
 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 BAKER, LABOR AND INDUSTRY, IN SENATE, AS AMENDED,
JUNE 23, 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.

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

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

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

1 * * *

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

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

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

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

22 * * *

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

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

28 SECTION 103. DEFINITIONS.

29 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
30 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE

1 CONTEXT CLEARLY INDICATES OTHERWISE:

2 * * *

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

9 * * *

10 "CODES." THE TERM INCLUDES:

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

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

17 * * *

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

22 * * *

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

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

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

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

30 "UPDATED SECTIONS." ANY AND ALL SECTIONS OF THE NEWEST

1 EDITION OF THE ICC CODES SUBJECT TO REVIEW BY THE COUNCIL UNDER
2 SECTION 108 (A) (1) THAT ARE DIFFERENT FROM, ADDED TO OR DELETED
3 FROM, THE IMMEDIATELY PRECEDING SECTIONS OF THE ICC CODES. EACH
4 UPDATED SECTION SHALL BE REFERENCED BY THE SECTION NUMBER
5 ASSIGNED TO SUCH SECTION BY THE ICC CODES.

6 * * *

7 SECTION 2. SECTION 107 OF THE ACT, AMENDED OR ADDED OCTOBER
8 9, 2008 (P.L.1386, NO.106) AND APRIL 25, 2011 (P.L.1, NO.1), IS
9 AMENDED TO READ:

10 SECTION 107. UNIFORM CONSTRUCTION CODE REVIEW AND ADVISORY
11 COUNCIL.

12 (A) ESTABLISHMENT.--THE UNIFORM CONSTRUCTION CODE REVIEW AND
13 ADVISORY COUNCIL IS HEREBY ESTABLISHED.

14 (B) DUTIES.--THE COUNCIL SHALL DO THE FOLLOWING:

15 (1) GATHER INFORMATION FROM MUNICIPAL OFFICERS, BUILDING
16 CODE OFFICIALS, CONSTRUCTION CODE OFFICIALS, LICENSED DESIGN
17 PROFESSIONALS, BUILDERS [AND], PROPERTY OWNERS, CONSTRUCTION
18 TRADES AND CONSUMER REPRESENTATIVES CONCERNING ISSUES WITH
19 THE UNIFORM CONSTRUCTION CODE RAISED BY COUNCIL MEMBERS OR
20 CHANGES PROPOSED BY MEMBERS OF THE GENERAL ASSEMBLY.

21 (2) EVALUATE THE INFORMATION COMPILED UNDER PARAGRAPH
22 (1) AND MAKE RECOMMENDATIONS TO THE FOLLOWING:

23 (I) THE GOVERNOR.

24 (II) THE SECRETARY OF LABOR AND INDUSTRY.

25 (III) THE MEMBERS OF ANY LEGISLATIVE COMMITTEE
26 CONSIDERING AMENDMENTS TO THIS ACT.

27 (IV) THE PRESIDENT PRO TEMPORE OF THE SENATE.

28 (V) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

29 (VI) THE CODE DEVELOPMENT COUNCILS OF THE
30 INTERNATIONAL CODE COUNCIL.

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

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

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

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

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

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

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

30 (II) THE ECONOMIC AND FINANCIAL IMPACT OF THE

1 PROVISION.

2 (III) THE TECHNICAL FEASIBILITY OF THE PROVISION.

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

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

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

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

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

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

29 (5) A UNIFORM CONSTRUCTION CODE-CERTIFIED FIRE INSPECTOR
30 FROM AN ASSOCIATION REPRESENTING [BUILDING] FIRE CODE

1 OFFICIALS.

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

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

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

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

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

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

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

29 (13) A LICENSED ELECTRICAL ENGINEER FROM AN ASSOCIATION
30 REPRESENTING PROFESSIONAL ENGINEERS WHO HAS RECOGNIZED

1 ABILITY AND EXPERIENCE IN THE DESIGN AND CONSTRUCTION OF
2 BUILDINGS.

3 (14) [AN ELECTED] A TOWNSHIP OFFICIAL [OF A TOWNSHIP OF
4 THE SECOND CLASS] WHO HAS RECOGNIZED ABILITY AND EXPERIENCE
5 IN CONSTRUCTION OF BUILDINGS.

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

8 (16) [AN ELECTED] A SECOND OR THIRD CLASS CITY OFFICIAL
9 [OF A THIRD CLASS CITY] WHO HAS RECOGNIZED ABILITY AND
10 EXPERIENCE IN THE CONSTRUCTION OF BUILDINGS.

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

14 (18) [AN] A FIRST CLASS CITY OFFICIAL [OF A CITY OF THE
15 FIRST CLASS] WHO HAS RECOGNIZED ABILITY AND EXPERIENCE IN THE
16 ADMINISTRATION AND ENFORCEMENT OF THIS ACT.

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

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

25 (21) AN APPOINTEE REPRESENTING THE INTERESTS OF
26 CONSUMERS.

27 AT LEAST ONE OF THE INSPECTORS APPOINTED TO THE COUNCIL SHALL BE
28 A MUNICIPAL EMPLOYEE, AND AT LEAST ONE INSPECTOR SHALL BE A
29 THIRD-PARTY PRIVATE SECTOR INSPECTOR.

30 (D) VACANCIES.--VACANCIES ON THE COUNCIL SHALL BE FILLED IN

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

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

19 (F) TERMS.--

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

26 (2) THE CURRENT TERMS OF ALL COUNCIL MEMBERS SERVING ON
27 THE EFFECTIVE DATE OF THIS PARAGRAPH ARE EXTENDED AS OF THE
28 EFFECTIVE DATE OF THIS PARAGRAPH FOR ONE ADDITIONAL YEAR.

29 (G) CHAIRPERSON AND VICE CHAIRPERSON.--THE MEMBERS SHALL
30 ELECT, BY A MAJORITY VOTE, A CHAIRPERSON AND VICE CHAIRPERSON OF

1 THE COUNCIL.

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

3 (I) MEETINGS.--MEETINGS SHALL BE CONDUCTED AS REQUIRED UNDER
4 65 PA.C.S. CH. 7 (RELATING TO OPEN MEETINGS) AS FOLLOWS:

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

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

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

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

27 (J) ADMINISTRATIVE SUPPORT.--THE DEPARTMENT SHALL PROVIDE A
28 FACILITY FOR COUNCIL MEETINGS UNDER THIS ACT, STENOGRAPHIC
29 SERVICES, SECRETARIAL SERVICES, LEGAL REPRESENTATION AND
30 REQUIRED NOTICE OF THE COUNCIL'S MEETINGS. THE DEPARTMENT [MAY]

1 SHALL PROVIDE STAFF SUPPORT IN DRAFTING ANY REPORTS REQUIRED
2 UNDER THIS ACT.

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

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

14 (M) TECHNICAL ADVISORY COMMITTEES.--

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

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

28 (II) EACH TECHNICAL ADVISORY COMMITTEE SHALL BE
29 LIMITED TO A TOTAL OF 20 MEMBERS. THE CHAIR OF THE
30 COUNCIL SHALL APPOINT A COUNCIL MEMBER TO CHAIR EACH

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

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

24 (IV) INTERESTED PERSONS SHALL SUBMIT TO THE CHAIR OF
25 THE COUNCIL THE FOLLOWING INFORMATION WITHIN 30 DAYS
26 FOLLOWING THE PUBLICATION OF THE NOTICE:

27 (A) NAME;

28 (B) THE NAME OR SUBJECT MATTER AREA OF THE
29 TECHNICAL ADVISORY COMMITTEE TO WHICH THE INDIVIDUAL
30 SEEKS TO BE APPOINTED;

1 (C) CONTACT INFORMATION;

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

4 (E) SUMMARY OF EXPERIENCE AND EXPERTISE.

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

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

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

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

28 (A) CODE REVIEW PROCESS.--

29 (1) (I) EXCEPT AS SPECIFICALLY PROVIDED IN THIS ACT
30 WITH RESPECT:

1 (A) TO THE 2015 CHANGES TO THE UNIFORM
2 CONSTRUCTION CODE ADOPTED BY THE COUNCIL; AND
3 (B) THE PROCEDURE OUTLINED IN SUBPARAGRAPH
4 (III),

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

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

27 (III) THE COUNCIL SHALL ALSO REVIEW, IN ACCORDANCE
28 WITH THE PROCEDURES OUTLINED IN THIS ACT, ANY SECTION OF
29 THE CODES THAT DO NOT OTHERWISE CONSTITUTE UPDATED
30 SECTIONS BUT ONLY IF TWO-THIRDS OF THE COUNCIL SO

1 DETERMINE. THE SECTIONS SELECTED FOR REVIEW SHALL BE
2 REFERRED TO AS "ADDITIONAL SECTIONS." THE ADDITIONAL
3 SECTIONS SHALL BE TREATED FOR PURPOSES OF REVIEW AND
4 APPROVAL OR DISAPPROVAL BY THE COUNCIL AS UPDATED
5 SECTIONS. THE SELECTION OF ADDITIONAL SECTIONS SHALL
6 OCCUR DURING TWO MEETINGS OF THE COUNCIL, THE FIRST TO
7 OCCUR BETWEEN 14 AND 16 MONTHS FOLLOWING PUBLICATION OF A
8 NEW EDITION OF THE ICC CODES AND THE LAST TO OCCUR NO
9 LATER THAN 18 TO 21 MONTHS FOLLOWING PUBLICATION OF A NEW
10 EDITION OF THE ICC CODES.

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

17 (2) EACH UPDATED SECTION SUBJECT TO REVIEW UNDER
18 PARAGRAPH (3) (V) SHALL BE EXAMINED APPLYING ALL OF THE
19 FOLLOWING CRITERIA:

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

22 (II) THE ECONOMIC AND FINANCIAL IMPACT AND LIFE
23 CYCLE COST OF THE SECTION.

24 (III) THE TECHNICAL FEASIBILITY OF THE SECTION.

25 (3) THE COUNCIL SHALL REVIEW THE UPDATED SECTIONS AS
26 FOLLOWS:

27 (I) A 120-DAY PERIOD TO RECEIVE COMMENTS FROM
28 COUNCIL MEMBERS AND THE GENERAL PUBLIC REGARDING THE
29 UPDATED SECTIONS SHALL COMMENCE 30 DAYS FOLLOWING THE
30 START OF THE COUNCIL'S REVIEW PURSUANT TO PARAGRAPH (1).

1 THE PUBLIC COMMENT PERIOD SHALL BE ANNOUNCED IN THE
2 PENNSYLVANIA BULLETIN AND ON THE DEPARTMENT'S PUBLICLY
3 ACCESSIBLE INTERNET WEBSITE OR, IN THE ABSENCE OF AN
4 INTERNET WEBSITE, IN SUCH OTHER MANNER AS THE SECRETARY
5 DETERMINES WILL PROVIDE SUBSTANTIALLY SIMILAR PUBLIC
6 NOTICE.

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

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

28 (IV) AFTER THE EXPIRATION OF THE PUBLIC COMMENT
29 PERIOD, THE CHAIR SHALL ASSIGN EACH UPDATED SECTION,
30 REGARDLESS OF WHETHER A PUBLIC COMMENT HAS BEEN RECEIVED,

1 TO THE TECHNICAL ADVISORY COMMITTEE FOR THE CODE THAT
2 CONTAINS THE UPDATED SECTION.

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

14 (VI) FOR EACH UPDATED SECTION THAT:

15 (A) RECEIVES A COMMENT IN ACCORDANCE WITH
16 SUBPARAGRAPH (II); OR

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

20 THE TECHNICAL ADVISORY COMMITTEE SHALL SUBMIT TO THE
21 CHAIR OF THE COUNCIL A RECOMMENDATION THAT THE SECTION BE
22 ADOPTED, REJECTED OR MODIFIED. THE TECHNICAL ADVISORY
23 COMMITTEE SHALL SUBMIT THE RATIONALE FOR ITS
24 RECOMMENDATIONS AND A LIST OF ANY DATA OR DOCUMENTS
25 RELIED UPON IN MAKING ITS RECOMMENDATION. NOTWITHSTANDING
26 ANY OTHER PROVISION OF THIS SUBPARAGRAPH, UPDATED
27 SECTIONS THAT DO NOT RECEIVE A COMMENT IN ACCORDANCE WITH
28 SUBPARAGRAPH (II) AND THAT A MEMBER OF THE TECHNICAL
29 ADVISORY COMMITTEE HAS NOT SEPARATELY SELECTED FOR
30 INDIVIDUAL REVIEW BY THE COUNCIL SHALL BE NOTED IN THE

1 REPORT AS UNOPPOSED AND NO RECOMMENDATION, RATIONALE,
2 DATA OR DOCUMENTS SHALL BE REQUIRED.

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

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

13 (A) EXPIRATION OF THE PERIOD FOR TECHNICAL
14 ADVISORY COMMITTEE REVIEW; OR

15 (B) SUBMISSION OF ALL RECOMMENDATIONS OF THE
16 TECHNICAL ADVISORY COMMITTEES;

17 THE COUNCIL SHALL HOLD AT LEAST THREE PUBLIC HEARINGS.
18 ONE OF THE PUBLIC HEARINGS SHALL BE HELD IN HARRISBURG,
19 ONE SHALL BE HELD IN THE EASTERN REGION OF THIS
20 COMMONWEALTH AND ONE SHALL BE HELD IN THE WESTERN REGION
21 OF THIS COMMONWEALTH.

22 (IX) UPON COMPLETION OF THE HEARINGS, THE COUNCIL
23 SHALL HOLD ONE OR MORE OFFICIAL MEETINGS OF THE COUNCIL
24 TO DECIDE WHETHER TO ADOPT, REJECT OR MODIFY THE UPDATED
25 SECTIONS. THE FOLLOWING SHALL APPLY:

26 (A) THE COUNCIL SHALL VOTE ON THE UNOPPOSED
27 SECTIONS AS A GROUP. A TWO-THIRDS MAJORITY OF THE
28 COUNCIL IS REQUIRED TO REJECT THE UNOPPOSED SECTIONS.
29 BY A TWO-THIRDS MAJORITY VOTE OF THE COUNCIL, THE
30 COUNCIL MAY EXCLUDE INDIVIDUAL UNOPPOSED SECTIONS

1 FROM THE GROUP. ALL UNOPPOSED SECTIONS THAT ARE
2 REJECTED AS A GROUP OR SUCCESSFULLY EXCLUDED FROM THE
3 GROUP SHALL BE SUBJECT TO THE PROCEDURE SPECIFIED IN
4 CLAUSE (B). FOR EACH UNOPPOSED SECTION THAT THE
5 COUNCIL SUBJECTS TO THE PROCEDURE SPECIFIED IN CLAUSE
6 (B), THE COUNCIL SHALL PROVIDE, IN WRITING, THE
7 RATIONALE FOR ITS DECISION AND A LIST OF THE DATA AND
8 DOCUMENTS RELIED UPON IN MAKING ITS DECISION.

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

19 (B) SUBMISSION OF REPORT.--WITH THE EXCEPTION OF THE
20 COUNCIL'S REVIEW OF THE 2015 ICC CODES, THE COUNCIL SHALL SUBMIT
21 A REPORT TO THE SECRETARY WITHIN THE 24-MONTH PERIOD FOLLOWING
22 THE COMMENCEMENT OF THE REVIEW PROCESS BY THE COUNCIL WITH
23 SECTIONS OF THE CODES THAT ARE SPECIFIED FOR ADOPTION OR
24 MODIFICATION. THE SECTIONS OF THE CODES THAT ARE SPECIFIED FOR
25 ADOPTION OR MODIFICATION SHALL BE SEPARATELY DESIGNATED IN THE
26 REPORT. FOR THE COUNCIL'S REVIEW OF THE 2015 ICC CODES ONLY, THE
27 COUNCIL SHALL SUBMIT A REPORT TO THE SECRETARY ON OR BEFORE
28 DECEMBER 31, 2017.

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

1 SECTION 304. REVISED OR SUCCESSOR CODES.

2 (A) DUTIES OF DEPARTMENT.--

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

16 (2) REGULATIONS PROMULGATED UNDER THIS SUBSECTION ARE
17 EXEMPT FROM:

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

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

24 (3) [NOTWITHSTANDING PARAGRAPHS (1) AND (2), THE] THE
25 DEPARTMENT SHALL PROMULGATE REGULATIONS UPDATING
26 ACCESSIBILITY STANDARDS UNDER CHAPTER 3 BY ADOPTING CHAPTER
27 11 AND APPENDIX E OF THE INTERNATIONAL BUILDING CODE OF 2012,
28 OR ITS SUCCESSOR, [BY DECEMBER 31 OF THE YEAR OF ISSUANCE OF
29 THE NEW CODE.] AND ANY OTHER ACCESSIBILITY REQUIREMENTS WHICH
30 SHALL BE SPECIFIED IN THE REGULATIONS, OR CONTAINED IN OR

1 REFERENCED BY THE UNIFORM CONSTRUCTION CODE RELATING TO
2 PERSONS WITH DISABILITIES. IF REGULATIONS ARE REQUIRED TO BE
3 PROMULGATED UNDER PARAGRAPH (1), THE DEPARTMENT SHALL
4 PROMULGATE REGULATIONS UNDER THIS PARAGRAPH WITH THE SAME
5 EFFECTIVE DATE AS REGULATIONS PROMULGATED UNDER PARAGRAPH
6 (1). IF REGULATIONS ARE NOT REQUIRED TO BE PROMULGATED UNDER
7 PARAGRAPH (1), THE DEPARTMENT SHALL PROMULGATE REGULATIONS
8 UNDER THIS PARAGRAPH WITHIN 33 MONTHS AFTER THE OFFICIAL
9 PUBLICATION OF THE UPDATED SECTIONS.

10 (4) THE DEPARTMENT MAY ENTER INTO A CONTRACT WITH THE
11 ICC TO DEVELOP AND PUBLISH DOCUMENTATION OF THE EXISTING
12 SECTIONS. THE DEPARTMENT SHALL REQUIRE IN ANY CONTRACT UNDER
13 THIS PARAGRAPH THAT THE DOCUMENTATION BE MADE AVAILABLE ON
14 THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

15 (A.1) CONTINUITY.--IF A TRIENNIAL REVISION IS NOT ADOPTED OR
16 MODIFIED UNDER SECTION 107(B.1) (5), THE RELEVANT PROVISIONS OF
17 [THE PRIOR VERSION OF] THE CODES SHALL REMAIN IN EFFECT.

18 (C) PRIOR PERMITS AND CONSTRUCTION.--

19 (1) A CONSTRUCTION PERMIT ISSUED UNDER VALID
20 CONSTRUCTION REGULATIONS PRIOR TO THE EFFECTIVE DATE OF
21 REGULATIONS FOR A SUBSEQUENT UNIFORM CONSTRUCTION CODE OR
22 INTERNATIONAL FUEL GAS CODE ISSUED UNDER THIS ACT SHALL
23 REMAIN VALID, AND THE CONSTRUCTION OF ANY BUILDING OR
24 STRUCTURE MAY BE COMPLETED PURSUANT TO AND IN ACCORDANCE WITH
25 THE PERMIT.

26 (2) IF THE PERMIT HAS NOT BEEN ACTIVELY PROSECUTED
27 WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THE REGULATION OR
28 THE PERIOD SPECIFIED BY A MUNICIPAL ORDINANCE, WHICHEVER IS
29 LESS, THE FORMER PERMITHOLDER SHALL BE REQUIRED TO ACQUIRE A
30 NEW PERMIT.

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

6 SECTION 5. SECTION 501(C) OF THE ACT, AMENDED NOVEMBER 29,
7 2006 (P.L.1440, NO.157) AND OCTOBER 24, 2012 (P.L.1433, NO.179),
8 IS AMENDED TO READ:

9 SECTION 501. ADMINISTRATION AND ENFORCEMENT.

10 * * *

11 (C) BOARD OF APPEALS.--

12 (1) A MUNICIPALITY WHICH HAS ADOPTED AN ORDINANCE FOR
13 THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT OR
14 MUNICIPALITIES WHICH ARE PARTIES TO AN AGREEMENT FOR THE
15 JOINT ADMINISTRATION AND ENFORCEMENT OF THIS ACT SHALL
16 ESTABLISH OR DESIGNATE A BOARD OF APPEALS AS PROVIDED BY
17 [CHAPTER 1 OF THE 1999 BOCA NATIONAL BUILDING CODE,
18 FOURTEENTH EDITION,] THE REGULATION OF THE DEPARTMENT TO HEAR
19 APPEALS FROM DECISIONS OF THE CODE ADMINISTRATOR. MEMBERS OF
20 THE MUNICIPALITY'S GOVERNING BODY MAY NOT SERVE AS MEMBERS OF
21 THE BOARD OF APPEALS. A MUNICIPALITY MAY ESTABLISH A BOARD OF
22 APPEALS OR MAY ESTABLISH OR DESIGNATE A JOINT BOARD OF
23 APPEALS IN ACCORDANCE WITH 53 PA.C.S. CH. 23 SUBCH. A
24 (RELATING TO INTERGOVERNMENTAL COOPERATION).

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

30 (3) WHEN A MUNICIPALITY CANNOT FIND PERSONS TO SERVE ON

1 A BOARD OF APPEALS WHO MEET THE MINIMUM QUALIFICATIONS [OF
2 CHAPTER 1 OF THE BOCA NATIONAL BUILDING CODE] ESTABLISHED BY
3 THE DEPARTMENT, THE MUNICIPALITY MAY FILL A POSITION ON THE
4 BOARD WITH A QUALIFIED PERSON WHO RESIDES OUTSIDE OF THE
5 MUNICIPALITY.

6 (4) THE FEE FOR AN APPEAL TO THE BOARD OF APPEALS FOR A
7 MUNICIPALITY THAT IS ADMINISTERING AND ENFORCING THIS ACT
8 SHALL NOT EXCEED ACTUAL COSTS OF THE PUBLIC NOTICE OF THE
9 HEARING, APPEARANCE FEE FOR THE COURT REPORTER AND
10 ADMINISTRATIVE FEES AS NECESSARY.

11 (5) IN THE CASE OF AN APPEAL OR REQUEST FOR VARIANCE OR
12 EXTENSION OF TIME INVOLVING THE CONSTRUCTION OF A ONE-FAMILY
13 OR TWO-FAMILY RESIDENTIAL BUILDING, THE BOARD OF APPEALS
14 SHALL CONVENE A HEARING WITHIN 30 DAYS OF THE APPEAL. THE
15 BOARD OF APPEALS SHALL RENDER A WRITTEN DECISION TO THE
16 PARTIES WITHIN FIVE BUSINESS DAYS, OR WITHIN TEN BUSINESS
17 DAYS IN CITIES OF THE FIRST CLASS, OF THE LAST HEARING. IF
18 THE BOARD OF APPEALS FAILS TO ACT WITHIN THE TIME PERIOD
19 UNDER THIS PARAGRAPH, THE APPEAL SHALL BE DEEMED GRANTED.

20 * * *

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

23 SECTION 703. EDUCATION AND TRAINING PROGRAMS.

24 (A) FEE.--MUNICIPALITIES ADMINISTERING AND ENFORCING THIS
25 ACT UNDER SECTION 501(A) AND THIRD-PARTY AGENCIES PROVIDING
26 SERVICES UNDER SECTION 501(E) SHALL ASSESS A FEE OF [\$4] \$5 ON
27 EACH CONSTRUCTION OR BUILDING PERMIT ISSUED UNDER THE AUTHORITY
28 OF THIS ACT. THE FEE SHALL BE IN ADDITION TO ANY OTHER FEE
29 IMPOSED FOR THE PERMIT.

30 (B) [TRAINING ACCOUNTS] ACCOUNTS.--THERE [IS] ARE HEREBY

1 ESTABLISHED WITHIN THE STATE TREASURY [TWO] THREE RESTRICTED
2 ACCOUNTS WHICH SHALL BE KNOWN AS THE MUNICIPAL CODE OFFICIAL
3 TRAINING ACCOUNT, THE REVIEW AND ADVISORY COUNCIL ADMINISTRATION
4 ACCOUNT AND THE CONSTRUCTION CONTRACTOR TRAINING ACCOUNT.

5 (C) DEPOSIT.--[MONEYS]

6 (1) THE FEE COLLECTED AS AUTHORIZED UNDER SUBSECTION (A)
7 SHALL BE TRANSMITTED QUARTERLY TO THE STATE TREASURY AND
8 SHALL BE EQUALLY DIVIDED AND DEPOSITED IN THE ACCOUNTS
9 ESTABLISHED IN SUBSECTION (B) [.] AS FOLLOWS:

10 (I) TWO DOLLARS OF THE FEE SHALL BE DEPOSITED IN THE
11 MUNICIPAL CODE OFFICIAL TRAINING ACCOUNT.

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

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

16 (2) [MONEYS SO] MONEY DEPOSITED [ARE] UNDER PARAGRAPH
17 (1) (I) AND (II) IS HEREBY EQUALLY APPROPRIATED ON APPROVAL OF
18 THE GOVERNOR TO THE DEPARTMENT OF COMMUNITY AND ECONOMIC
19 DEVELOPMENT FOR THE PURPOSE OF EDUCATION AND TRAINING
20 PROGRAMS PROVIDED BY THE PENNSYLVANIA CONSTRUCTION CODES
21 ACADEMY FOR MUNICIPAL CODE OFFICIALS AND INDIVIDUALS EMPLOYED
22 BY THIRD-PARTY AGENCIES UNDER CONTRACT TO A MUNICIPALITY AND
23 TO A PENNSYLVANIA-BASED HOUSING RESEARCH CENTER LOCATED AT A
24 LAND GRANT UNIVERSITY FOR THE CONSTRUCTION INDUSTRY. TO
25 ASSURE THE PROGRAMS MEET THE NEEDS OF THE CONSTRUCTION
26 INDUSTRY, THE EDUCATION, TRAINING AND OTHER ACTIVITIES
27 PROVIDED BY SUCH A HOUSING RESEARCH CENTER SHALL BE APPROVED
28 BY ITS INDUSTRY ADVISORY COMMITTEE.

29 (3) MONEY DEPOSITED UNDER PARAGRAPH (1) (III) SHALL BE
30 TRANSMITTED QUARTERLY TO THE DEPARTMENT OF LABOR AND INDUSTRY

1 FOR EXPENSES OF THE COUNCIL AS AUTHORIZED IN SECTION 107(L),
2 FOR TECHNICAL ASSISTANCE AS PROVIDED FOR IN SECTION 107(K),
3 ADMINISTRATIVE ASSISTANCE AS PROVIDED FOR IN SECTION 107(J),
4 FEES ASSOCIATED WITH DEVELOPING AND PUBLISHING DOCUMENTATION
5 OF THE EXISTING SECTIONS AS PROVIDED FOR IN SECTION 304(A)(4)
6 AND AS OTHERWISE DETERMINED NECESSARY BY THE COUNCIL AS MONEY
7 IS AVAILABLE.

8 SECTION 7. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.