referenced
15 in Chapters 30 and 35 relating to elevators and conveying
16 systems and referenced standards, respectively, or the
17 applicable chapter, of the 1999 BOCA National Building Code,
18 Fourteenth Edition, and the American National Standards for
19 Passenger Tramways, Aerial Tramways, Aerial Lifts, Surface

1 Lifts and Tows, ASME/ANSI B77.1, shall be considered part of
2 the requirements of the Uniform Construction Code to the
3 prescribed extent of each such reference except that BNPMC-96
4 BOCA National Property Maintenance Code and ASME/ANSI A17.3
5 (safety code for existing elevators and escalators) shall be
6 excluded.

7 (2) The standards under paragraph (1) shall include the
8 latest ANSI standards applicable to the operation of ski
9 lifts.

10 (b) No preemption.--Nothing contained in this act shall be
11 construed to preempt the ability of a municipality to adopt or
12 enforce the codes referred to in this section to the extent not
13 referenced, in whole or in part, in Chapter 35 relating to
14 referenced standards or applicable chapter of the 1999 BOCA
15 National Building Code, Fourteenth Edition.

16 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—
17 SECTION 305. EXISTING MUNICIPAL AUTHORITY STANDARDS.

18 (A) GENERAL RULE.--MUNICIPAL AUTHORITY STANDARDS FOR LATERAL
19 CONNECTIONS LOCATED ON PRIVATE PROPERTY AND CONNECTING TO PUBLIC
20 INFRASTRUCTURE OWNED BY A MUNICIPAL AUTHORITY THAT WERE IN
21 EFFECT ON JANUARY 1, 2005, AND CONTAIN PROVISIONS THAT EQUAL OR
22 EXCEED THE REQUIREMENTS OF THE REGULATIONS PROMULGATED UNDER
23 THIS ACT, THE INTERNAL RESIDENTIAL CODE OR UNDER THE
24 INTERNATIONAL PLUMBING CODE SHALL REMAIN IN EFFECT UNTIL SUCH
25 TIME AS ANY SUCH PROVISIONS FAIL TO EQUAL OR EXCEED THE MINIMUM
26 REQUIREMENTS OF THE REGULATIONS PROMULGATED UNDER THIS ACT, AT
27 WHICH TIME THE STANDARDS SHALL BE AMENDED TO EQUAL OR EXCEED THE
28 MINIMUM REQUIREMENTS OF THE REGULATIONS PROMULGATED UNDER THIS
29 ACT.

30 (B) FILING REQUIREMENT.--MUNICIPAL AUTHORITY STANDARDS

1 QUALIFYING UNDER SUBSECTION (A) SHALL BE FILED WITH THE
2 DEPARTMENT AND ANY LOCAL GOVERNMENTS SERVED BY THE MUNICIPAL
3 AUTHORITY WITH SUCH STANDARDS.

4 Section ~~2~~ 3. The following shall apply: <—

5 (1) The provisions of 34 Pa.Code § 405.2(a)(4) (relating
6 to standards) are abrogated insofar as they relate to ski
7 lifts.

8 (2) The provisions of 34 Pa.Code § 405.11(e) (relating
9 to accident report) are abrogated insofar as they relate to
10 ski lifts.

11 (3) All other regulations are abrogated to the extent of
12 any inconsistency with this act.

13 Section ~~3~~ 4. This act shall take effect immediately. <—