

AMENDMENTS TO HOUSE BILL NO. 1469

Sponsor: REPRESENTATIVE EVANKOVICH

Printer's No. 2016

1 Amend Bill, page 1, lines 10 through 14, by striking out all
2 of said lines and inserting

3 Section 1. Section 501(b)(1), (2) and (3) of the act of
4 November 10, 1999 (P.L.491, No.45), known as the Pennsylvania
5 Construction Code Act, are amended and the section is amended by
6 adding subsections to read:

7 Section 501. Administration and enforcement.

8 * * *

9 (b) Municipal administration and enforcement.--This act may
10 be administered and enforced by municipalities in any of the
11 following ways:

12 (1) By the designation of an employee to serve as the
13 municipal code official to act on behalf of the municipality
14 for administration and enforcement of this act. A municipal
15 code official may utilize third-party agencies to supplement
16 the municipal code enforcement program's plan review and
17 inspection services or may utilize third-party agencies to
18 perform plan review and inspection services in categories
19 which its program does not possess the necessary personnel to
20 administer.

21 (2) By the retention of one or more [construction code
22 officials or] third-party agencies to act on behalf of the
23 municipality for administration and enforcement of this
24 act[.], except that the provisions of subsection (b.1) shall
25 apply if the municipality contracts with only one third-party
26 agency for administration and enforcement.

27 (3) Two or more municipalities may provide for the joint
28 administration and enforcement of this act through an
29 intermunicipal agreement under 53 Pa.C.S. Ch. 23 Subch. A
30 (relating to intergovernmental cooperation)[.], except that
31 the provisions of subsection (b.1) shall apply if the
32 agreement provides for only one third-party agency for
33 administration and enforcement.

34 * * *

35 (b.1) Exclusive administration and enforcement.--The
36 following apply:

37 (1) If a municipality contracts with one third-party
38 agency for administration and enforcement of this act, an

1 applicant may utilize the services of another third-party
2 agency if the alternative third-party agency agrees to remit
3 a surcharge for its services to the municipality. The
4 surcharge shall be a percentage of the total amount of fees
5 charged by the alternative third-party agency. The percentage
6 shall be established by the municipality by ordinance as a
7 percentage not to exceed 10%. If the municipality fails to
8 establish a surcharge as specified under this paragraph, the
9 surcharge shall be 1% of the total fees charged by the
10 alternative third-party agency for the alternative third-
11 party agency's services on a project.

12 (2) In accordance with the municipality's
13 overall permitting process for a project, the municipality
14 shall notify the applicant that the applicant may utilize the
15 services of an alternative third-party agency of the
16 applicant's choice for the construction requirements of the
17 application covered by this act, including all plan review
18 and inspection services. The applicant shall be notified of
19 the information required under subsection (b.2).

20 (3) The applicant shall notify the municipality and its
21 contracted third-party agency of its intent to utilize an
22 alternative third-party agency for the construction
23 requirements required by this act for a project. The
24 applicant shall provide, in its notification, the name of the
25 alternative third-party agency that will be utilized and
26 appropriate contact information.

27 (4) Before performing services on a project, the
28 alternative third-party agency being utilized by the
29 applicant shall notify the municipality and its contracted
30 third-party agency that it is performing services required by
31 this act on the project for the applicant. On the date of
32 issuance of the permit required by this act, the alternative
33 third-party agency shall provide the municipality and its
34 exclusive third-party agency with a copy of the permit issued
35 for the project and the approved plans of record for the
36 project.

37 (5) The applicant shall utilize the services of the
38 alternative third-party agency for all requirements of this
39 act associated with a project.

40 (6) On the date of issuance of the final inspection
41 report for a project, the alternative third-party agency
42 shall forward the following to the municipality and the
43 municipality's third-party agency:

44 (i) The final inspection report that was issued for
45 the project.

46 (ii) A summary of total fees charged to the
47 applicant.

48 (iii) Payment of the surcharge assessed under
49 paragraph (1).

50 (iv) The fee required under section 703(a).

51 (v) Any additional documentation associated with the

1 project that is requested by the municipality.

2 (7) The municipality or its contracted third-party
3 agency, whichever is applicable, shall accept the final
4 inspection report with respect to the requirements of this
5 act. The contracted third-party agency shall be immune from
6 any civil liability associated with contents of the final
7 inspection report.

8 (8) The municipality or its contracted third-party
9 agency may withhold issuance of the certificate of occupancy
10 for a project if the alternative third-party agency fails to
11 comply with paragraph (6).

12 (9) The municipality may notify the department of a
13 possible violation of this act if an alternative third-party
14 agency fails to comply with paragraph (6). Upon receiving
15 notice by the municipality, the department shall conduct an
16 investigation. The department may consider an intentional
17 failure to comply with paragraph (6) as just cause for
18 decertification of the alternative third-party agency under
19 section 701(h).

20 (10) A professional services contract between a
21 municipality and a third-party agency for the
22 exclusive administration and enforcement of this act in
23 effect before the effective date of this subsection shall
24 remain in effect and the provisions of this subsection shall
25 apply upon the expiration of the original terms of the
26 professional services contract.

27 Amend Bill, page 1, line 15, by striking out "(b.1)" and

28 inserting

29 (b.2)