
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1023 Session of
2013

INTRODUCED BY McILHINNEY, SOLOBAY, FERLO, DINNIMAN, HUGHES,
FONTANA, STACK, LEACH, TOMLINSON, SMITH AND FARNESE,
JUNE 17, 2013

REFERRED TO LABOR AND INDUSTRY, JUNE 17, 2013

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 duties of the council, for revised or successor codes and for
7 education and training programs.

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

10 Section 1. Section 107(b.1), (c) and (l) of the act of
11 November 10, 1999 (P.L.491, No.45), known as the Pennsylvania
12 Construction Code Act, amended or added October 9, 2008
13 (P.L.1386, No.106) and April 25, 2011 (P.L.1, No.1), are amended
14 to read:

15 Section 107. Uniform Construction Code Review and Advisory
16 Council.

17 * * *

18 (b.1) Code review process.--

19 (1) Beginning with the 2012 ICC codes, the council shall
20 review the latest triennial code revisions upon official

1 publication of the codes.

2 (2) During the review process, the council shall hold at
3 least three public hearings. One of the public hearings shall
4 be held in Harrisburg, one shall be held in the eastern
5 region of this Commonwealth and one shall be held in the
6 western region of this Commonwealth.

7 (3) The council shall submit a report to the secretary
8 within the 12-month period following official publication of
9 the latest triennial code revisions under paragraph (1) with
10 provisions of the codes that are specified for [adoption]
11 rejection. The provisions of the codes that are specified for
12 [adoption] rejection shall be separately designated in the
13 report.

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

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

18 (ii) The economic and financial impact of the
19 provision.

20 (iii) The technical feasibility of the provision.

21 (5) Only triennial code revisions that are [adopted]
22 rejected by a two-thirds vote of council membership shall be
23 included in the report required under paragraph (3).

24 (6) The council shall, as part of its review of the 2015
25 ICC codes, also re-review the 2012 codes.

26 (c) Composition.--The council shall consist of the following
27 members appointed by the Governor:

28 (1) A general contractor from an association
29 representing the residential construction industry who has
30 recognized ability and experience in the construction of new

1 residential buildings.

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

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

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

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

20 (6) A Uniform Construction Code-certified building code
21 official from an association representing building code
22 officials with building code official certification.

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

27 (8) A licensed architect from an association
28 representing architects who has recognized ability and
29 experience in the design and construction of nonresidential
30 buildings.

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

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

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

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

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

21 (14) An elected official of a township of the second
22 class who has recognized ability and experience in
23 construction of buildings.

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

26 (16) An elected official of a third class city who has
27 recognized ability and experience in the construction of
28 buildings.

29 (17) An individual from an association representing
30 manufactured housing who shall be knowledgeable, licensed or

1 certified to sell and install manufactured housing.

2 (18) An official of a city of the first class who has
3 recognized ability and experience in the administration and
4 enforcement of this act.

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

10 (20) A professor of engineering with a concentration or
11 specialty in building energy efficiency.

12 (21) An architect specializing in building energy
13 efficiency.

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

17 * * *

18 (1) Compensation and expenses.--Members of the council shall
19 not receive a salary [or per diem allowance for their service]
20 but shall be entitled to \$60 per diem and reasonable travel,
21 hotel and other necessary expenses incurred in performing their
22 duties.

23 Section 2. Section 304 of the act, amended April 5, 2011
24 (P.L.1, No.1), is amended to read:

25 Section 304. Revised or successor codes.

26 (a) Duties of department.--

27 (1) Subject to sections 105(c) and (d), 301(a)(3), (4),
28 (5), (6) and (7), (c) and (d) and 302, within [three] 12
29 months of the receipt of the report under section 107(b.1),
30 the department shall promulgate final-omitted regulations

1 under the act of June 25, 1982 (P.L.633, No.181), known as
2 the Regulatory Review Act, to adopt the triennial code
3 revisions made in the report without change.

4 (2) Regulations promulgated under this subsection are
5 exempt from:

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

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

12 (3) Notwithstanding paragraphs (1) and (2), the
13 department shall promulgate regulations updating
14 accessibility standards under Chapter 3 by adopting Chapter
15 11 and Appendix E of the International Building Code of 2012,
16 or its successor, by December 31 of the year of issuance of
17 the new code.

18 (a.1) Continuity.--If a triennial revision is not adopted
19 under section 107(b.1)(5), the relevant provisions of the prior
20 version of the codes shall remain in effect.

21 (c) Prior permits and construction.--

22 (1) A construction permit issued under valid
23 construction regulations prior to the effective date of
24 regulations for a subsequent Uniform Construction Code or
25 International Fuel Gas Code issued under this act shall
26 remain valid, and the construction of any building or
27 structure may be completed pursuant to and in accordance with
28 the permit.

29 (2) If the permit has not been actively prosecuted
30 within two years of the effective date of the regulation or

1 the period specified by a municipal ordinance, whichever is
2 less, the former permitholder shall be required to acquire a
3 new permit.

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

9 Section 3. Section 703 of the act, amended November 29, 2006
10 (P.L.1440, No.157), is amended to read:

11 Section 703. Education and training programs.

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

18 (b) [Training accounts] Accounts.--There is hereby
19 established within the State Treasury [two] three restricted
20 accounts which shall be known as the Municipal Code Official
21 Training Account, the Review and Advisory Council Administration
22 Account and the Construction Contractor Training Account.

23 (c) Deposit.--Moneys collected as authorized under
24 subsection (a) shall be transmitted quarterly to the State
25 Treasury and [shall be equally divided and deposited in the
26 accounts established in subsection (b)] 37.5% of said moneys
27 shall be deposited in the Municipal Code Official Training
28 Account, 37.5% of said moneys shall be deposited in the
29 Construction Contractor Training Account and 25% shall be
30 deposited in the Review and Advisory Council Administration

1 Account. Moneys so deposited are hereby equally appropriated on
2 approval of the Governor to the Department of Community and
3 Economic Development for the purpose of education and training
4 programs provided by the Pennsylvania Construction Codes Academy
5 for municipal code officials and individuals employed by third-
6 party agencies under contract to a municipality and to a
7 Pennsylvania-based housing research center located at a land
8 grant university for the construction industry. To assure the
9 programs meet the needs of the construction industry, the
10 education, training and other activities provided by such a
11 housing research center shall be approved by its industry
12 advisory committee.

13 (d) Review and Advisory Council Administration expenses.--
14 Moneys collected as authorized under subsection (a) and
15 deposited in the Review and Advisory Council Administration
16 Account shall be transmitted quarterly to the Department of
17 Labor and Industry for per diem and expenses of the Review and
18 Advisory Council as authorized in section 107(l) and for
19 technical assistance as provided for in section 107(k) and
20 administrative assistance as determined necessary by the council
21 and the department.

22 Section 4. This act shall take effect in 60 days.