
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. **568** Session of
2015

INTRODUCED BY EVANKOVICH, DIAMOND, HEFFLEY, GROVE, WARNER,
SANKEY, ZIMMERMAN, OBERLANDER, HELM, GABLER, CUTLER,
READSHAW, ENGLISH, BENNINGHOFF, SIMMONS, GIBBONS, MICCARELLI
AND SANTORA, FEBRUARY 23, 2015

SENATOR BROWNE, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, JULY 1, 2016

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 exemptions, applicability <--~~
6 ~~and penalties, further providing for applicability to certain <--~~
7 ~~buildings.~~ IN PRELIMINARY PROVISIONS, FURTHER PROVIDING FOR
8 DEFINITIONS AND FOR UNIFORM CONSTRUCTION CODE REVIEW AND
9 ADVISORY COUNCIL AND PROVIDING FOR REVIEW OF UPDATED SECTIONS
10 AND ADOPTION OF UPDATED SECTIONS INTO UNIFORM CONSTRUCTION
11 CODE; IN UNIFORM CONSTRUCTION CODE, FURTHER PROVIDING FOR
12 REVISED OR SUCCESSOR CODES; IN ADOPTION AND ENFORCEMENT BY
13 MUNICIPALITIES, FURTHER PROVIDING FOR ADMINISTRATION AND
14 ENFORCEMENT; ~~AND,~~ IN TRAINING AND CERTIFICATION OF <--
15 INSPECTORS, FURTHER PROVIDING FOR EDUCATION AND TRAINING
16 PROGRAMS; AND, IN EXEMPTIONS, APPLICABILITY AND PENALTIES, <--
17 FURTHER PROVIDING FOR APPLICABILITY TO CERTAIN BUILDINGS.

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

20 ~~Section 1. Section 902(c) of the act of November 10, 1999 <--~~
21 ~~(P.L.491, No.45), known as the Pennsylvania Construction Code~~
22 ~~Act, amended December 22, 2005 (P.L.478, No.95), is amended to~~
23 ~~read:~~

1 ~~Section 902. Applicability to certain buildings.~~

2 ~~* * *~~

3 ~~(c) Uncertified buildings over which the department does not~~
4 ~~have jurisdiction.~~

5 ~~(1) A construction code official shall issue a~~
6 ~~certificate of occupancy to an uncertified building if it~~
7 ~~meets the requirements of subsection (b), the latest adopted~~
8 ~~version of the International Existing Building Code or~~
9 ~~Chapter 34 of the International Building Code[,]; and the~~
10 ~~construction code official shall utilize the code [for the~~
11 ~~municipality which] that, in his professional judgment, he~~
12 ~~deems to best apply.~~

13 ~~(2) A construction code official may deny the issuance~~
14 ~~of a certificate of occupancy if the official deems that a~~
15 ~~building is unsafe because of inadequate means of egress,~~
16 ~~inadequate lighting and ventilation, fire hazards or other~~
17 ~~dangers to human life or to public welfare.~~

18 ~~[(3) A municipality subject to this subsection may~~
19 ~~utilize the standards of subsection (b) for the issuance of~~
20 ~~certificates of occupancy to uncertified buildings by~~
21 ~~adopting an ordinance adopting the standards of issuance~~
22 ~~pursuant to the procedures delineated in section 503.]~~

23 ~~* * *~~

24 ~~Section 2. This act shall take effect in 60 days.~~

25 SECTION 1. THE DEFINITION OF "BOARD OF APPEALS" IN SECTION <--
26 103 OF THE ACT OF NOVEMBER 10, 1999 (P.L.491, NO.45), KNOWN AS
27 THE PENNSYLVANIA CONSTRUCTION CODE ACT, IS AMENDED AND THE
28 SECTION IS AMENDED BY ADDING DEFINITIONS TO READ:

29 SECTION 103. DEFINITIONS.

30 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL

1 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
2 CONTEXT CLEARLY INDICATES OTHERWISE:

3 * * *

4 "BOARD OF APPEALS." THE BODY CREATED BY A MUNICIPALITY OR
5 MORE THAN ONE MUNICIPALITY TO HEAR APPEALS FROM DECISIONS OF THE
6 CODE ADMINISTRATOR AS PROVIDED FOR BY [CHAPTER 1 OF THE 1999
7 BUILDING OFFICIALS AND CODE ADMINISTRATORS INTERNATIONAL, INC.,
8 NATIONAL BUILDING CODE, FOURTEENTH EDITION] THE DEPARTMENT BY
9 REGULATION.

10 * * *

11 "CODES." "COLLECTIVE CODES." THE TERM INCLUDES: <--

12 (1) SECTIONS OF THE ICC CODES SPECIFIED IN 34 PA. CODE §
13 403.21 (RELATING TO UNIFORM CONSTRUCTION CODE).

14 (2) ANY OTHER SECTIONS OF THE ICC CODES WHICH WERE
15 PREVIOUSLY SUBJECT TO REVIEW BY THE COUNCIL WHETHER OR NOT
16 THOSE SECTIONS WERE INCORPORATED INTO THE UNIFORM
17 CONSTRUCTION CODE OR SPECIFIED IN 34 PA. CODE § 403.21.

18 * * *

19 "EXISTING SECTIONS." ALL SECTIONS OF THE COLLECTIVE CODES <--
20 THAT HAVE BEEN INCORPORATED INTO THE UNIFORM CONSTRUCTION CODE
21 THAT ARE CURRENTLY IN EFFECT AT THE TIME OF REVIEW BY THE
22 COUNCIL PURSUANT TO SECTION 108.

23 * * *

24 "UNOPPOSED SECTIONS." ANY AND ALL UPDATED SECTIONS THAT:

25 (1) DO NOT RECEIVE A PUBLIC COMMENT PURSUANT TO SECTION
26 108(A)(3)(II).

27 (2) ARE NOT SELECTED FOR FURTHER REVIEW BY A TECHNICAL
28 ADVISORY COMMITTEE PURSUANT TO SECTION 108(A)(3)(V).

29 (3) ARE NOT SELECTED FOR FURTHER REVIEW BY THE COUNCIL
30 PURSUANT TO SECTION 108(A)(3)(IX)(A).

1 INTERNATIONAL CODE COUNCIL.

2 (3) WITH THE EXCEPTION OF THE PROVISIONS OF CHAPTER 11
3 AND APPENDIX E OF THE INTERNATIONAL BUILDING CODE OF 2009, OR
4 ITS SUCCESSOR CODES, OR ANY OTHER ACCESSIBILITY REQUIREMENTS
5 SPECIFIED IN REGULATION, CONTAINED IN OR REFERENCED BY THE
6 UNIFORM CONSTRUCTION CODE RELATING TO PERSONS WITH PHYSICAL
7 DISABILITIES, REVIEW THE [LATEST TRIENNIAL CODE REVISIONS
8 ISSUED BY THE INTERNATIONAL CODE COUNCIL, BEGINNING WITH THE
9 2012 CODES] UPDATED SECTIONS, AS PROVIDED UNDER [SUBSECTION
10 (B.1)] SECTION 108, OR OTHER SECTIONS OF THE COLLECTIVE <--
11 CODES, AS PROVIDED UNDER SECTION 108(A)(1)(III).

12 [(B.1) CODE REVIEW PROCESS.--

13 (1) BEGINNING WITH THE 2012 ICC CODES, THE COUNCIL SHALL
14 REVIEW THE LATEST TRIENNIAL CODE REVISIONS UPON OFFICIAL
15 PUBLICATION OF THE CODES.

16 (2) DURING THE REVIEW PROCESS, THE COUNCIL SHALL HOLD AT
17 LEAST THREE PUBLIC HEARINGS. ONE OF THE PUBLIC HEARINGS SHALL
18 BE HELD IN HARRISBURG, ONE SHALL BE HELD IN THE EASTERN
19 REGION OF THIS COMMONWEALTH AND ONE SHALL BE HELD IN THE
20 WESTERN REGION OF THIS COMMONWEALTH.

21 (3) THE COUNCIL SHALL SUBMIT A REPORT TO THE SECRETARY
22 WITHIN THE 12-MONTH PERIOD FOLLOWING OFFICIAL PUBLICATION OF
23 THE LATEST TRIENNIAL CODE REVISIONS UNDER PARAGRAPH (1) WITH
24 PROVISIONS OF THE CODES THAT ARE SPECIFIED FOR ADOPTION. THE
25 PROVISIONS OF THE CODES THAT ARE SPECIFIED FOR ADOPTION SHALL
26 BE SEPARATELY DESIGNATED IN THE REPORT.

27 (4) THE COUNCIL SHALL EXAMINE TRIENNIAL CODE REVISIONS
28 APPLYING ALL OF THE FOLLOWING CRITERIA:

29 (I) THE IMPACT THAT THE PROVISION MAY HAVE UPON THE
30 HEALTH, SAFETY AND WELFARE OF THE PUBLIC.

1 (II) THE ECONOMIC AND FINANCIAL IMPACT OF THE
2 PROVISION.

3 (III) THE TECHNICAL FEASIBILITY OF THE PROVISION.

4 (5) ONLY TRIENNIAL CODE REVISIONS THAT ARE ADOPTED BY A
5 TWO-THIRDS VOTE OF COUNCIL MEMBERSHIP SHALL BE INCLUDED IN
6 THE REPORT REQUIRED UNDER PARAGRAPH (3).]

7 (C) COMPOSITION.--THE COUNCIL SHALL [CONSIST OF THE <--
8 FOLLOWING MEMBERS ~~WHO ARE~~ APPOINTED BY THE GOVERNOR ~~OR AS~~ <--
9 ~~OTHERWISE SPECIFIED:~~

10 (1) A GENERAL CONTRACTOR FROM AN ASSOCIATION
11 REPRESENTING THE RESIDENTIAL CONSTRUCTION INDUSTRY WHO HAS
12 RECOGNIZED ABILITY AND EXPERIENCE IN THE CONSTRUCTION OF NEW
13 RESIDENTIAL BUILDINGS.

14 (2) A GENERAL CONTRACTOR FROM AN ASSOCIATION
15 REPRESENTING THE NONRESIDENTIAL CONSTRUCTION INDUSTRY WHO HAS
16 RECOGNIZED ABILITY AND EXPERIENCE IN THE CONSTRUCTION OF
17 NONRESIDENTIAL BUILDINGS.

18 (3) A UNIFORM CONSTRUCTION CODE-CERTIFIED RESIDENTIAL
19 BUILDING INSPECTOR WHO POSSESSES ALL FIVE RESIDENTIAL
20 CERTIFICATIONS FROM AN ASSOCIATION REPRESENTING BUILDING CODE
21 OFFICIALS WHO HAS EXPERIENCE ADMINISTERING AND ENFORCING
22 RESIDENTIAL CODES.

23 (4) A UNIFORM CONSTRUCTION CODE-CERTIFIED BUILDING
24 INSPECTOR WHO POSSESSES ALL NONRESIDENTIAL INSPECTION
25 CERTIFICATIONS, BUT NEED NOT POSSESS A FIRE INSPECTOR
26 CERTIFICATION, OR A CERTIFIED PLANS EXAMINER WHO ALSO HOLDS
27 AN ACCESSIBILITY CERTIFICATION FROM AN ASSOCIATION
28 REPRESENTING BUILDING CODE OFFICIALS WHO HAS EXPERIENCE
29 ADMINISTERING AND ENFORCING NONRESIDENTIAL CODES.

30 (5) A UNIFORM CONSTRUCTION CODE-CERTIFIED FIRE INSPECTOR

1 FROM AN ASSOCIATION REPRESENTING ~~†BUILDING†~~ ~~FIRE~~ CODE
2 OFFICIALS.

3 (6) A UNIFORM CONSTRUCTION CODE-CERTIFIED BUILDING CODE
4 OFFICIAL FROM AN ASSOCIATION REPRESENTING BUILDING CODE
5 OFFICIALS WITH BUILDING CODE OFFICIAL CERTIFICATION.

6 (7) A RESIDENTIAL CONTRACTOR FROM AN ASSOCIATION
7 REPRESENTING CONTRACTORS ENGAGED IN REMODELING RESIDENTIAL
8 BUILDINGS WHO HAS RECOGNIZED ABILITY AND EXPERIENCE IN
9 REMODELING RESIDENTIAL AND NONRESIDENTIAL BUILDINGS.

10 (8) A LICENSED ARCHITECT FROM AN ASSOCIATION
11 REPRESENTING ARCHITECTS WHO HAS RECOGNIZED ABILITY AND
12 EXPERIENCE IN THE DESIGN AND CONSTRUCTION OF NONRESIDENTIAL
13 BUILDINGS.

14 (9) A LICENSED ARCHITECT FROM AN ASSOCIATION
15 REPRESENTING ARCHITECTS WHO HAS RECOGNIZED ABILITY AND
16 EXPERIENCE IN THE DESIGN AND CONSTRUCTION OF RESIDENTIAL
17 BUILDINGS.

18 (10) A LICENSED STRUCTURAL ENGINEER FROM AN ASSOCIATION
19 REPRESENTING PROFESSIONAL ENGINEERS WHO HAS RECOGNIZED
20 ABILITY AND EXPERIENCE IN THE DESIGN AND CONSTRUCTION OF
21 BUILDINGS.

22 (11) A LICENSED MECHANICAL ENGINEER SPECIALIZING IN HVAC
23 SYSTEMS FROM AN ASSOCIATION REPRESENTING PROFESSIONAL
24 ENGINEERS WHO HAS RECOGNIZED ABILITY AND EXPERIENCE IN THE
25 DESIGN AND CONSTRUCTION OF BUILDINGS.

26 (12) A LICENSED MECHANICAL ENGINEER SPECIALIZING IN
27 PLUMBING AND FIRE PROTECTION FROM AN ASSOCIATION REPRESENTING
28 PROFESSIONAL ENGINEERS WHO HAS RECOGNIZED ABILITY AND
29 EXPERIENCE IN THE DESIGN AND CONSTRUCTION OF BUILDINGS.

30 (13) A LICENSED ELECTRICAL ENGINEER FROM AN ASSOCIATION

1 REPRESENTING PROFESSIONAL ENGINEERS WHO HAS RECOGNIZED
2 ABILITY AND EXPERIENCE IN THE DESIGN AND CONSTRUCTION OF
3 BUILDINGS.

4 (14) ~~{AN ELECTED} A TOWNSHIP~~ OFFICIAL ~~{OF A TOWNSHIP OF~~ <--
5 THE SECOND CLASS} WHO HAS RECOGNIZED ABILITY AND EXPERIENCE <--
6 IN CONSTRUCTION OF BUILDINGS.

7 (15) AN ELECTED BOROUGH OFFICIAL WHO HAS RECOGNIZED
8 ABILITY AND EXPERIENCE IN CONSTRUCTION OF BUILDINGS.

9 (16) ~~{AN ELECTED} A SECOND OR THIRD CLASS CITY~~ OFFICIAL <--
10 ~~{OF A THIRD CLASS CITY}~~ WHO HAS RECOGNIZED ABILITY AND <--
11 EXPERIENCE IN THE CONSTRUCTION OF BUILDINGS.

12 (17) AN INDIVIDUAL FROM AN ASSOCIATION REPRESENTING
13 MANUFACTURED HOUSING WHO SHALL BE KNOWLEDGEABLE, LICENSED OR
14 CERTIFIED TO SELL AND INSTALL MANUFACTURED HOUSING.

15 (18) ~~{AN} A FIRST CLASS CITY~~ OFFICIAL ~~{OF A CITY OF THE~~ <--
16 FIRST CLASS} WHO HAS RECOGNIZED ABILITY AND EXPERIENCE IN THE <--
17 ADMINISTRATION AND ENFORCEMENT OF THIS ACT.

18 (19) AN INDIVIDUAL FROM AN ASSOCIATION REPRESENTING ONLY
19 MODULAR HOUSING MANUFACTURERS WHO IS KNOWLEDGEABLE, LICENSED
20 OR CERTIFIED UNDER THE ACT OF MAY 11, 1972 (P.L.286, NO.70),
21 KNOWN AS THE INDUSTRIALIZED HOUSING ACT, TO MANUFACTURE AND
22 SELL MODULAR HOMES IN PENNSYLVANIA.]

23 ~~(20) AN APPOINTEE OF RECOGNIZED ABILITY AND EXPERIENCE~~ <--
24 ~~EMPLOYED IN THE CONSTRUCTION TRADES. THE EMPLOYEE SHALL SEEK~~
25 ~~TO REPRESENT EMPLOYEES IN THE CONSTRUCTION INDUSTRY.~~

26 ~~(21) AN APPOINTEE REPRESENTING THE INTERESTS OF~~
27 ~~CONSUMERS. BE COMPRISED OF MEMBERS SELECTED AS FOLLOWS:~~ <--

28 (1) ONE MEMBER, APPOINTED BY THE PRESIDENT PRO TEMPORE
29 OF THE SENATE, WHO MUST BE A GENERAL CONTRACTOR FROM AN
30 ASSOCIATION REPRESENTING THE RESIDENTIAL CONSTRUCTION

1 INDUSTRY AND HAVE A RECOGNIZED ABILITY AND EXPERIENCE IN THE
2 CONSTRUCTION OF NEW RESIDENTIAL DWELLINGS.

3 (2) ONE MEMBER, APPOINTED BY THE MINORITY LEADER OF THE
4 SENATE, WHO MUST BE A SECOND OR THIRD CLASS CITY OFFICIAL AND
5 HAVE RECOGNIZED ABILITY AND EXPERIENCE IN THE CONSTRUCTION OF
6 BUILDINGS.

7 (3) ONE MEMBER, APPOINTED BY THE SPEAKER OF THE HOUSE OF
8 REPRESENTATIVES, WHO MUST BE A GENERAL CONTRACTOR FROM AN
9 ASSOCIATION REPRESENTING THE NONRESIDENTIAL CONSTRUCTION
10 INDUSTRY AND HAVE RECOGNIZED ABILITY AND EXPERIENCE IN THE
11 CONSTRUCTION OF NONRESIDENTIAL BUILDINGS.

12 (4) ONE MEMBER, APPOINTED BY THE MINORITY LEADER OF THE
13 HOUSE OF REPRESENTATIVES, WHO MUST BE A TOWNSHIP OFFICIAL AND
14 HAVE RECOGNIZED ABILITY AND EXPERIENCE IN THE CONSTRUCTION OF
15 BUILDINGS.

16 (5) SEVENTEEN MEMBERS APPOINTED BY THE GOVERNOR TO
17 INCLUDE THE FOLLOWING:

18 (I) ONE MEMBER WHO MUST BE A UNIFORM CONSTRUCTION
19 CODE-CERTIFIED RESIDENTIAL BUILDING INSPECTOR, POSSESS
20 ALL FIVE RESIDENTIAL CERTIFICATIONS FROM AN ASSOCIATION
21 REPRESENTING BUILDING CODE OFFICIAL AND HAVE EXPERIENCE
22 ADMINISTERING AND ENFORCING RESIDENTIAL CODES.

23 (II) ONE MEMBER WHO MUST BE A UNIFORM CONSTRUCTION
24 CODE-CERTIFIED BUILDING INSPECTOR, POSSESS ALL
25 NONRESIDENTIAL INSPECTION CERTIFICATIONS OR A CERTIFIED
26 PLANS EXAMINER, HOLD AN ACCESSIBILITY CERTIFICATION FROM
27 AN ASSOCIATION REPRESENTING BUILDING CODE OFFICIALS AND
28 HAVE EXPERIENCE ADMINISTERING AND ENFORCING
29 NONRESIDENTIAL CODES. THE CODE-CERTIFIED BUILDING
30 INSPECTOR NEED NOT POSSESS A FIRE INSPECTOR

1 CERTIFICATION.

2 (III) ONE MEMBER WHO MUST BE A UNIFORM CONSTRUCTION
3 CODE-CERTIFIED FIRE INSPECTOR FROM AN ASSOCIATION
4 REPRESENTING FIRE CODE OFFICIALS.

5 (IV) ONE MEMBER WHO MUST BE A UNIFORM CONSTRUCTION
6 CODE-CERTIFIED BUILDING CODE OFFICIAL FROM AN ASSOCIATION
7 REPRESENTING BUILDING CODE OFFICIALS WITH BUILDING CODE
8 OFFICIAL CERTIFICATION.

9 (V) ONE MEMBER WHO MUST BE RESIDENTIAL CONTRACTOR
10 FROM AN ASSOCIATION REPRESENTING CONTRACTORS ENGAGED IN
11 REMODELING RESIDENTIAL BUILDINGS AND HAVE RECOGNIZED
12 ABILITY AND EXPERIENCE IN REMODELING RESIDENTIAL AND
13 NONRESIDENTIAL BUILDINGS.

14 (VI) ONE MEMBER WHO MUST BE A LICENSED ARCHITECT
15 FROM AN ASSOCIATION REPRESENTING ARCHITECTS AND HAVE
16 RECOGNIZED ABILITY AND EXPERIENCE IN THE DESIGN AND
17 CONSTRUCTION OF NONRESIDENTIAL BUILDINGS.

18 (VII) ONE MEMBER WHO MUST BE A LICENSED ARCHITECT
19 FROM AN ASSOCIATION REPRESENTING ARCHITECTS AND HAVE
20 RECOGNIZED ABILITY AND EXPERIENCE IN THE DESIGN AND
21 CONSTRUCTION OF RESIDENTIAL BUILDINGS.

22 (VIII) ONE MEMBER WHO MUST BE A LICENSED STRUCTURAL
23 ENGINEER FROM AN ASSOCIATION REPRESENTING PROFESSIONAL
24 ENGINEERS AND HAVE RECOGNIZED ABILITY AND EXPERIENCE IN
25 THE DESIGN AND CONSTRUCTION OF BUILDINGS.

26 (IX) ONE MEMBER WHO MUST BE A LICENSED MECHANICAL
27 ENGINEER SPECIALIZING IN HVAC SYSTEMS FROM AN ASSOCIATION
28 REPRESENTING PROFESSIONAL ENGINEERS AND HAVE RECOGNIZED
29 ABILITY AND EXPERIENCE IN THE DESIGN AND CONSTRUCTION OF
30 BUILDINGS.

1 (X) ONE MEMBER WHO MUST BE A LICENSED MECHANICAL
2 ENGINEER SPECIALIZING IN PLUMBING AND FIRE PROTECTION
3 FROM AN ASSOCIATION REPRESENTING PROFESSIONAL ENGINEERS
4 AND HAVE RECOGNIZED ABILITY AND EXPERIENCE IN THE DESIGN
5 AND CONSTRUCTION OF BUILDINGS.

6 (XI) ONE MEMBER WHO MUST BE A LICENSED ELECTRICAL
7 ENGINEER FROM AN ASSOCIATION REPRESENTING PROFESSIONAL
8 ENGINEERS AND HAVE RECOGNIZED ABILITY AND EXPERIENCE IN
9 THE DESIGN AND CONSTRUCTION OF BUILDINGS.

10 (XII) ONE MEMBER WHO MUST BE AN ELECTED BOROUGH
11 OFFICIAL AND HAVE RECOGNIZED ABILITY AND EXPERIENCE IN
12 THE CONSTRUCTION OF BUILDINGS.

13 (XIII) ONE MEMBER FROM AN ASSOCIATION REPRESENTING
14 MANUFACTURED HOUSING WHO MUST BE KNOWLEDGEABLE, LICENSED
15 OR CERTIFIED TO SELL AND INSTALL MANUFACTURED HOUSING.

16 (XIV) ONE MEMBER WHO MUST BE A FIRST CLASS CITY
17 OFFICIAL AND HAVE RECOGNIZED ABILITY AND EXPERIENCE IN
18 THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT.

19 (XV) ONE MEMBER FROM AN ASSOCIATION REPRESENTING
20 ONLY MODULAR HOUSING MANUFACTURERS WHO MUST BE
21 KNOWLEDGEABLE, LICENSED OR CERTIFIED UNDER THE ACT OF MAY
22 11, 1982 (P.L.286, NO.70), KNOWN AS THE INDUSTRIALIZED
23 HOUSING ACT, TO MANUFACTURE AND SELL MODULAR HOMES IN
24 THIS COMMONWEALTH.

25 (XVI) ONE MEMBER WHO HAS RECOGNIZED ABILITY AND
26 EXPERIENCE EMPLOYED IN THE CONSTRUCTION TRADE TO
27 REPRESENT EMPLOYEES IN THE CONSTRUCTION INDUSTRY.

28 (XVII) ONE MEMBER TO REPRESENT THE INTERESTS OF
29 CONSUMERS.

30 AT LEAST ONE OF THE INSPECTORS APPOINTED TO THE COUNCIL SHALL BE

1 A MUNICIPAL EMPLOYEE, AND AT LEAST ONE INSPECTOR SHALL BE A
2 THIRD-PARTY PRIVATE SECTOR INSPECTOR.

3 (D) VACANCIES.--VACANCIES ON THE COUNCIL SHALL BE FILLED IN
4 THE [SAME] MANNER [IN WHICH THEY WERE ORIGINALLY DESIGNATED]
5 PROVIDED UNDER SUBSECTION (C) WITHIN 30 BUSINESS DAYS OF THE
6 VACANCY[. IF THE GOVERNOR FAILS TO ACT WITHIN 30 BUSINESS DAYS,
7 THE COUNCIL CHAIRPERSON SHALL APPOINT AN INDIVIDUAL TO FILL THE
8 VACANCY.] AND ANY NEW COUNCIL MEMBER APPOINTED SHALL SERVE THE
9 REMAINDER OF THE TERM OF HIS OR HER PREDECESSOR.

10 (E) REMOVAL.--COUNCIL MEMBERS WHO MISS THREE OR MORE
11 CONSECUTIVE MEETINGS OR WHO MISS THREE OR MORE MEETINGS OF A
12 TECHNICAL ADVISORY COMMITTEE TO WHICH THEY HAVE BEEN APPOINTED,
13 SHALL BE REMOVED FROM THE COUNCIL AND ANY TECHNICAL ADVISORY
14 COMMITTEES TO WHICH THEY HAVE BEEN APPOINTED AND A NEW COUNCIL
15 MEMBER SHALL BE APPOINTED IN ACCORDANCE WITH THIS SECTION.
16 NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY, THE COUNCIL
17 CHAIR SHALL APPOINT A COUNCIL MEMBER TO SERVE ON A TECHNICAL
18 ADVISORY COMMITTEE AND REPLACE A COUNCIL MEMBER REMOVED FROM
19 THAT TECHNICAL ADVISORY COMMITTEE PURSUANT TO THIS SUBSECTION. A
20 COUNCIL MEMBER MAY ALSO BE REMOVED FOR JUST CAUSE BY THE
21 GOVERNOR.

22 (F) TERMS.--

23 (1) A MEMBER OF THE COUNCIL SHALL SERVE TERMS OF [TWO]
24 THREE YEARS AND UNTIL HIS SUCCESSOR IS APPOINTED [BEGINNING
25 JULY 1, 2008, EXCEPT THE INITIAL TERM OF MEMBERS APPOINTED
26 UNDER SUBSECTION (C) (1), (3), (4), (5), (8), (11), (13) AND
27 (14) SHALL BE FOR THREE YEARS AND UNTIL THEIR SUCCESSOR IS
28 APPOINTED].

29 (2) THE CURRENT TERMS OF ALL COUNCIL MEMBERS SERVING ON
30 THE EFFECTIVE DATE OF THIS PARAGRAPH ARE EXTENDED AS OF THE

1 EFFECTIVE DATE OF THIS PARAGRAPH FOR ONE ADDITIONAL YEAR.

2 (G) CHAIRPERSON AND VICE CHAIRPERSON.--THE MEMBERS SHALL
3 ELECT, BY A MAJORITY VOTE, A CHAIRPERSON AND VICE CHAIRPERSON OF
4 THE COUNCIL.

5 (H) QUORUM.-- [TEN] ELEVEN MEMBERS SHALL CONSTITUTE A QUORUM.

6 (I) MEETINGS.--MEETINGS SHALL BE CONDUCTED AS REQUIRED UNDER
7 65 PA.C.S. CH. 7 (RELATING TO OPEN MEETINGS) AS FOLLOWS:

8 (1) THE COUNCIL SHALL MEET AT LEAST ONCE EVERY SIX
9 MONTHS. MEETING DATES SHALL BE SET BY MAJORITY VOTE OF THE
10 COUNCIL MEMBERS OR BY THE CALL OF THE CHAIR ALONG WITH AT
11 LEAST SEVEN BUSINESS DAYS' NOTICE TO ALL MEMBERS.

12 (2) ALL MEETINGS OF THE COUNCIL SHALL BE PUBLICLY
13 ADVERTISED AND SHALL BE OPEN TO THE PUBLIC. MEMBERS OF THE
14 GENERAL PUBLIC SHALL BE GIVEN REASONABLE OPPORTUNITY TO
15 ADDRESS THE COUNCIL PRIOR TO A VOTE BY THE COUNCIL ON A
16 MOTION.

17 (3) THE COUNCIL SHALL PUBLISH A SCHEDULE OF ITS MEETINGS
18 IN THE PENNSYLVANIA BULLETIN AND IN AT LEAST ONE NEWSPAPER OF
19 GENERAL CIRCULATION. THE NOTICE SHALL BE PUBLISHED AT LEAST
20 FIVE BUSINESS DAYS IN ADVANCE OF EACH MEETING. THE NOTICE
21 SHALL SPECIFY THE DATE, TIME AND PLACE OF THE MEETING AND
22 SHALL STATE THAT THE MEETINGS OF THE COUNCIL ARE OPEN TO THE
23 GENERAL PUBLIC.

24 (4) COUNCIL MEMBERS MAY PARTICIPATE IN COUNCIL MEETINGS
25 IN PERSON, VIA TELEPHONE CONFERENCE, OR VIA VIDEO CONFERENCE.
26 COUNCIL MEMBERS MAY SUBMIT VOTES IN PERSON, TELEPHONICALLY BY
27 ELECTRONIC MAIL TO THE CHAIR OF THE COUNCIL. THE DEPARTMENT
28 MAY APPROVE SIMILAR METHODS OF COMMUNICATION FOR
29 PARTICIPATION AND VOTING BY COUNCIL MEMBERS.

30 (J) ADMINISTRATIVE SUPPORT.--THE DEPARTMENT SHALL PROVIDE A

1 FACILITY FOR COUNCIL MEETINGS UNDER THIS ACT, STENOGRAPHIC
2 SERVICES, SECRETARIAL SERVICES, LEGAL REPRESENTATION AND
3 REQUIRED NOTICE OF THE COUNCIL'S MEETINGS. THE DEPARTMENT [MAY]
4 SHALL PROVIDE STAFF SUPPORT IN DRAFTING ANY REPORTS REQUIRED
5 UNDER THIS ACT.

6 (K) TECHNICAL SUPPORT.--THE COUNCIL MAY SOLICIT AND RETAIN,
7 WITH OR WITHOUT COMPENSATION, INDIVIDUALS WHO ARE QUALIFIED BY
8 TRAINING OR EXPERIENCE TO PROVIDE EXPERT INPUT TO THE COUNCIL
9 AND, AT THE DISCRETION OF THE COUNCIL, SUCH INDIVIDUALS MAY BE
10 COMPENSATED FOR THEIR SERVICES, REIMBURSED FOR REASONABLE TRAVEL
11 EXPENSES AT A RATE ESTABLISHED BY THE SECRETARY OR BOTH.

12 (L) COMPENSATION AND EXPENSES.--MEMBERS OF THE COUNCIL SHALL
13 NOT RECEIVE A SALARY OR PER DIEM ALLOWANCE FOR THEIR SERVICE[.]
14 BUT SHALL BE REIMBURSED IN AMOUNTS AND AS DETERMINED BY THE
15 DEPARTMENT FOR REASONABLE TRAVEL, LODGING AND OTHER NECESSARY
16 EXPENSES INCURRED IN PERFORMING THEIR DUTIES.

17 (M) TECHNICAL ADVISORY COMMITTEES.--

18 (1) THE COUNCIL SHALL ESTABLISH A PROCESS BY WHICH
19 TECHNICAL ADVISORY COMMITTEES WILL ASSIST THE COUNCIL IN THE
20 REVIEW OF THE UPDATED SECTIONS. THE TECHNICAL ADVISORY
21 COMMITTEE PROCESS SHALL COMPLY WITH THE FOLLOWING
22 REQUIREMENTS:

23 (I) THERE SHALL BE A TECHNICAL ADVISORY COMMITTEE
24 FOR EACH OF THE CODES INCLUDED IN THE UNIFORM
25 CONSTRUCTION CODE AND SPECIFIED IN 34 PA. CODE § 403.21,
26 AND SUCH OTHER TECHNICAL ADVISORY COMMITTEES AS THE
27 COUNCIL DEEMS NECESSARY TO FACILITATE ITS REVIEW.
28 PARTICIPATION IN THE TECHNICAL ADVISORY COMMITTEES MAY
29 NOT BE LIMITED TO MEMBERS OF THE COUNCIL AND SHALL BE
30 OPEN TO MEMBERS OF INDUSTRY AND TO THE GENERAL PUBLIC.

1 (II) EACH TECHNICAL ADVISORY COMMITTEE SHALL BE
2 LIMITED TO A TOTAL OF 20 MEMBERS. THE CHAIR OF THE
3 COUNCIL SHALL APPOINT A COUNCIL MEMBER TO CHAIR EACH
4 TECHNICAL ADVISORY COMMITTEE. ANY OTHER COUNCIL MEMBER
5 MAY SEEK APPOINTMENT TO A TECHNICAL ADVISORY COMMITTEE
6 AND, IF NO MORE THAN TWO ADDITIONAL COUNCIL MEMBERS SEEK
7 APPOINTMENT TO A SPECIFIED TECHNICAL ADVISORY COMMITTEE,
8 THOSE COUNCIL MEMBERS SHALL ALSO BE APPOINTED TO THE
9 TECHNICAL ADVISORY COMMITTEE. IF MORE THAN TWO COUNCIL
10 MEMBERS SEEK APPOINTMENT TO A TECHNICAL ADVISORY
11 COMMITTEE, THE CHAIR OF THE COUNCIL SHALL APPOINT TWO OF
12 THE COUNCIL MEMBERS SEEKING APPOINTMENT TO SERVE AND THE
13 REMAINING COUNCIL MEMBERS SEEKING APPOINTMENT SHALL SERVE
14 ONLY IF ADDITIONAL POSITIONS ON THE TECHNICAL ADVISORY
15 COMMITTEE REMAIN AFTER SELECTION OF THE TECHNICAL
16 ADVISORY COMMITTEE MEMBERS PURSUANT TO SUBPARAGRAPH (V).
17 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO
18 THE CONTRARY, NO COUNCIL MEMBER MAY SERVE ON MORE THAN
19 THREE TECHNICAL ADVISORY COMMITTEES.

20 (III) THE DEPARTMENT SHALL PUBLISH A NOTICE SEEKING
21 PARTICIPATION IN THE TECHNICAL ADVISORY COMMITTEES IN THE
22 PENNSYLVANIA BULLETIN AND ON THE DEPARTMENT'S PUBLICLY
23 ACCESSIBLE INTERNET WEBSITE OR, IN THE ABSENCE OF AN
24 INTERNET WEBSITE, IN SUCH OTHER MANNER AS THE SECRETARY
25 DETERMINES WILL PROVIDE SUBSTANTIALLY SIMILAR PUBLIC
26 NOTICE.

27 (IV) INTERESTED PERSONS SHALL SUBMIT TO THE CHAIR OF
28 THE COUNCIL THE FOLLOWING INFORMATION WITHIN 30 DAYS
29 FOLLOWING THE PUBLICATION OF THE NOTICE:

30 (A) NAME;

1 (B) THE NAME OR SUBJECT MATTER AREA OF THE
2 TECHNICAL ADVISORY COMMITTEE TO WHICH THE INDIVIDUAL
3 SEEKS TO BE APPOINTED;

4 (C) CONTACT INFORMATION;

5 (D) INDUSTRY SECTOR, INTEREST GROUP OR AREA OF
6 CONSTRUCTION INDUSTRY EXPERTISE, IF APPLICABLE; AND

7 (E) SUMMARY OF EXPERIENCE AND EXPERTISE.

8 (V) THE CHAIR OF THE COUNCIL SHALL SEEK TO ENSURE
9 DIVERSITY OF INTERESTS ON EACH TECHNICAL ADVISORY
10 COMMITTEE. AFTER APPOINTMENT OF UP TO TWO COUNCIL MEMBERS
11 TO A TECHNICAL ADVISORY COMMITTEE PURSUANT TO
12 SUBPARAGRAPH (II), TECHNICAL ADVISORY COMMITTEE MEMBERS
13 SHALL BE SELECTED BY THE CHAIR OF THE COUNCIL FROM AMONG
14 THE INTERESTED PERSONS IDENTIFIED IN SUBPARAGRAPH (IV) SO
15 AS TO ENSURE THAT TECHNICAL ADVISORY COMMITTEES REPRESENT
16 RELEVANT EXPERTISE AS WELL AS DIFFERING VIEWPOINTS,
17 INDUSTRIES, PROFESSIONS AND OTHER INTERESTS.

18 (VI) MEETINGS OF THE TECHNICAL ADVISORY COMMITTEES
19 MAY BE IN PERSON, VIA TELEPHONE CONFERENCE OR VIA VIDEO
20 CONFERENCE. THE DEPARTMENT MAY APPROVE SIMILAR METHODS OF
21 COMMUNICATION FOR PARTICIPATION AND VOTING BY TECHNICAL
22 ADVISORY COMMITTEE MEMBERS.

23 (VII) TECHNICAL ADVISORY COMMITTEE MEMBERS MAY
24 SUBMIT VOTES IN PERSON, TELEPHONICALLY OR BY ELECTRONIC
25 MAIL TO THE CHAIR OF THE TECHNICAL ADVISORY COMMITTEE.
26 DECISIONS OF A TECHNICAL ADVISORY COMMITTEE SHALL BE BY
27 MAJORITY OF THE VOTES RECEIVED.

28 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
29 SECTION 108. REVIEW OF UPDATED SECTIONS AND ADOPTION OF
30 UPDATED SECTIONS INTO UNIFORM CONSTRUCTION CODE.

1 (A) CODE REVIEW PROCESS.--

2 (1) (I) EXCEPT AS SPECIFICALLY PROVIDED IN THIS ACT
3 WITH RESPECT:

4 (A) TO THE 2015 CHANGES TO THE UNIFORM
5 CONSTRUCTION CODE ADOPTED BY THE COUNCIL; AND

6 (B) TO THE PROCEDURE OUTLINED IN SUBPARAGRAPH <--
7 (III),

8 THE COUNCIL SHALL COMMENCE ITS REVIEW OF THE UPDATED
9 SECTIONS 21 MONTHS FOLLOWING THE PUBLICATION OF A NEW
10 EDITION OF THE ICC CODES IN ACCORDANCE WITH PARAGRAPH
11 (3). NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT TO
12 THE CONTRARY, THE COUNCIL SHALL INITIATE A NEW REVIEW OF
13 THE UPDATED SECTIONS CONTAINED IN THE 2015 EDITION OF THE
14 ICC CODES WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF
15 THIS SECTION, AND THIS REVIEW SHALL BE REFERRED TO AS THE
16 2015 CODE REVIEW. THE DECISIONS BY THE COUNCIL WITH
17 RESPECT TO THE 2015 EDITION OF THE ICC CODES PREVIOUSLY
18 PROVIDED TO THE DEPARTMENT ON MAY 29, 2015, AND THE
19 REGULATIONS PROMULGATED BY THE DEPARTMENT AS A RESULT,
20 SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL JUNE 1, 2018.
21 AS OF JUNE 1, 2018, THE DECISIONS OF THE COUNCIL AS A
22 RESULT OF THE 2015 CODE REVIEW AND THE REGULATIONS
23 PROMULGATED BY THE DEPARTMENT AS A RESULT, SHALL
24 SUPERSEDE ANY PREVIOUS INCONSISTENT COUNCIL DECISIONS OR
25 DEPARTMENTAL REGULATIONS.

26 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH
27 (I), THE COUNCIL MAY RELY ON ANY TECHNICAL ANALYSIS OF
28 THE 2015 EDITION OF THE CODES PERFORMED BY THE TECHNICAL
29 ADVISORY COMMITTEES DURING THE COUNCIL'S ORIGINAL REVIEW.

30 (III) THE COUNCIL SHALL ALSO REVIEW, IN ACCORDANCE

1 WITH THE PROCEDURES OUTLINED IN THIS ACT, ANY SECTION OF
 2 THE COLLECTIVE CODES THAT DO NOT OTHERWISE CONSTITUTE
 3 UPDATED SECTIONS BUT ONLY IF TWO-THIRDS OF THE COUNCIL SO
 4 DETERMINE. THE SECTIONS SELECTED FOR REVIEW SHALL BE
 5 REFERRED TO AS "ADDITIONAL SECTIONS." THE ADDITIONAL
 6 SECTIONS SHALL BE TREATED FOR PURPOSES OF REVIEW AND
 7 APPROVAL OR DISAPPROVAL BY THE COUNCIL AS UPDATED
 8 SECTIONS. THE SELECTION OF ADDITIONAL SECTIONS SHALL
 9 OCCUR DURING TWO MEETINGS OF THE COUNCIL, THE FIRST TO
 10 OCCUR BETWEEN 14 AND 16 MONTHS FOLLOWING PUBLICATION OF A
 11 NEW EDITION OF THE ICC CODES AND THE LAST TO OCCUR NO
 12 LATER THAN 18 TO 21 MONTHS FOLLOWING PUBLICATION OF A NEW
 13 EDITION OF THE ICC CODES.

14 (IV) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
 15 PARAGRAPH, THE SELECTION OF ADDITIONAL SECTIONS WITH
 16 RESPECT TO THE 2015 CODE REVIEW SHALL BE MADE IN A
 17 MEETING OR MEETINGS, THE NUMBER OF MEETINGS TO BE
 18 DETERMINED BY THE CHAIR OF THE COUNCIL, TO BE HELD 30 TO
 19 90 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

20 (2) EACH UPDATED SECTION SUBJECT TO REVIEW UNDER
 21 PARAGRAPH (3) (V) SHALL BE EXAMINED APPLYING ALL OF THE
 22 FOLLOWING CRITERIA:

23 (I) THE IMPACT THAT THE SECTION MAY HAVE UPON THE
 24 HEALTH, SAFETY AND WELFARE OF THE PUBLIC.

25 (II) THE ECONOMIC AND FINANCIAL IMPACT AND LIFE
 26 CYCLE COST OF THE SECTION.

27 (III) THE TECHNICAL FEASIBILITY OF THE SECTION.

28 (3) THE COUNCIL SHALL REVIEW THE UPDATED SECTIONS AS
 29 FOLLOWS:

30 (I) A 120-DAY PERIOD TO RECEIVE COMMENTS FROM

1 COUNCIL MEMBERS AND THE GENERAL PUBLIC REGARDING THE
2 UPDATED SECTIONS SHALL COMMENCE 30 DAYS FOLLOWING THE
3 START OF THE COUNCIL'S REVIEW PURSUANT TO PARAGRAPH (1).
4 THE PUBLIC COMMENT PERIOD SHALL BE ANNOUNCED IN THE
5 PENNSYLVANIA BULLETIN AND ON THE DEPARTMENT'S PUBLICLY
6 ACCESSIBLE INTERNET WEBSITE OR, IN THE ABSENCE OF AN
7 INTERNET WEBSITE, IN SUCH OTHER MANNER AS THE SECRETARY
8 DETERMINES WILL PROVIDE SUBSTANTIALLY SIMILAR PUBLIC
9 NOTICE.

10 (II) ALL PUBLIC COMMENTS SHALL BE SUBMITTED ON A
11 FORM CREATED BY THE COUNCIL. EACH COMMENT SHALL RELATE TO
12 A SINGLE UPDATED SECTION. THE COMMENT SHALL, AT A
13 MINIMUM, SPECIFY THE UPDATED SECTION TO WHICH THE COMMENT
14 RELATES, STATE WHETHER THE UPDATED SECTION SHOULD BE
15 ADOPTED, REJECTED OR MODIFIED, AND SPECIFY ANY OTHER
16 UPDATED SECTIONS OR EXISTING SECTIONS THAT MUST BE
17 ADOPTED, REJECTED OR MODIFIED TO IMPLEMENT THE RECOMMEND
18 ACTION AND THE RATIONALE FOR THE RECOMMENDED ACTION BASED
19 ON THE CRITERIA SET FORTH IN PARAGRAPH (2). ANY
20 MODIFICATION MUST MEET OR EXCEED THE STANDARDS OF THE
21 SECTION IN EFFECT OR CURRENTLY BEING REVIEWED.

22 (III) ALL PUBLIC COMMENTS SUBMITTED IN ACCORDANCE
23 WITH SUBPARAGRAPH (II) SHALL BE PROVIDED TO ALL COUNCIL
24 MEMBERS, POSTED ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE
25 INTERNET WEBSITE OR, IN THE ABSENCE OF AN INTERNET
26 WEBSITE, IN SUCH OTHER MANNER AS THE SECRETARY DETERMINES
27 WILL PROVIDE SUBSTANTIALLY SIMILAR PUBLIC NOTICE. ALL
28 PUBLIC COMMENTS SUBMITTED IN ACCORDANCE WITH SUBPARAGRAPH
29 (II) SHALL BE REVIEWED INDIVIDUALLY BY A TECHNICAL
30 ADVISORY COMMITTEE.

1 (IV) AFTER THE EXPIRATION OF THE PUBLIC COMMENT
2 PERIOD, THE CHAIR SHALL ASSIGN EACH UPDATED SECTION,
3 REGARDLESS OF WHETHER A PUBLIC COMMENT HAS BEEN RECEIVED,
4 TO THE TECHNICAL ADVISORY COMMITTEE FOR THE CODE THAT
5 CONTAINS THE UPDATED SECTION.

6 (V) THE TECHNICAL ADVISORY COMMITTEE SHALL REVIEW
7 ALL OF THE UPDATED SECTIONS IT HAS BEEN ASSIGNED AS
8 PROVIDED IN THIS SECTION. THE TECHNICAL ADVISORY
9 COMMITTEE MAY ALSO REVIEW ANY RELATED UPDATED SECTION OR, <--
10 ANY EXISTING SECTION OR ANY RELATED COLLECTIVE CODE <--
11 SECTION AS NEEDED TO ENSURE CONSISTENCY AND EFFECTIVENESS <--
12 OF THE UNIFORM CONSTRUCTION CODES. EVEN IF AN UPDATED <--
13 SECTION HAS NOT RECEIVED A PUBLIC COMMENT IN ACCORDANCE
14 WITH SUBPARAGRAPH (II), A TECHNICAL ADVISORY COMMITTEE
15 MEMBER MAY SELECT ONE OR MORE OF THE UPDATED SECTIONS
16 ASSIGNED TO THE TECHNICAL ADVISORY COMMITTEE FOR
17 INDIVIDUAL CONSIDERATION BY THE COUNCIL PURSUANT TO
18 SUBPARAGRAPH (IX) (B).

19 (VI) FOR EACH UPDATED SECTION THAT:

20 (A) RECEIVES A COMMENT IN ACCORDANCE WITH
21 SUBPARAGRAPH (II); OR

22 (B) A MEMBER OF THE TECHNICAL ADVISORY COMMITTEE
23 TO WHICH IT HAS BEEN ASSIGNED HAS SEPARATELY SELECTED
24 FOR INDIVIDUAL REVIEW BY THE COUNCIL;

25 THE TECHNICAL ADVISORY COMMITTEE SHALL SUBMIT TO THE
26 CHAIR OF THE COUNCIL A RECOMMENDATION THAT THE SECTION
27 AND ANY RELATED SECTION IDENTIFIED IN SUBPARAGRAPH (V) BE <--
28 ADOPTED, REJECTED OR MODIFIED. THE TECHNICAL ADVISORY
29 COMMITTEE SHALL SUBMIT THE RATIONALE FOR ITS
30 RECOMMENDATIONS AND A LIST OF ANY DATA OR DOCUMENTS

1 RELIED UPON IN MAKING ITS RECOMMENDATION. NOTWITHSTANDING
2 ANY OTHER PROVISION OF THIS SUBPARAGRAPH, UPDATED
3 SECTIONS THAT DO NOT RECEIVE A COMMENT IN ACCORDANCE WITH
4 SUBPARAGRAPH (II) AND THAT A MEMBER OF THE TECHNICAL
5 ADVISORY COMMITTEE HAS NOT SEPARATELY SELECTED FOR
6 INDIVIDUAL REVIEW BY THE COUNCIL SHALL BE NOTED IN THE
7 REPORT AS UNOPPOSED AND NO RECOMMENDATION, RATIONALE,
8 DATA OR DOCUMENTS SHALL BE REQUIRED.

9 (VII) THE TECHNICAL ADVISORY COMMITTEE'S
10 RECOMMENDATIONS SHALL BE POSTED ON THE DEPARTMENT'S
11 PUBLICLY ACCESSIBLE INTERNET WEBSITE OR, IN THE ABSENCE
12 OF AN INTERNET WEBSITE, IN SUCH OTHER MANNER AS THE
13 SECRETARY DETERMINES WILL PROVIDE SUBSTANTIALLY SIMILAR
14 PUBLIC NOTICE. THE TECHNICAL ADVISORY COMMITTEE'S
15 RECOMMENDATIONS SHALL BE POSTED AT LEAST 10 BUSINESS DAYS
16 PRIOR TO HOLDING THE FIRST HEARING PURSUANT TO THIS
17 SECTION.

18 (VIII) WITHIN 30 DAYS OF THE SOONER OF:

19 (A) EXPIRATION OF THE PERIOD FOR TECHNICAL
20 ADVISORY COMMITTEE REVIEW; OR

21 (B) SUBMISSION OF ALL RECOMMENDATIONS OF THE
22 TECHNICAL ADVISORY COMMITTEES;

23 THE COUNCIL SHALL HOLD AT LEAST THREE PUBLIC HEARINGS.
24 ONE OF THE PUBLIC HEARINGS SHALL BE HELD IN HARRISBURG,
25 ONE SHALL BE HELD IN THE EASTERN REGION OF THIS
26 COMMONWEALTH AND ONE SHALL BE HELD IN THE WESTERN REGION
27 OF THIS COMMONWEALTH.

28 (IX) UPON COMPLETION OF THE HEARINGS, THE COUNCIL
29 SHALL HOLD ONE OR MORE OFFICIAL MEETINGS OF THE COUNCIL
30 TO DECIDE WHETHER TO ADOPT, REJECT OR MODIFY THE UPDATED

SECTIONS AND ANY RELATED SECTION IDENTIFIED IN
SUBPARAGRAPH (V). THE FOLLOWING SHALL APPLY:

(A) THE COUNCIL SHALL VOTE ON THE UNOPPOSED
SECTIONS AS A GROUP. A TWO-THIRDS MAJORITY OF THE
COUNCIL IS REQUIRED TO REJECT THE UNOPPOSED SECTIONS.
BY A TWO-THIRDS MAJORITY VOTE OF THE COUNCIL, THE
COUNCIL MAY EXCLUDE INDIVIDUAL UNOPPOSED SECTIONS
FROM THE GROUP. ALL UNOPPOSED SECTIONS THAT ARE
REJECTED AS A GROUP OR SUCCESSFULLY EXCLUDED FROM THE
GROUP SHALL BE SUBJECT TO THE PROCEDURE SPECIFIED IN
CLAUSE (B). FOR EACH UNOPPOSED SECTION THAT THE
COUNCIL SUBJECTS TO THE PROCEDURE SPECIFIED IN CLAUSE
(B), THE COUNCIL SHALL PROVIDE, IN WRITING, THE
RATIONALE FOR ITS DECISION AND A LIST OF THE DATA AND
DOCUMENTS RELIED UPON IN MAKING ITS DECISION.

(B) EXCEPT FOR THE UNOPPOSED SECTIONS, A TWO-
THIRDS MAJORITY OF THE COUNCIL MEMBERS IS REQUIRED
FOR ADOPTION OR MODIFICATION OF THE UPDATED SECTIONS.
THE COUNCIL MAY VOTE ON THE UPDATED SECTIONS
INDIVIDUALLY OR IN GROUPS. IF THE COUNCIL'S DECISION
ON AN UPDATED SECTION DIFFERS FROM THE RECOMMENDATION
OF THE TECHNICAL ADVISORY COMMITTEE, THE COUNCIL
SHALL PROVIDE, IN WRITING, THE RATIONALE FOR ITS
DECISION AND THE DATA AND DOCUMENTS RELIED UPON IN
MAKING ITS DECISION.

(B) SUBMISSION OF REPORT.--WITH THE EXCEPTION OF THE
COUNCIL'S REVIEW OF THE 2015 ICC CODES, THE COUNCIL SHALL SUBMIT
A REPORT TO THE SECRETARY WITHIN THE 24-MONTH PERIOD FOLLOWING
THE COMMENCEMENT OF THE REVIEW PROCESS BY THE COUNCIL WITH
SECTIONS OF THE CODES THAT ARE SPECIFIED FOR ADOPTION OR

1 MODIFICATION. THE SECTIONS OF THE CODES THAT ARE SPECIFIED FOR
2 ADOPTION OR MODIFICATION SHALL BE SEPARATELY DESIGNATED IN THE
3 REPORT. FOR THE COUNCIL'S REVIEW OF THE 2015 ICC CODES ONLY, THE
4 COUNCIL SHALL SUBMIT A REPORT TO THE SECRETARY ON OR BEFORE
5 DECEMBER 31, 2017.

6 SECTION 4. SECTION 304 OF THE ACT, AMENDED APRIL 25, 2011
7 (P.L.1, NO.1), IS AMENDED TO READ:

8 SECTION 304. REVISED OR SUCCESSOR CODES.

9 (A) DUTIES OF DEPARTMENT.--

10 (1) SUBJECT TO SECTIONS 105(C) AND (D), 301(A)(3), (4),
11 (5), (6) AND (7), (C) AND (D) AND 302, WITHIN [THREE] NINE
12 MONTHS OF THE RECEIPT OF THE REPORT UNDER SECTION 107(B.1),
13 THE DEPARTMENT SHALL PROMULGATE FINAL-OMITTED REGULATIONS
14 UNDER THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS
15 THE REGULATORY REVIEW ACT, TO ADOPT THE [TRIENNIAL CODE
16 REVISIONS MADE] COUNCIL'S DECISIONS CONTAINED IN THE REPORT
17 WITHOUT CHANGE. REGULATIONS ADOPTED UNDER THIS ACT SHALL
18 BECOME EFFECTIVE 33 MONTHS AFTER THE COMMENCEMENT OF COUNCIL
19 REVIEW AS PROVIDED FOR IN SECTION 108(A)(1)(I) PROVIDED,
20 HOWEVER, THAT THE REGULATIONS PROMULGATED BY THE DEPARTMENT
21 AS A RESULT OF THE 2015 CODE REVIEW SHALL BE EFFECTIVE JUNE
22 1, 2018.

23 (2) REGULATIONS PROMULGATED UNDER THIS SUBSECTION ARE
24 EXEMPT FROM:

25 (I) SECTION 205 OF THE ACT OF JULY 31, 1968
26 (P.L.769, NO.240), REFERRED TO AS THE COMMONWEALTH
27 DOCUMENTS LAW; AND

28 (II) SECTIONS 204(B) AND 301(10) OF THE ACT OF
29 OCTOBER 15, 1980 (P.L.950, NO.164), KNOWN AS THE
30 COMMONWEALTH ATTORNEYS ACT.

1 (3) [NOTWITHSTANDING PARAGRAPHS (1) AND (2), THE] THE
2 DEPARTMENT SHALL PROMULGATE REGULATIONS UPDATING
3 ACCESSIBILITY STANDARDS UNDER CHAPTER 3 BY ADOPTING CHAPTER
4 11 AND APPENDIX E OF THE INTERNATIONAL BUILDING CODE OF 2012,
5 OR ITS SUCCESSOR, [BY DECEMBER 31 OF THE YEAR OF ISSUANCE OF
6 THE NEW CODE.] AND ANY OTHER ACCESSIBILITY REQUIREMENTS WHICH
7 SHALL BE SPECIFIED IN THE REGULATIONS, OR CONTAINED IN OR
8 REFERENCED BY THE UNIFORM CONSTRUCTION CODE RELATING TO
9 PERSONS WITH DISABILITIES. IF REGULATIONS ARE REQUIRED TO BE
10 PROMULGATED UNDER PARAGRAPH (1), THE DEPARTMENT SHALL
11 PROMULGATE REGULATIONS UNDER THIS PARAGRAPH WITH THE SAME
12 EFFECTIVE DATE AS REGULATIONS PROMULGATED UNDER PARAGRAPH
13 (1). IF REGULATIONS ARE NOT REQUIRED TO BE PROMULGATED UNDER
14 PARAGRAPH (1), THE DEPARTMENT SHALL PROMULGATE REGULATIONS
15 UNDER THIS PARAGRAPH WITHIN 33 MONTHS AFTER THE OFFICIAL
16 PUBLICATION OF THE UPDATED SECTIONS.

17 (4) THE DEPARTMENT MAY ENTER INTO A CONTRACT WITH THE
18 ICC TO DEVELOP AND PUBLISH DOCUMENTATION OF THE EXISTING
19 SECTIONS. THE DEPARTMENT SHALL REQUIRE IN ANY CONTRACT UNDER
20 THIS PARAGRAPH THAT THE DOCUMENTATION BE MADE AVAILABLE ON
21 THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

22 (A.1) CONTINUITY.--IF [A TRIENNIAL REVISION] AN UPDATED <--
23 SECTION IS NOT ADOPTED OR MODIFIED UNDER SECTION [107(B.1) (5)] <--
24 108, THE RELEVANT PROVISIONS OF ~~THE~~ [PRIOR VERSION OF] THE <--
25 CODES] EXISTING SECTIONS SHALL REMAIN IN EFFECT. <--

26 (C) PRIOR PERMITS AND CONSTRUCTION.--

27 (1) A CONSTRUCTION PERMIT ISSUED UNDER VALID
28 CONSTRUCTION REGULATIONS PRIOR TO THE EFFECTIVE DATE OF
29 REGULATIONS FOR A SUBSEQUENT UNIFORM CONSTRUCTION CODE OR
30 INTERNATIONAL FUEL GAS CODE ISSUED UNDER THIS ACT SHALL

1 REMAIN VALID, AND THE CONSTRUCTION OF ANY BUILDING OR
2 STRUCTURE MAY BE COMPLETED PURSUANT TO AND IN ACCORDANCE WITH
3 THE PERMIT.

4 (2) IF THE PERMIT HAS NOT BEEN ACTIVELY PROSECUTED
5 WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THE REGULATION OR
6 THE PERIOD SPECIFIED BY A MUNICIPAL ORDINANCE, WHICHEVER IS
7 LESS, THE FORMER PERMITHOLDER SHALL BE REQUIRED TO ACQUIRE A
8 NEW PERMIT.

9 (3) WHERE CONSTRUCTION OF A BUILDING OR STRUCTURE
10 COMMENCED BEFORE THE EFFECTIVE DATE OF THE REGULATIONS FOR A
11 SUBSEQUENT UNIFORM CONSTRUCTION CODE OR INTERNATIONAL FUEL
12 GAS CODE ISSUED UNDER THIS ACT AND A PERMIT WAS NOT REQUIRED
13 AT THAT TIME, CONSTRUCTION MAY BE COMPLETED WITHOUT A PERMIT.

14 SECTION 5. SECTION 501(C) OF THE ACT, AMENDED NOVEMBER 29,
15 2006 (P.L.1440, NO.157) AND OCTOBER 24, 2012 (P.L.1433, NO.179),
16 IS AMENDED TO READ:

17 SECTION 501. ADMINISTRATION AND ENFORCEMENT.

18 * * *

19 (C) BOARD OF APPEALS.--

20 (1) A MUNICIPALITY WHICH HAS ADOPTED AN ORDINANCE FOR
21 THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT OR
22 MUNICIPALITIES WHICH ARE PARTIES TO AN AGREEMENT FOR THE
23 JOINT ADMINISTRATION AND ENFORCEMENT OF THIS ACT SHALL
24 ESTABLISH OR DESIGNATE A BOARD OF APPEALS AS PROVIDED BY
25 [CHAPTER 1 OF THE 1999 BOCA NATIONAL BUILDING CODE,
26 FOURTEENTH EDITION,] THE REGULATION OF THE DEPARTMENT TO HEAR
27 APPEALS FROM DECISIONS OF THE CODE ADMINISTRATOR. MEMBERS OF
28 THE MUNICIPALITY'S GOVERNING BODY MAY NOT SERVE AS MEMBERS OF
29 THE BOARD OF APPEALS. A MUNICIPALITY MAY ESTABLISH A BOARD OF
30 APPEALS OR MAY ESTABLISH OR DESIGNATE A JOINT BOARD OF

1 APPEALS IN ACCORDANCE WITH 53 PA.C.S. CH. 23 SUBCH. A
2 (RELATING TO INTERGOVERNMENTAL COOPERATION).

3 (2) AN APPLICATION FOR APPEAL SHALL BE BASED ON A CLAIM
4 THAT THE TRUE INTENT OF THIS ACT OR REGULATIONS LEGALLY
5 ADOPTED UNDER THIS ACT HAVE BEEN INCORRECTLY INTERPRETED, THE
6 PROVISIONS OF THIS ACT DO NOT FULLY APPLY OR AN EQUIVALENT
7 FORM OF CONSTRUCTION IS TO BE USED.

8 (3) WHEN A MUNICIPALITY CANNOT FIND PERSONS TO SERVE ON
9 A BOARD OF APPEALS WHO MEET THE MINIMUM QUALIFICATIONS [OF
10 CHAPTER 1 OF THE BOCA NATIONAL BUILDING CODE] ESTABLISHED BY
11 THE DEPARTMENT, THE MUNICIPALITY MAY FILL A POSITION ON THE
12 BOARD WITH A QUALIFIED PERSON WHO RESIDES OUTSIDE OF THE
13 MUNICIPALITY.

14 (4) THE FEE FOR AN APPEAL TO THE BOARD OF APPEALS FOR A
15 MUNICIPALITY THAT IS ADMINISTERING AND ENFORCING THIS ACT
16 SHALL NOT EXCEED ACTUAL COSTS OF THE PUBLIC NOTICE OF THE
17 HEARING, APPEARANCE FEE FOR THE COURT REPORTER AND
18 ADMINISTRATIVE FEES AS NECESSARY.

19 (5) IN THE CASE OF AN APPEAL OR REQUEST FOR VARIANCE OR
20 EXTENSION OF TIME INVOLVING THE CONSTRUCTION OF A ONE-FAMILY
21 OR TWO-FAMILY RESIDENTIAL BUILDING, THE BOARD OF APPEALS
22 SHALL CONVENE A HEARING WITHIN 30 DAYS OF THE APPEAL. THE
23 BOARD OF APPEALS SHALL RENDER A WRITTEN DECISION TO THE
24 PARTIES WITHIN FIVE BUSINESS DAYS, OR WITHIN TEN BUSINESS
25 DAYS IN CITIES OF THE FIRST CLASS, OF THE LAST HEARING. IF
26 THE BOARD OF APPEALS FAILS TO ACT WITHIN THE TIME PERIOD
27 UNDER THIS PARAGRAPH, THE APPEAL SHALL BE DEEMED GRANTED.

28 * * *

29 SECTION 6. SECTION 703 OF THE ACT, AMENDED NOVEMBER 29, 2006
30 (P.L.1440, NO.157), IS AMENDED TO READ:

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] \$5 ON
5 EACH CONSTRUCTION OR BUILDING PERMIT ISSUED UNDER THE AUTHORITY
6 OF THIS ACT. THE FEE SHALL BE IN ADDITION TO ANY OTHER FEE
7 IMPOSED 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) TWO DOLLARS OF THE FEE SHALL BE DEPOSITED IN THE
19 MUNICIPAL CODE OFFICIAL TRAINING ACCOUNT.

20 (II) TWO DOLLARS OF THE FEE SHALL BE DEPOSITED IN
21 THE CONSTRUCTION CONTRACTOR TRAINING ACCOUNT.

22 (III) ONE DOLLAR OF THE FEE SHALL BE DEPOSITED IN
23 THE REVIEW AND ADVISORY COUNCIL ADMINISTRATION ACCOUNT.

24 (2) [MONEYS SO] MONEY DEPOSITED [ARE] UNDER PARAGRAPH

25 (1) (I) AND (II) IS HEREBY EQUALLY APPROPRIATED ON APPROVAL OF
26 THE GOVERNOR TO THE DEPARTMENT OF COMMUNITY AND ECONOMIC
27 DEVELOPMENT FOR THE PURPOSE OF EDUCATION AND TRAINING
28 PROGRAMS PROVIDED BY THE PENNSYLVANIA CONSTRUCTION CODES
29 ACADEMY FOR MUNICIPAL CODE OFFICIALS AND INDIVIDUALS EMPLOYED
30 BY THIRD-PARTY AGENCIES UNDER CONTRACT TO A MUNICIPALITY AND

1 TO A PENNSYLVANIA-BASED HOUSING RESEARCH CENTER LOCATED AT A
2 LAND GRANT UNIVERSITY FOR THE CONSTRUCTION INDUSTRY. TO
3 ASSURE THE PROGRAMS MEET THE NEEDS OF THE CONSTRUCTION
4 INDUSTRY, THE EDUCATION, TRAINING AND OTHER ACTIVITIES
5 PROVIDED BY SUCH A HOUSING RESEARCH CENTER SHALL BE APPROVED
6 BY ITS INDUSTRY ADVISORY COMMITTEE.

7 (3) MONEY DEPOSITED UNDER PARAGRAPH (1)(III) SHALL BE
8 TRANSMITTED QUARTERLY TO THE DEPARTMENT OF LABOR AND INDUSTRY
9 FOR EXPENSES OF THE COUNCIL AS AUTHORIZED IN SECTION 107(L),
10 FOR TECHNICAL ASSISTANCE AS PROVIDED FOR IN SECTION 107(K),
11 ADMINISTRATIVE ASSISTANCE AS PROVIDED FOR IN SECTION 107(J),
12 FEEES ASSOCIATED WITH DEVELOPING AND PUBLISHING DOCUMENTATION
13 OF THE EXISTING SECTIONS AS PROVIDED FOR IN SECTION 304(A)(4)
14 AND AS OTHERWISE DETERMINED NECESSARY BY THE COUNCIL AS MONEY
15 IS AVAILABLE.

16 SECTION 7. SECTION 902(C) OF THE ACT, AMENDED DECEMBER 22, <--
17 2005 (P.L.478, NO.95), IS AMENDED TO READ:

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 7 8. THIS ACT SHALL TAKE EFFECT ~~IMMEDIATELY.~~ AS <--
12 FOLLOWS:

13 (1) THE AMENDMENT OF SECTION 902(C) OF THE ACT SHALL
14 TAKE EFFECT IN 60 DAYS.

15 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
16 IMMEDIATELY.