

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 647 Session of
1999

INTRODUCED BY WAUGH, WAGNER, KUKOVICH, HART, CORMAN, SALVATORE,
BRIGHTBILL, THOMPSON, WOZNIAK, BOSCOLA AND CONTI,
MARCH 24, 1999

SENATOR TILGHMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,
SEPTEMBER 27, 1999

AN ACT

1 Establishing a Uniform Construction Code; imposing powers and
2 duties on municipalities and the Department of Labor and
3 Industry; providing for enforcement; imposing penalties; and
4 making repeals.

5 TABLE OF CONTENTS

6 Chapter 1. Preliminary Provisions

7 Section 101. Short title.

8 Section 102. Legislative findings and purpose.

9 Section 103. Definitions.

10 Section 104. Application.

11 Section 105. Department of Labor and Industry.

12 ~~Section 106. Accessibility Advisory Board.~~ <—

13 Chapter 3. Uniform Construction Code

14 ~~Section 301. Adoption by regulations.~~ <—15 ~~Section 302. Related standards.~~16 ~~Section 303. Existing municipal building codes.~~17 ~~Section 304. Revised or successor codes.~~

18 SECTION 301. ESTABLISHMENT. <—

1 SECTION 302. ADOPTION BY REGULATIONS.
2 SECTION 303. REFERENCED STANDARDS.
3 SECTION 304. EXISTING MUNICIPAL BUILDING CODES.
4 SECTION 305. REVISED OR SUCCESSOR CODES.
5 Chapter 5. Adoption and Enforcement by Municipalities
6 Section 501. Administration and enforcement.
7 Section 502. Consideration of applications and inspections.
8 Section 503. Changes in Uniform Construction Code.
9 ~~Section 504. Appeals.~~ <—
10 Chapter 7. Training and Certification of Inspectors
11 Section 701. Training of inspectors.
12 Section 702. Reciprocity.
13 Chapter 9. Exemptions and Penalties
14 Section 901. Exemptions.
15 Section 902. Penalties.
16 Chapter 11. Miscellaneous Provisions
17 Section 1101. Savings.
18 Section 1102. Repeals.
19 Section 1103. Effective date.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 CHAPTER 1

23 PRELIMINARY PROVISIONS

24 Section 101. Short title.

25 This act shall be known and may be cited as the Pennsylvania
26 Construction Code Act.

27 Section 102. Legislative findings and purpose.

28 (a) Findings.--The General Assembly finds as follows:

29 (1) Many municipalities within this Commonwealth have no
30 construction codes to provide for the protection of life,

1 health, property and the environment and for the safety and
2 welfare of the consumer, general public and the owners and
3 occupants of buildings and structures. Consumers and
4 occupants may be at risk from substandard construction.

5 (2) Likewise, in some regions of this Commonwealth a
6 multiplicity of construction codes currently exist and some
7 of these codes may contain cumulatively needless requirements
8 which limit the use of certain materials, techniques or
9 products and lack benefits to the public. Moreover, the
10 variation of construction standards caused by the
11 multiplicity of codes may slow the process of construction
12 and increase the costs of construction.

13 (3) The way to insure uniform, modern construction
14 standards and regulations throughout this Commonwealth is to
15 adopt a Uniform Construction Code.

16 (4) The model code of the Building Officials and Code
17 Administrators International, Inc. (BOCA), is a construction
18 code which has been widely adopted in this Commonwealth and
19 in the geographical region of the United States of which this
20 Commonwealth is a part. Adoption of a nationally recognized
21 code will insure that this Commonwealth has a uniform, modern
22 construction code which will insure safety, health and
23 sanitary construction.

24 (b) Intent and purpose.--It is the intent of the General
25 Assembly and the purpose of this act:

26 (1) To provide MINIMUM standards for the protection of <—
27 life, health, property and environment and for the safety and
28 welfare of the consumer, general public and the owners and
29 occupants of buildings and structures.

30 (2) To encourage standardization and economy in

1 construction by providing requirements for construction and
2 construction materials consistent with nationally recognized
3 standards.

4 (3) To permit to the fullest extent feasible the use of
5 state-of-the-art technical methods, devices and improvements
6 consistent with reasonable requirements for the health,
7 safety and welfare of occupants or users of buildings and
8 structures.

9 (4) To eliminate existing codes to the extent that these
10 codes are restrictive, obsolete, conflicting and contain
11 duplicative construction regulations that tend to
12 unnecessarily increase costs or retard the use of new
13 materials, products or methods of construction or provide
14 preferential treatment to certain types or classes of
15 materials or methods of construction.

16 (5) To eliminate unnecessary duplication of effort and
17 fees related to the review of construction plans and the
18 inspection of construction projects.

19 (6) To assure that officials charged with the
20 administration and enforcement of the technical provisions of
21 this act are adequately trained and supervised.

22 (7) To insure that existing Commonwealth laws and
23 regulations, including those which would be repealed or
24 rescinded by this act, would be fully enforced during the
25 transition to Statewide administration and enforcement of a
26 Uniform Construction Code. ~~Further, it is the intent of this~~ <—
27 ~~act that the Uniform Construction Code requirements for~~
28 ~~making buildings accessible to and usable by persons with~~
29 ~~disabilities do not diminish from those requirements~~
30 ~~previously in effect under the former provisions of the act~~

~~of September 1, 1965 (P.L. 459, No. 235), entitled, as amended,
"An act requiring that certain buildings and facilities
adhere to certain principles, standards and specifications to
make the same accessible to and usable by persons with
physical handicaps, and providing for enforcement."~~

(8) To start a process leading to the design,
construction and alteration of buildings under a uniform
standard.

Section 103. Definitions.

The following words and phrases when used in this act shall
have the meanings given to them in this section unless the
context clearly indicates otherwise:

~~"Advisory board." The Accessibility Advisory Board created
in section 106.~~ <—

"Agricultural building." A structure utilized to store farm
implements, hay, feed, grain or other agricultural or
horticultural products or to house poultry, livestock or other
farm animals. The term shall not include habitable space, spaces
in which agricultural products are processed, treated or
packaged and shall not be construed to mean a place of occupancy
by the general public.

"Board of appeals." The body created by a municipality or
more than one municipality to hear appeals from decisions of the
code administrator as provided for by Chapter 1 of the Building
Officials and Code Administrators International, Inc., National
Building Code OR CHAPTER 1 OF THE I.C.C. INTERNATIONAL ONE AND
TWO FAMILY DWELLING CODE. <—

"BOCA." Building Officials and Code Administrators
International, Inc.

~~"CABO." Council of American Building Officials.~~ <—

1 "Code administrator." A municipal code official, a
2 construction code official, a third party agency or the
3 Department of Labor and Industry.

4 "Construction code official." An individual certified by the
5 Department of Labor and Industry in an appropriate category
6 established pursuant to section 701(b) of this act to perform
7 plan review of construction documents, inspect construction or
8 administer and enforce codes and regulations in such code
9 category under this act or related acts.

10 "Department." The Department of Labor and Industry of the
11 Commonwealth.

12 "Habitable space." Space in a structure for living,
13 sleeping, eating or cooking. Bathrooms, toilet compartments,
14 closets, halls, storage or utility spaces and similar areas
15 shall not be construed as habitable spaces.

16 "HEALTH CARE FACILITY." AS DEFINED IN SECTION 802.1 OF THE
17 ACT OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE HEALTH CARE
18 FACILITIES ACT.

19 "I.C.C." THE INTERNATIONAL CODE COUNCIL.

20 "Industrialized housing." The term shall have the meaning
21 ascribed to it in the act of May 11, 1972 (P.L.286, No.70),
22 known as the Industrialized Housing Act.

23 "Manufactured housing." Housing which bears a label, as
24 required by and referred to in the act of November 17, 1982
25 (P.L.676, No.192), known as the Manufactured Housing
26 Construction and Safety Standards Authorization Act, certifying
27 that it conforms to Federal construction and safety standards
28 adopted under the Housing and Community Development Act of 1974
29 (Public Law 93-383, 88 Stat. 139).

30 "Municipal code official." An individual employed by a

1 municipality or more than one municipality and certified by the
2 Department of Labor and Industry under this act to perform plan
3 review of construction documents, inspect construction or
4 administer and enforce codes and regulations under this act or
5 related acts.

6 "Municipality." A city, borough, incorporated town, township
7 or home rule municipality.

8 "NCSBCS." THE NATIONAL CONFERENCE OF STATE BUILDING CODES <—
9 AND STANDARDS.

10 "Occupancy." The purpose for which a building, or portion
11 thereof, is used.

12 "Secretary." The Secretary of Labor and Industry of the
13 Commonwealth.

14 "STATE INSTITUTIONS." AS DEFINED IN SECTION 901 OF THE ACT <—
15 OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE
16 CODE.

17 ~~"Technically infeasible." An alteration of a building or a <—~~
18 ~~facility that has little likelihood of being accomplished~~
19 ~~because the existing structural conditions require the removal~~
20 ~~or alteration of a load bearing member that is an essential part~~
21 ~~of the structural frame, or because other existing physical or~~
22 ~~site constraints prohibit modification or addition of elements,~~
23 ~~spaces or features which are in full and strict compliance with~~
24 ~~the minimum requirements for new construction and which are~~
25 ~~necessary to provide accessibility.~~

26 "Third-party agency." A person, firm or corporation
27 certified by the Department of Labor and Industry as a
28 construction code official and contracted to perform plan review
29 of construction documents, inspect construction or administer
30 and enforce codes and regulations under this act.

1 ~~"Uniform Construction Code." The code established in section~~ <—
2 ~~301.~~

3 "UNIFORM CONSTRUCTION CODE." THE COMMONWEALTH'S STATEWIDE <—
4 MINIMUM CONSTRUCTION CODE BASED ON THE 1999 BOCA NATIONAL
5 BUILDING CODE, FOURTEENTH EDITION AND THE INTERNATIONAL FUEL GAS
6 CODE OR THEIR SUCCESSOR EDITIONS OR CODES.

7 "Utility and miscellaneous use structures." Buildings or
8 structures of an accessory character and miscellaneous
9 structures not classified by the Building Officials and Code
10 Administrators International, Inc., in any specific use group.
11 The term includes carports, detached private garages,
12 greenhouses and sheds having a building area less than ~~1,000~~ 500 <—
13 square feet.

14 Section 104. Application.

15 (a) General rule.--This act shall apply to the construction,
16 alteration, repair and occupancy of all buildings in this
17 Commonwealth.

18 (b) Exclusions.--This act shall not apply to:

19 (1) new buildings or renovations to existing buildings
20 for which an application for a building permit has been made
21 to the municipality prior to the effective date of the
22 regulations promulgated under this act;

23 (2) new buildings or renovations to existing buildings
24 on which a contract for design or construction has been
25 signed prior to the effective date of the regulations
26 promulgated under this act on projects requiring department
27 approval;

28 (3) utility and miscellaneous use structures that are
29 accessory to detached one-family dwellings except for
30 swimming pools and spas; or

1 (4) any agricultural building.

2 (c) Prior permits and construction.--

3 (1) Subject to paragraph (2) a construction permit
4 issued under valid construction regulations prior to the
5 effective date of the regulations issued under this act shall
6 remain valid, and the construction of any building or
7 structure may be completed pursuant to and in accordance with
8 the permit.

9 (2) If the requirements of the permit have not been
10 actively prosecuted within two years of the effective date of
11 the regulations or the period specified by a municipal
12 ordinance, whichever is less, the former permit holder shall
13 be required to acquire a new permit. Where construction of a
14 building or structure commenced before the effective date of
15 the regulations promulgated under this act and a permit was
16 not required at that time, construction may be completed
17 without a permit.

18 (d) Preemption.--

19 (1) Except as otherwise provided in this act,
20 construction standards provided by any statute or local
21 ordinance or regulation promulgated or adopted by a board,
22 department, commission, agency of State government or agency
23 of local government WHICH DOES NOT EQUAL OR EXCEED THE <—
24 UNIFORM CONSTRUCTION CODE shall continue in effect only until
25 the effective date of regulations promulgated under this act,
26 at which time they shall be preempted by regulations
27 promulgated under this act and deemed thereafter to be
28 rescinded.

29 (2) (i) Except as otherwise provided in this act and as
30 specifically excepted in subparagraph (ii), a homeowners'

1 association or community association shall be preempted
2 from imposing building construction standards or building
3 codes for buildings to be constructed, renovated, altered
4 or modified.

5 (ii) In municipalities which have not adopted an
6 ordinance for the administration and enforcement of this
7 act, a homeowners' association or community association
8 may ~~enact~~ ADOPT by board regulations the Uniform <—
9 Construction Code or the ~~CABO~~ I.C.C. INTERNATIONAL One <—
10 and Two Family Dwelling Code, ~~latest~~ 1998 edition. The <—
11 applicable building code shall constitute the standard
12 governing building structures in the association's
13 community.

14 (3) NOTHING IN THIS ACT SHALL PREEMPT ANY LICENSURE OR <—
15 FEDERAL CERTIFICATION REQUIREMENTS FOR HEALTH CARE
16 FACILITIES, INTERMEDIATE CARE FACILITIES FOR THE MENTALLY
17 RETARDED OR FOR PERSONS WITH RELATED CONDITIONS OR STATE
18 INSTITUTIONS. THIS PARAGRAPH INCLUDES BUILDING AND LIFE
19 SAFETY CODE STANDARDS SET FORTH IN APPLICABLE REGULATIONS.

20 (4) NOTHING IN THIS ACT SHALL LIMIT THE ABILITY OF THE
21 DEPARTMENT OF AGING, THE DEPARTMENT OF HEALTH OR THE
22 DEPARTMENT OF PUBLIC WELFARE TO PROMULGATE OR ENFORCE
23 REGULATIONS WHICH EXCEED THE REQUIREMENTS OF THIS ACT.

24 (e) Municipal regulation.--Nothing in this act shall
25 prohibit a municipality from licensing any persons engaged in
26 construction activities or from establishing work rules or
27 qualifications for such persons.

28 Section 105. Department of Labor and Industry.

29 (a) Review.--

30 ~~(1) Except for complaints arising out of a municipal~~ <—

~~ordinance enacted under section 503(a), the department may~~

(1) THE DEPARTMENT MAY with reasonable cause review
municipalities, municipal code officials, third-party
agencies, construction code officials and code administrators
concerning the enforcement and administration of this act.
~~including specifically complaints concerning accessibility~~
~~requirements.~~

(2) The department shall make a report to the governing
body of the municipality that was the subject of the review.
The report shall include recommendations to address any
deficiency observed by the department.

(3) The department may require compliance with this act
through proceedings in Commonwealth Court.

(b) State-owned buildings.--

(1) The department shall maintain plan and specification
review and inspection authority over all State-owned
buildings. State-owned buildings shall be subject to
regulations promulgated under this act. The department shall
notify municipalities of all inspections of State-owned
buildings and give municipalities the opportunity to observe
the department inspection of such buildings.

(2) Municipalities shall notify the department of all
inspection of buildings owned by political subdivisions and
give the department the opportunity to observe municipal
inspection of such buildings.

(3) The department shall make available to
municipalities, upon request, copies of all building plans
and plan review documents in the custody of the department
for State-owned buildings.

(4) A municipality shall make available to the

department upon request copies of all building plans and plan review documents in the custody of the municipality for buildings owned by political subdivisions.

(c) Elevators and conveying systems.--

(1) The department shall maintain Statewide administration and inspection authority over ski lifts, inclined passenger lifts and related devices, and elevators, conveying systems and related equipment as defined in section 3002.0 (definitions) of Chapter 30 of the ~~1996~~ 1999 BOCA National Building Code, ~~Thirteenth~~ FOURTEENTH Edition.

(2) Notwithstanding Chapters 3 and 5, the department may, subject to the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, by regulation, modify the BOCA NATIONAL Building Code Referenced Standards for elevator construction, repair, maintenance and inspection. The department shall not require reshackling more than once every two years.

(3) Nothing in this section shall be construed to disallow third-party elevator inspections.

(D) ACCESSIBILITY.--THE DEPARTMENT SHALL MAINTAIN PLAN REVIEW AND INSPECTION AUTHORITY FOR ACCESSIBILITY COMPLIANCE THROUGH ITS ADMINISTRATION AND ENFORCEMENT OF THE ACT OF SEPTEMBER 1, 1965 (P.L.459, NO.235), ENTITLED, AS AMENDED, "AN ACT REQUIRING THAT CERTAIN BUILDINGS AND FACILITIES ADHERE TO CERTAIN PRINCIPLES, STANDARDS AND SPECIFICATIONS TO MAKE THE SAME ACCESSIBLE TO AND USABLE BY PERSONS WITH PHYSICAL HANDICAPS, AND PROVIDING FOR ENFORCEMENT."

(E) DEPARTMENT OF HEALTH.--

(1) HEALTH CARE FACILITIES, INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED OR FOR PERSONS WITH RELATED

1 CONDITIONS AND STATE INSTITUTIONS SHALL CONTINUE TO COMPLY
2 WITH BUILDING CODES AND STANDARDS SET FORTH IN THE APPLICABLE
3 LICENSURE LAWS AND REGULATIONS. THIS PARAGRAPH INCLUDES THE
4 APPLICABLE EDITION OF THE NATIONAL FIRE PROTECTION
5 ASSOCIATION'S LIFE SAFETY CODE, NFPA NO. 101, AND THE
6 APPLICABLE EDITION OF THE GUIDELINES FOR CONSTRUCTION AND
7 EQUIPMENT OF HOSPITAL AND MEDICAL FACILITIES.

8 (2) THE DEPARTMENT MAY DELEGATE ITS RESPONSIBILITY FOR
9 CONDUCTING PLAN REVIEWS AND INSPECTIONS FOR HEALTH CARE
10 FACILITIES TO THE DEPARTMENT OF HEALTH.

11 ~~(d)~~ (F) Limitation.--Nothing in this act, the regulations <—
12 under this act nor the administration of the act or the
13 regulations by the department shall contravene the right of
14 builders to freely compete for and perform contracts for
15 construction of commercial buildings in this Commonwealth.

16 ~~Section 106. Accessibility Advisory Board.~~ <—

17 ~~(a) Creation and composition.~~

18 ~~(1) There is hereby created an Accessibility Advisory~~
19 ~~Board which shall be composed of 11 members appointed by the~~
20 ~~secretary. At least six members of the advisory board shall~~
21 ~~be public members, three of whom shall be persons with~~
22 ~~physical disabilities, one shall be an architect registered~~
23 ~~in Pennsylvania, one shall be a member of the business~~
24 ~~community and one shall be a representative of the~~
25 ~~multifamily housing industry. One member shall be a municipal~~
26 ~~official. The chairman and minority chairman of the Labor and~~
27 ~~Industry Committee of the Senate and the chairman and~~
28 ~~minority chairman of the Labor Relations Committee of the~~
29 ~~House of Representatives, or their designees, shall be~~
30 ~~members. All members of the advisory board, except the~~

~~members of the General Assembly, shall serve for a term of two years and until their successors are appointed.~~

~~(2) The members of the advisory board shall be paid traveling expenses and other necessary expenses and may receive a per diem compensation at a rate to be determined by the secretary for each day of actual service in the performance of their duties under this act.~~

~~(3) Meetings of the advisory board shall be called by the secretary. A quorum of the advisory board shall consist of four members.~~

~~(4) The initial advisory board shall be the body constituted under the former provisions of section 3.1 of the act of September 1, 1965 (P.L.459, No.235), entitled, as amended, "An act requiring that certain buildings and facilities adhere to certain principles, standards and specifications to make the same accessible to and usable by persons with physical handicaps, and providing for enforcement."~~

~~(b) Advice on regulation. The advisory board shall review all proposed regulations under this act and shall offer comment and advice to the secretary on all issues relating to accessibility by persons with physical disabilities, including those which relate to the enforcement of the accessibility requirements.~~

~~(c) Recommendations for modifications. The advisory board shall review all applications from individual projects for modifications of the provisions of Chapter 11 (Accessibility) of the Uniform Construction Code and any other accessibility requirements contained in or referenced by the Uniform Construction Code, and shall advise the secretary regarding~~

~~whether modification should be granted or whether compliance by existing facilities with provisions of Chapter 11 (Accessibility) of the Uniform Construction Code and any other accessibility requirements contained in or referenced by the Uniform Construction Code is technically infeasible.~~

CHAPTER 3

UNIFORM CONSTRUCTION CODE

SECTION 301. ESTABLISHMENT. <—

(A) GENERAL RULE.--THE 1999 BOCA NATIONAL BUILDING CODE, FOURTEENTH EDITION IS HEREBY ESTABLISHED AS THE UNIFORM CONSTRUCTION CODE IN THIS COMMONWEALTH. THE UNIFORM CONSTRUCTION CODE SHALL BE CONSTRUED TO BE A MINIMUM CODE, THE PROVISIONS OF WHICH MAY BE EXCEEDED AT ANY TIME BY A MUNICIPALITY UPON ADOPTION OF AN ORDINANCE ESTABLISHING A LOCAL BUILDING CODE EXCEEDING THE REQUIREMENTS OF THE UNIFORM CONSTRUCTION CODE.

(B) INTERNATIONAL FUEL GAS CODE.--THE INTERNATIONAL FUEL GAS CODE IS HEREBY ESTABLISHED AS THE STANDARD FOR THE INSTALLATION OF FUEL GAS PIPING SYSTEMS AND FUEL GAS UTILIZATION EQUIPMENT AND RELATED ACCESSORIES IN THIS COMMONWEALTH AND SHALL BE CONSTRUED TO BE PART OF THE UNIFORM CONSTRUCTION CODE. WHERE DIFFERENCES OCCUR BETWEEN PROVISIONS OF THE 1999 BOCA NATIONAL BUILDING CODE, FOURTEENTH EDITION AND THE INTERNATIONAL FUEL GAS CODE, THE PROVISIONS OF THE INTERNATIONAL FUEL GAS CODE SHALL APPLY.

Section ~~301~~ 302. Adoption by regulations. <—

(a) Regulations.--

(1) The department shall, within 180 days of the effective date of this section, promulgate regulations adopting the ~~1996~~ 1999 BOCA National Building Code, <—

~~Thirteenth~~ FOURTEENTH Edition, as a Uniform Construction <—

Code, except as provided in section 105(c)(2) and this section. The department shall promulgate separate regulations which may make changes to Chapter 1 of the ~~1996~~ 1999 BOCA National Building Code RELATING TO ADMINISTRATION that are necessary for the department's implementation of this act.

(2) The regulations shall include a provision that all detached one-family and two-family dwellings that are not more than three stories in height shall be designed and constructed either in accordance with the ~~CABO~~ I.C.C. INTERNATIONAL One and Two Family Dwelling Code, ~~latest~~ 1998 edition, or in accordance with the requirements of the Uniform Construction Code at the option of the building permit applicant. The provision shall require that an irrevocable election be made at the time plans are submitted for review and approval.

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

~~(4) The secretary shall consider the recommendations of the advisory board as provided in section 106(c). The department shall consider the comments of the advisory board with respect to accessibility issues in any proposed regulations.~~ EXEMPT COMPLIANCE WITH CHAPTER 11 (ACCESSIBILITY) OF THE BOCA NATIONAL BUILDING CODE.

~~(5)~~ (4) The regulations shall include the provisions of exception 8 to section 1014.6 (relative to stairway treads

1 and risers) of the 1993 BOCA National Building Code, Twelfth
2 Edition and the provisions of section R-213.1 (relative to
3 stairways) of the CABO One and Two Family Dwelling Code, 1992
4 edition, which provisions shall continue in effect until
5 December 31, 2003, and such provisions shall be applicable
6 notwithstanding section ~~303(b)~~ 304(B), which shall not apply <—
7 to the provisions of any municipal building code ordinance
8 which equals or exceeds these provisions.

9 (5) THE DEPARTMENT SHALL CONSULT WITH THE DEPARTMENT OF <—
10 HEALTH IN THE DEVELOPMENT OF REGULATIONS RELATING TO HEALTH
11 CARE FACILITIES, INTERMEDIATE CARE FACILITIES FOR THE
12 MENTALLY RETARDED OR FOR PERSONS WITH RELATED CONDITIONS AND
13 STATE INSTITUTIONS.

14 (B) INTERNATIONAL FUEL GAS CODE.--THE DEPARTMENT SHALL,
15 WITHIN 180 DAYS OF THE EFFECTIVE DATE OF THIS SECTION,
16 PROMULGATE REGULATIONS ADOPTING THE INTERNATIONAL FUEL GAS CODE
17 FOR THE INSTALLATION OF FUEL GAS PIPING SYSTEMS, FUEL GAS
18 UTILIZATION EQUIPMENT AND RELATED ACCESSORIES AS THE STANDARD
19 FOR THE INSTALLATION OF PIPING, EQUIPMENT AND ACCESSORIES IN
20 THIS COMMONWEALTH.

21 (C) PRESCRIPTIVE METHODS FOR ENERGY-RELATED STANDARDS.--THE
22 DEPARTMENT SHALL, WITHIN 180 DAYS OF THE EFFECTIVE DATE OF THIS
23 SECTION, BY REGULATION PROMULGATE PRESCRIPTIVE METHODS TO
24 IMPLEMENT THE ENERGY-RELATED STANDARDS OF THE UNIFORM
25 CONSTRUCTION CODE WHICH TAKE INTO ACCOUNT THE VARIOUS CLIMATIC
26 CONDITIONS THROUGH THIS COMMONWEALTH. IN DERIVING THESE
27 STANDARDS THE DEPARTMENT SHALL SEEK TO BALANCE ENERGY SAVINGS
28 WITH INITIAL CONSTRUCTION COSTS.

29 ~~(b)~~ (D) Scope of regulations.-- <—

30 (1) The regulations adopted by the department

1 implementing these codes shall supersede and preempt all
2 local building codes WHICH DO NOT EQUAL OR EXCEED THE UNIFORM <—
3 CONSTRUCTION CODE regulating any aspect of the construction,
4 alteration and repair of buildings adopted or enforced by any
5 municipality or authority or pursuant to any deed
6 restriction, rule, regulation, ordinance, resolution, tariff
7 or order of any public utility or any State or local board,
8 agency, commission or homeowners' association, except as may
9 be otherwise specifically provided in this act.

10 (2) The department may establish by regulation plan
11 review and inspection fees where the department is
12 responsible for administration and enforcement and
13 requirements for municipal notification to the department of
14 ordinance adoption and repeal under Chapter 5. THE DEPARTMENT <—
15 SHALL CONSULT WITH THE DEPARTMENT OF AGING, THE DEPARTMENT OF
16 HEALTH OR THE DEPARTMENT OF PUBLIC WELFARE, AS APPROPRIATE,
17 TO DETERMINE FEES FOR HEALTH CARE FACILITIES, INTERMEDIATE
18 CARE FACILITIES FOR THE MENTALLY RETARDED OR FOR PERSONS WITH
19 RELATED CONDITIONS AND STATE INSTITUTIONS.

20 (3) The department shall establish by regulation
21 standards for the retention and sharing of building plans and
22 other documents, for other than one-family or two-family
23 dwelling units and utility and miscellaneous USE structures, <—
24 by the department, municipalities and third-party agencies.

25 ~~Section 302. Related standards.~~ <—

26 ~~(a) International Fuel Gas Code. The department shall,~~
27 ~~within 180 days of the effective date of this section,~~
28 ~~promulgate regulations adopting the International Fuel Gas Code~~
29 ~~for the installation of fuel gas piping systems, fuel gas~~
30 ~~utilization equipment and related accessories. Where differences~~

~~occur between provisions of the Uniform Construction Code and the International Fuel Gas Code, the provisions of the International Fuel Gas Code shall apply.~~

~~(b) Referenced standards.~~

~~(1) The standards referenced in Chapters 30 and 35, or~~
SECTION 303. REFERENCED STANDARDS. <—

(A) GENERAL RULE.--THE STANDARDS REFERENCED IN CHAPTERS 30 AND 35 RELATING TO ELEVATORS AND CONVEYING SYSTEMS AND REFERENCED STANDARDS, RESPECTIVELY, OR the applicable chapter, of the BOCA National Building Code and the American National Standards for Passenger Tramways, Aerial Tramways, Aerial Lifts, Surface ~~Lifts~~ LIFTS and Tows, ASME/ANSI B77.1, shall be <—
considered part of the requirements of the Uniform Construction Code to the prescribed extent of each such reference except that BNPMC-96 BOCA National Property Maintenance Code and ASME/ANSI A17.3 (safety code for existing elevators and escalators) shall be excluded.

~~(2) Nothing contained in this act shall preempt the~~ <—

(B) NO PREEMPTION.--NOTHING CONTAINED IN THIS ACT SHALL BE <—
CONSTRUED TO PREEMPT THE ability of a municipality to adopt or enforce the codes referred to in this subsection to the extent not referenced, in whole or in part, in Chapter 35 RELATING TO <—
REFERENCED STANDARDS or applicable chapter of the BOCA National Building Code.

~~(c) Prescriptive methods for energy related standards. The~~ <—
~~department shall, within 180 days of the effective date of this section, by regulation promulgate prescriptive methods to implement the energy related standards of the Uniform Construction Code which take into account the various climatic conditions through this Commonwealth. In deriving these~~

1 ~~standards the department shall seek to balance energy savings~~
2 ~~with initial construction costs.~~

3 Section ~~303~~ 304. Existing municipal building codes. <—

4 (a) Failure to meet requirements.--Except as provided in
5 subsection ~~(d)~~ (C), all municipal building code ordinances in <—
6 effect on ~~January 1, 1998,~~ THE EFFECTIVE DATE OF THIS ACT that <—
7 do not comply with the minimum requirements of the regulations
8 promulgated under this act shall be amended by the effective
9 date of the regulations promulgated under this act to provide
10 for the minimum requirements.

11 (b) Provisions which equal or exceed the Uniform
12 Construction Code.--Except as provided in subsection ~~(d)~~ (C), <—
13 all municipal building code ordinances in effect on ~~January 1,~~ <—
14 ~~1998, or reenactments of provisions of simultaneously repealed~~
15 ~~ordinances which were originally adopted prior to January 1,~~
16 ~~1998,~~ THE EFFECTIVE DATE OF THIS ACT which contain provisions <—
17 which equal or exceed the specific requirements of the
18 regulations promulgated under this act shall remain in effect.

19 ~~(c) Ordinance adopted after January 1, 1998. Except as~~ <—
20 ~~provided in subsection (d), any municipal building code~~
21 ~~ordinance adopted or effective after January 1, 1998, except~~
22 ~~reenactments of provisions of simultaneously repealed ordinances~~
23 ~~which were originally adopted prior to January 1, 1998, shall~~
24 ~~continue in effect only until the effective date of the~~
25 ~~regulations promulgated under this act, at which time the~~
26 ~~municipal building code ordinance shall be preempted by the~~
27 ~~regulations promulgated under this act and shall be deemed~~
28 ~~thereafter to be rescinded.~~

29 ~~(d)~~ (C) Cities of the first class.--Any municipal building <—
30 code ordinance in effect or adopted by a city of the first class

1 by July 1, 1998, shall remain in effect until December 31, 2003,
2 by which time the ordinance shall be amended to incorporate the
3 specific requirements of the regulations promulgated under this
4 act or shall be amended using the provisions of Chapter 5 to
5 incorporate provisions which equal or exceed the specific
6 requirements of the regulations promulgated under this act.

7 Section ~~304~~ 305. Revised or successor codes. <—

8 (a) Building code.--By December 31 of the year of the
9 issuance of a new triennial BOCA National Building Code, or its
10 successor building code, the department shall promulgate
11 regulations adopting the new code as the Uniform Construction
12 Code.

13 (b) International Fuel Gas Code.--By December 31 of the year
14 of the issuance of a new ~~National~~ INTERNATIONAL Fuel Gas Code, <—
15 or its successor code, the department shall promulgate
16 regulations adopting the new code.

17 (c) Prior permits and construction.--

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

25 (2) If the permit has not been actively prosecuted
26 within two years of the effective date of the regulation or
27 the period specified by a municipal ordinance, whichever is
28 less, the former permitholder shall be required to acquire a
29 new permit.

30 (3) Where construction of a building or structure

1 commenced before the effective date of the regulations for a
2 subsequent Uniform Construction Code or International Fuel
3 Gas Code issued under this act and a permit was not required
4 at that time, construction may be completed without a permit.

5 CHAPTER 5

6 ADOPTION AND ENFORCEMENT BY MUNICIPALITIES

7 Section 501. Administration and enforcement.

8 (a) Adoption of ordinance.--

9 (1) In order to administer and enforce the provisions of
10 this act, municipalities shall enact an ordinance PROVIDING <—
11 FOR A LOCAL BUILDING CODE WHICH AT A MINIMUM SHALL
12 concurrently ~~adopting~~ ADOPT the Uniform Construction Code as <—
13 their municipal building code and the International Fuel Gas
14 Code for the purposes described in section ~~302(a)~~. 303(A). A <—
15 LOCAL BUILDING CODE ORDINANCE ENACTED BY A MUNICIPALITY MAY
16 EXCEED THE PROVISIONS OF THE UNIFORM CONSTRUCTION CODE.
17 Municipalities may adopt the Uniform Construction Code and
18 incorporated codes and the International Fuel Gas Code by
19 reference.

20 (2) THE ORDINANCE SHALL PROVIDE FOR RECIPROCAL <—
21 ACCEPTANCE OF A CERTIFICATE OF REGISTRATION ISSUED FOR A
22 CONTRACTOR OR DEALER BY ANOTHER MUNICIPALITY.

23 ~~(2)~~ (3) Municipalities shall have 90 days after the <—
24 effective date of this act to adopt such an ordinance.
25 Municipalities shall notify the department of the adoption of
26 such an ordinance within 30 days. A municipality may adopt
27 such an ordinance at any time thereafter, upon giving the
28 department 180 days' notice of its intention to adopt such
29 ordinance.

30 (b) Municipal administration and enforcement.--This act may

1 be administered and enforced by municipalities in any of the
2 following ways:

3 (1) By the designation of an employee to serve as the
4 municipal code official to act on behalf of the municipality
5 for administration and enforcement of this act.

6 (2) By the retention of one or more construction code
7 officials or third-party agencies to act on behalf of the
8 municipality for administration and enforcement of this act.

9 (3) Two or more municipalities may provide for the joint
10 administration and enforcement of this act through an
11 intermunicipal agreement under 53 Pa.C.S. Ch. 23 Subch. A
12 (relating to intergovernmental cooperation).

13 (4) By entering into a contract with the proper
14 authorities of another municipality for the administration
15 and enforcement of this act. When such a contract has been
16 entered into, the municipal code official shall have all the
17 powers and authority conferred by law in the municipality
18 which has contracted to secure such services.

19 (5) By entering into an agreement with the department
20 for plan reviews, inspections and enforcement of structures
21 other than one-family or two-family dwelling units and
22 utility and miscellaneous use structures.

23 (c) Board of appeals.--

24 (1) Where the municipality has adopted an ordinance for
25 the administration and enforcement of this act, the
26 municipality shall or two or more municipalities may
27 establish a board of appeals as provided by Chapter 1 of the
28 BOCA National Building Code OR CHAPTER 1 OF THE I.C.C. <—
29 INTERNATIONAL ONE AND TWO FAMILY DWELLING CODE to hear
30 appeals from decisions of the code administrator. Members of

1 the municipality's governing body may not serve as members of
2 the board of appeals.

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, the~~
11 ~~municipality may fill a position on the board with a~~
12 ~~qualified person who resides outside of the municipality.~~

13 (d) Registration.--Nothing in this act shall allow a
14 municipality to prohibit a construction code official who meets
15 the requirements of Chapter 7 and remains in good standing from
16 performing inspections in the municipality. This section does
17 not alter the power and duties given to municipalities under
18 section 501(b)(1), (3) and (4).

19 (e) Nonmunicipal administration.--

20 (1) In municipalities which have not adopted an
21 ordinance for the administration and enforcement of this act,
22 it shall be the duty of the municipality to notify an
23 applicant for a construction permit that it shall be the
24 responsibility of the permit applicant of one-family or two-
25 family dwelling units and utility and miscellaneous use
26 structures to obtain the services of a construction code
27 official or third-party agency with appropriate categories of
28 certification to conduct the plan review and inspections. For
29 one-family and two-family dwelling units and utility and
30 miscellaneous use structures, all of the following five

1 inspections shall be required:

2 (i) Foundation inspection.

3 (ii) Plumbing, mechanical and electrical inspection.

4 (iii) Frame and masonry inspection.

5 (iv) Wallboard inspection.

6 (v) Final inspection. The final inspection shall not
7 be deemed approved until all previous inspections have
8 been successfully completed and passed.

9 (2) In municipalities which have not adopted an
10 ordinance for the administration and enforcement of this act,
11 it shall be the duty of the municipality to notify the
12 department and an applicant for a construction permit that it
13 shall be the responsibility of the owner of structures other
14 than one-family or two-family dwelling units and utility and
15 miscellaneous USE structures to obtain the services of the <—
16 department OR A THIRD-PARTY AGENCY WITH APPROPRIATE <—
17 CATEGORIES OF CERTIFICATION UNDER CONTRACT TO THE DEPARTMENT
18 to conduct the plan review and inspections required by this
19 act.

20 (3) A copy of the final inspection report shall be sent
21 to the property owner and to the builder and to a lender
22 designated by the builder.

23 (4) In municipalities which require a building permit or
24 a certificate of occupancy but do not conduct inspections,
25 the code administrator shall also be required to submit a
26 copy of the report to the municipality. No certificate of
27 occupancy shall be issued for a building unless it meets all
28 of the provisions of the Uniform Construction Code or has
29 been granted a variance for the requirements it does not
30 meet. A certificate of partial occupancy may be issued if the

1 space to be occupied complies with the accessibility
2 requirements contained in the Uniform Construction Code
3 unless a variance for the space has been obtained in
4 accordance with this act.

5 (f) Private right of action.--

6 (1) In relation to complaints arising out of Chapter 11
7 ~~of the BOCA Code~~ (Accessibility) OF THE UNIFORM CONSTRUCTION <—
8 CODE, any individual, partnership, agency, association or
9 corporation who reasonably believes there is a violation of
10 this act and its regulations by a governmental entity or
11 private owner may file a complaint with the body responsible
12 for enforcement of the Uniform Construction Code Act. The
13 complaint shall be in writing, shall be verified and shall
14 set forth the grounds for the complaint. Within 60 days after
15 the receipt of the complaint, the code enforcement body shall
16 respond to the complaint by acknowledging receipt of the
17 complaint in writing. The enforcement body shall investigate
18 the complaints and respond to the complainant in writing with
19 its findings, determinations and any enforcement measures
20 initiated or contemplated within 120 days after the receipt
21 of the complaint. For the purpose of investigating a
22 complaint, an employee of the enforcement organization may
23 inspect at reasonable times the building or building site
24 which is the subject of the complaint and may make any
25 additional investigation deemed necessary for the full and
26 effective determination of compliance with this act and
27 regulations promulgated pursuant to it.

28 (2) Any individual, partnership, agency, association or
29 corporation aggrieved by a final determination of the
30 enforcement agency OF A COMPLAINT FILED PURSUANT TO PARAGRAPH <—

1 (1) HEREOF may file a petition for review within 30 days of
2 the final determination in the Commonwealth Court pursuant to
3 42 Pa.C.S. § 763(a) (relating to direct appeals from
4 government agencies). The decision of the enforcement agency
5 shall not be reversed unless it is found to be arbitrary,
6 capricious, illegal or not supported by substantial evidence.

7 (3) (i) Any individual, partnership, agency,
8 association or corporation who filed a complaint pursuant
9 to paragraph (1) and received no written response from
10 the enforcement agency acknowledging receipt of its
11 complaint within 60 days or received a response from the
12 enforcement agency indicating that a violation was found
13 but enforcement measures were not contemplated or
14 enforcement measures were contemplated but such measures
15 were not initiated after a period of 60 days from said
16 response ~~may either bring suit in Commonwealth Court~~ <—
17 ~~against the agency for failure to enforce the provisions~~
18 ~~of this act and regulations promulgated pursuant to it or~~
19 may bring a civil action in the appropriate court of
20 common pleas against THE AGENCY FOR FAILURE TO ENFORCE <—
21 THE PROVISIONS OF THIS ACT AND THE REGULATIONS
22 PROMULGATED THERETO OR a building owner or owner's agent
23 for a violation of any provisions of this act or
24 regulations promulgated pursuant to it.

25 (ii) If the court finds a violation of this act or
26 of regulations adopted pursuant to it, the court may
27 enjoin construction or remodeling of the building, direct
28 the correction of violations within a reasonable and
29 specified time period or order such other relief deemed
30 appropriate. The court, in issuing any final orders in

1 any action brought pursuant to this ~~action~~ SECTION, may <—
2 award costs of litigation, attorney and expert witness
3 fees, to any party, whenever the court determines such an
4 award is appropriate. The court may, if a temporary
5 restraining order or preliminary injunction is sought,
6 require the filing of a bond or equivalent security in
7 accordance with the rules of civil procedure.

8 (iii) An architect or licensed design professional
9 who has complied with the provisions of this act and its
10 regulations and prepared construction documents in
11 accordance with accepted professional standards shall
12 have no further liability pursuant to litigation
13 commenced under this section.

14 Section 502. Consideration of applications and inspections.

15 (a) Applications for construction permits.--

16 (1) Every application for a construction permit for one-
17 family and two-family dwelling units and utility and
18 miscellaneous use structures shall be granted or denied, in
19 whole or in part, within 15 business days of the filing date.
20 All other construction permits shall be granted or denied, in
21 whole or in part, within 30 business days of the filing date.
22 Municipalities may establish different time limits to
23 consider applications for construction permits in historic
24 districts.

25 (2) If an application is denied in whole or in part, the
26 code administrator shall set forth the reasons in writing.

27 (3) If the code administrator fails to act on an
28 application within the time prescribed, the application shall
29 be deemed approved. The time limits established in this
30 section for permit applications other than one-family and

1 two-family dwellings may be extended upon agreement in
2 writing between the applicant and the municipality for a
3 specific number of additional days.

4 (b) Highway occupancy permit.--

5 (1) No building permit shall be issued for any property
6 which will require access to a highway under the jurisdiction
7 of the Department of Transportation, unless the permit
8 contains a notice that a highway occupancy permit is required
9 pursuant to section 420 of the act of June 1, 1945 (P.L.1242,
10 No.428), known as the State Highway Law, before driveway
11 access to a State highway is permitted.

12 (2) The ~~department~~ DEPARTMENT OF TRANSPORTATION shall, <—
13 within 60 days of the date of receipt of an application for a
14 highway occupancy permit:

15 (i) approve the permit;

16 (ii) deny the permit;

17 (iii) return the application for additional
18 information or correction to conform with ~~department~~ <—
19 regulations OF THE DEPARTMENT OF TRANSPORTATION; or <—

20 (iv) determine that no permit is required, in which
21 case the ~~department~~ DEPARTMENT OF TRANSPORTATION shall <—
22 notify the municipality and applicant in writing.

23 (3) If the ~~department~~ DEPARTMENT OF TRANSPORTATION fails <—
24 to take any action within the 60-day period, the permit shall
25 be deemed to be issued. The permit shall be marked to
26 indicate that access to the State highway shall be only as
27 authorized by a highway occupancy permit.

28 (4) (i) Neither the ~~department~~ DEPARTMENT OF <—
29 TRANSPORTATION nor any municipality to which permit-

30 issuing authority has been delegated under section 420 of

1 the State Highway Law shall be liable in damages for any
2 injury to persons or property arising out of the issuance
3 or denial of a driveway permit, or for failure to
4 regulate any driveway.

5 (ii) The municipality from which the building permit
6 approval has been requested shall not be held liable for
7 damages to persons or property arising out of the
8 issuance or denial of a driveway permit by the ~~department~~ <—
9 DEPARTMENT OF TRANSPORTATION. <—

10 (c) Financial interest prohibited.--A code administrator
11 shall not review or approve any plans for or construction of any
12 building or structure in which the code administrator has any
13 financial interest.

14 Section 503. Changes in Uniform Construction Code.

15 (a) Administration.--Municipalities may enact ordinances
16 which equal or exceed the minimum requirements of Chapter 1 of
17 the BOCA National Building Code ~~without following the special~~ <—
18 ~~provisions of this act, except as specifically provided by this~~
19 ~~act.~~ RELATING TO ADMINISTRATION. <—

20 (b) Minimum requirement.--Subject to the provisions of this
21 act, no municipality may propose OR ENACT any ordinance which is <—
22 less than the minimum requirement of the ~~BOCA National Building~~ <—
23 ~~Code~~ UNIFORM CONSTRUCTION CODE. <—

24 (c) Modification of minimum requirement.--Subject to the
25 provisions of this act, the municipal governing body may propose
26 AND ENACT an ordinance to equal or exceed the minimum <—
27 requirements of the Uniform Construction Code under the law
28 governing the adoption of ordinances in that jurisdiction.

29 (d) Public hearing.--The municipality must hold at least one
30 public hearing prior to adoption of the ordinance.

1 (e) Notice of public hearing.--The municipality shall place
2 notice in a newspaper of general circulation in the municipality
3 at least seven days, but not more than 60 days, in advance of a
4 public hearing to consider the proposed ordinance.

5 (f) Filing of proposed ordinance with department.--The
6 municipality shall file a copy of the proposed ordinance with
7 the department at least 30 days prior to public hearing. The
8 department shall make proposed ordinances available for public
9 inspection.

10 (g) Municipal action.--Following the public hearing, the
11 municipal governing body may enact the ordinance under the law
12 governing the adoption of ordinance in that jurisdiction.

13 (h) Amendment of proposed ordinance.--If the municipality
14 proposes any substantive amendment to a proposed ordinance, the
15 municipal governing body shall be required to meet the
16 advertising, filing, notice and public hearing requirements of
17 this section before enacting the proposed ordinance.

18 (i) Department review.--The department shall review all
19 proposed ordinances required to be filed with the department
20 under subsection (f) for compliance with subsection (b). If the
21 proposed ordinance does not comply with subsection (b), the
22 department shall advise the municipality of its finding setting
23 forth the reasons in writing. The municipality shall then
24 withdraw the proposed ordinance or revise the proposed ordinance
25 to meet the minimum requirements of the BOCA National Building
26 Code.

27 ~~(j) Challenge of ordinance.--~~

<—

28 ~~(1) Aggrieved parties shall have 30 days from date of~~
29 ~~enactment of the ordinance to file a written challenge with~~
30 ~~the department and the municipality. The challenge shall~~

~~state the reason or reasons for the challenge. A municipal ordinance may not take effect for a period of 35 days following its enactment. If a challenge is filed in writing with the department within 30 days, the department has five business days from the end of the 30 day filing period to notify a municipality of the challenge. There may be no enforcement of the ordinance until a ruling is issued by the secretary or 45 days after the filing date of the last challenge to the ordinance, whichever occurs first.~~

~~(2) The department shall review any ordinance which would equal or exceed the minimum requirements of the Uniform Construction Code based on the following standards:~~

~~(i) that certain clear and convincing local climatic, geologic, topographic or public health and safety circumstances or conditions justify the exception;~~

~~(ii) the exemption shall be adequate for the purpose intended and shall meet a standard of performance equal to or greater than that prescribed by the BOCA National Building Code; and~~

~~(iii) the exception would not diminish or threaten the health, safety and welfare of the public.~~

~~(k) Ruling by secretary. A ruling on a challenge by an aggrieved party shall be issued by the secretary within 45 days of receipt of the filing of the last challenge to the ordinance. If the secretary approves the ordinance, the municipality may begin to administer and enforce the ordinance. If the secretary disapproves the ordinance, the ordinance shall be null and void. The secretary shall state the reasons for the disapproval in writing to the municipality.~~

~~Section 504. Appeals.~~

1 requirements. Any waiver shall not apply to continuing education
2 requirements.

3 (e) Current officials.--

4 ~~(1)~~ The department shall by regulation determine the <—
5 time period for current code administrators to meet the
6 training and certification requirements of this act. This
7 time period shall not be less than three years and not exceed
8 seven years from the effective date of this act for
9 individuals conducting plan review and inspections of one-
10 family or two-family residential property or not be less than
11 five years and not exceed ten years for individuals
12 conducting plan reviews and inspections on all other
13 buildings and structures.

14 ~~(2) Notwithstanding the provisions of this subsection,~~ <—
15 ~~the department shall adopt regulations specifically providing~~
16 ~~for the department's administration and enforcement of the~~
17 ~~provisions of Chapter 11 (Accessibility) of the Uniform~~
18 ~~Construction Code and any other accessibility requirements~~
19 ~~contained in or referenced by the Uniform Construction Code~~
20 ~~until code administrators have been certified regarding~~
21 ~~accessibility provisions. The department shall maintain~~
22 ~~jurisdiction over the provisions of Chapter 11~~
23 ~~(Accessibility) of the Uniform Construction Code and any~~
24 ~~other accessibility requirements contained in or referenced~~
25 ~~by the Uniform Construction Code until such time as municipal~~
26 ~~code administrators meet the requirements for certification.~~

27 (f) Continuing education.--The department shall, by
28 regulation, adopt and implement the continuing education program
29 and all code administrators shall participate in the
30 department's continuing education programs.

1 (g) Remedial education.--The department is empowered to
2 require code administrators to participate in remedial education
3 programs for just cause.

4 (h) Decertification.--The department is empowered to
5 decertify code administrators for just cause. The department
6 shall, by regulation, establish a procedure for the notification
7 of code administrators of decertification and the right of the
8 individual to receive a hearing before the department on
9 decertification.

10 (i) List of code administrators.--The department shall
11 maintain a list of code administrators, indicating the
12 categories of certifications, which shall be made available to
13 municipalities and, upon request, the public.

14 (j) Fees.--The department shall determine and approve
15 reasonable fees for educational programs, testing and
16 certification of code administrators. THE DEPARTMENT SHALL
17 CONSULT WITH THE DEPARTMENT OF AGING, THE DEPARTMENT OF HEALTH
18 OR THE DEPARTMENT OF PUBLIC WELFARE, AS APPROPRIATE, TO
19 DETERMINE FEES FOR HEALTH CARE FACILITIES, INTERMEDIATE CARE
20 FACILITIES FOR THE MENTALLY RETARDED OR FOR PERSONS WITH RELATED
21 CONDITIONS AND STATE INSTITUTIONS.

22 (k) Insurance.--The department shall promulgate regulations
23 requiring code administrators in third-party agencies to carry
24 minimum levels of liability insurance.

25 Section 702. Reciprocity.

26 The department may develop reciprocity agreements with other
27 states or jurisdictions which have established accreditations
28 and certification requirements which the department determines
29 to be substantially similar to those set forth in this act.

30 CHAPTER 9

1 EXEMPTIONS AND PENALTIES

2 Section 901. Exemptions.

3 This act shall not apply to manufactured housing which bears
4 a label, as required by and referred to in the act of November
5 17, 1982 (P.L.676, No.192), known as the Manufactured Housing
6 Construction and Safety Standards Authorization Act, which
7 certifies that it conforms to Federal construction and safety
8 standards adopted under the Housing and Community Development
9 Act of 1974 (Public Law 93-383, 88 Stat. 139), nor shall it
10 apply to industrialized housing, as defined in the act of May
11 11, 1972 (P.L.286, No.70), known as the Industrialized Housing
12 Act.

13 Section 902. Penalties.

14 (a) Violation of act.--

15 (1) Any individual, firm or corporation that violates
16 any provision of this act commits a summary offense and
17 shall, upon conviction, be sentenced to pay a fine of not
18 more than \$1,000 and costs.

19 (2) Each day that a violation of this act continues
20 shall be considered a separate violation.

21 (b) Disposition of penalties.--The amount of the penalty
22 shall be forwarded to the entity with enforcement jurisdiction.

23 CHAPTER 11

24 MISCELLANEOUS PROVISIONS

25 Section 1101. Savings.

26 This act shall not repeal or in any way affect:

27 Sections 1, 3.3, 3.4, 3.5, 3.6(f)(1)(i), (F.1) and (g), 10.1, <—
28 13, 14 and 15 of the act of April 27, 1927 (P.L.465, No.299),
29 referred to as the Fire and Panic Act.

30 SECTION 2203-A OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), <—

1 KNOWN AS THE ADMINISTRATIVE CODE OF 1929.

2 Act of May 2, 1929 (P.L.1513, No.451), referred to as the
3 Boiler Regulation Law.

4 Act of August 24, 1951 (P.L.1304, No.315), known as the Local
5 Health Administration Law, insofar as it applies to counties of
6 the FIRST CLASS AND OF THE second class, and rules and <—
7 regulations adopted by counties of the FIRST CLASS AND OF THE <—
8 second class under the act. Any construction standard adopted
9 after October 31, 1996, by counties of the FIRST CLASS AND OF <—
10 THE second class under the authority of the Local Health
11 Administration Law shall comply with Chapters 3 and 5 of this
12 act.

13 Act of December 27, 1951 (P.L.1793, No.475), referred to as
14 the Liquefied Petroleum Gas Act.

15 ACT OF OCTOBER 27, 1955 (P.L.744, NO.222), KNOWN AS THE <—
16 PENNSYLVANIA HUMAN RELATIONS ACT, AND REGULATIONS PROMULGATED
17 UNDER THE ACT.

18 ACT OF SEPTEMBER 1, 1965 (P.L.459, NO.235), ENTITLED, AS
19 AMENDED, "AN ACT REQUIRING THAT CERTAIN BUILDINGS AND FACILITIES
20 ADHERE TO CERTAIN PRINCIPLES, STANDARDS AND SPECIFICATIONS TO
21 MAKE THE SAME ACCESSIBLE TO AND USABLE BY PERSONS WITH PHYSICAL
22 HANDICAPS, AND PROVIDING FOR ENFORCEMENT."

23 Act of January 24, 1966 (1965 P.L.1535, No.537), known as the
24 Pennsylvania Sewage Facilities Act, and regulations promulgated
25 under the act.

26 ACT OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC <—
27 WELFARE CODE.

28 Act of October 4, 1978 (P.L.851, No.166), known as the Flood
29 Plain Management Act, and regulations and ordinances promulgated
30 under the act.

1 ACT OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE HEALTH <—
2 CARE FACILITIES ACT.

3 ACT OF JULY 11, 1990 (P.L.499, NO.118), KNOWN AS THE OLDER
4 ADULT DAILY LIVING CENTERS LICENSING ACT.

5 Section 1102. Repeals.

6 (a) Absolute.--The following acts and parts of acts are
7 repealed:

8 Sections 2, 3, 3.1, 3.2, 3.6(a), (b), (c), (d), (e),
9 (f)(1)(ii), (iii) and (2), 4, 4.1, 4.2, 5, 6, 7, 8, 9, 10, 11,
10 12 and 15.1 of the act of April 27, 1927 (P.L.465, No.299),
11 referred to as the Fire and Panic Act.

12 Act of May 2, 1929 (P.L.1518, No.452), referred to as the
13 Elevator Regulation Law.

14 ~~Act of September 1, 1965 (P.L.459, No.235), entitled, as <—~~
15 ~~amended, "An act requiring that certain buildings and facilities~~
16 ~~adhere to certain principles, standards and specifications to~~
17 ~~make the same accessible to and usable by persons with physical~~
18 ~~handicaps, and providing for enforcement."~~

19 Act of July 9, 1976 (P.L.919, No.170), entitled "An act
20 providing for the approval or disapproval of applications for a
21 permit relating to the construction or maintenance of
22 improvements to real estate."

23 Act of December 15, 1980 (P.L.1203, No.222), known as the
24 Building Energy Conservation Act, and regulations promulgated
25 thereunder.

26 Act of December 17, 1990 (P.L.742, No.185), entitled "An act
27 providing for restrooms in facilities where the public
28 congregates; and requiring that restroom facilities be provided
29 for women on an equitable basis."

30 Act of December 19, 1990 (P.L.1387, No.214), known as the Dry

1 Cleaning Law.

2 (b) General.--All other acts and parts of acts are repealed
3 insofar as they are inconsistent with this act.

4 Section 1103. Effective date.

5 This act shall take effect as follows:

6 (1) Sections ~~301, 302~~ 104(D)(3) AND (4), 302, 303, 701 <—
7 and this section shall take effect immediately.

8 (2) The remainder of this act shall take effect 90 days
9 following publication of notice in the Pennsylvania Bulletin
10 that the regulations required by this act have been finally
11 adopted.