

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 437 Session of
2007

INTRODUCED BY REGOLA, WAUGH, LOGAN, ROBBINS, WONDERLING,
BOSCOLA, RAFFERTY, McILHINNEY, O'PAKE, BAKER, BROWNE,
FONTANA, TOMLINSON, D. WHITE, EARLL AND VANCE, MARCH 5, 2007

REFERRED TO LABOR AND INDUSTRY, MARCH 5, 2007

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 the
6 adoption of regulations.

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

9 Section 1. Section 301(a) of the act of November 10, 1999
10 (P.L.491, No.45), known as the Pennsylvania Construction Code
11 Act, amended February 19, 2004 (P.L.141, No.13), July 15, 2004
12 (P.L.748, No.92) and December 22, 2005 (P.L.478, No.95), is
13 amended to read:

14 Section 301. Adoption by regulations.

15 (a) Regulations.--

16 (1) The department shall, within 180 days of the
17 effective date of this section, promulgate regulations
18 adopting the 1999 BOCA National Building Code, Fourteenth
19 Edition, as a Uniform Construction Code, except as provided

1 in section 105(c)(2) and this section. The department shall
2 promulgate separate regulations which may make changes to
3 Chapter 1 of the 1999 BOCA National Building Code, Fourteenth
4 Edition, relating to administration that are necessary for
5 the department's implementation of this act.

6 (2) The regulations shall include a provision that all
7 detached one-family and two-family dwellings and one-family
8 townhouses that are not more than three stories in height and
9 their accessory structures shall be designed and constructed
10 either in accordance with the ICC International One and Two
11 Family Dwelling Code, 1998 Edition, or in accordance with the
12 requirements of the Uniform Construction Code at the option
13 of the building permit applicant. The provision shall require
14 that an irrevocable election be made at the time plans are
15 submitted for review and approval. If the building permit
16 applicant does not indicate a code, the design and
17 construction shall be in accordance with the Uniform
18 Construction Code.

19 (3) The regulations shall include a provision that the
20 secretary shall have the exclusive power to grant
21 modifications and decide issues of technical infeasibility
22 under Chapter 11 (Accessibility) of the Uniform Construction
23 Code and any other accessibility requirements contained in or
24 referenced by the Uniform Construction Code for individual
25 projects.

26 (4) The secretary shall consider the recommendations of
27 the advisory board as provided in section 106(c). The
28 department shall consider the comments of the advisory board
29 with respect to accessibility issues in any proposed
30 regulations.

1 (5) The regulations shall provide for a system of
2 periodic compliance reviews conducted by the department and
3 for enforcement procedures conducted by the department to
4 ensure that code administrators are adequately administering
5 and enforcing Chapter 11 (Accessibility) of the Uniform
6 Construction Code and any other accessibility requirements
7 contained in or referenced by the Uniform Construction Code.

8 (6) The regulations shall include the provisions of
9 exception 8 to section 1014.6 (relative to stairway treads
10 and risers) of the 1993 BOCA National Building Code, Twelfth
11 Edition, and the provisions of section R-213.1 (relative to
12 stairways) of the CABO One and Two Family Dwelling Code, 1992
13 Edition, and such provisions shall be applicable
14 notwithstanding section 303(b), which shall not apply to the
15 provisions of any municipal building code ordinance which
16 equals or exceeds these provisions.

17 (7) The department shall consult with the Department of
18 Health in the development of regulations relating to health
19 care facilities, intermediate care facilities for the
20 mentally retarded or for persons with related conditions and
21 State institutions.

22 (8) The regulations shall exclude section R313.1.1 of
23 the 2003 International Residential Code for One- and Two-
24 Family Dwellings or its successor code from applying to
25 existing one-family and two-family unit dwellings undergoing
26 alterations, repairs or additions but shall include
27 provisions requiring non-interconnected battery-operated
28 smoke alarms in one-family and two-family dwellings in
29 accordance with section R313.1.1 of the 2003 International
30 Residential Code for One- and Two-Family Dwellings.

1 (9) Regulations under this subsection shall include the
2 adoption of section 110.3 (temporary occupancy) of the
3 International Building Code.

4 (10) Section R404.1 and Tables R404.1(1), R404.1(2) and
5 R404.1(3) of the 2006 International Residential Code and its
6 successor codes are not a part of the Uniform Construction
7 Code. The following provisions shall apply and are part of
8 the Uniform Construction Code. Concrete and masonry
9 foundation walls shall be selected and constructed in
10 accordance with the provisions of Section 404 of the 2006
11 International Residential Code or in accordance with ACI 318,
12 ACI 332, NCMA TR68-A or ACI 530/ASCE 5/TMS 402 or other
13 approved structural standards. When ACI 318, ACI 332 or ACI
14 530/ASCE 5/TMS 402 or provisions of this section are used to
15 design concrete or masonry foundation walls, project
16 drawings, typical details and specifications are not required
17 to bear the seal of the architect or engineer responsible for
18 design.

19 * * *

20 Section 2. This act shall take effect in 60 days.