

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2149 Session of 2003

INTRODUCED BY FAIRCHILD, BELFANTI, ALLEN, ARMSTRONG, BAKER, BOYD, BUNT, CAPPELLI, CLYMER, COY, CREIGHTON, DENLINGER, EACHUS, EGOLF, FABRIZIO, FEESE, FLEAGLE, FORCIER, GEIST, GEORGE, GERGELY, GODSHALL, GOODMAN, GORDNER, HARRIS, HENNESSEY, HERSHEY, HESS, LEH, LEVDANSKY, PHILLIPS, PICKETT, READSHAW, REICHLEY, SATHER, SCAVELLO, SCHRODER, S. H. SMITH, STABACK, STERN, R. STEVENSON, SURRA, E. Z. TAYLOR, WALKO, WILT, YOUNGBLOOD, ZUG, PETRARCA AND HARHAI, NOVEMBER 10, 2003

AS REPORTED FROM COMMITTEE ON LABOR RELATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 17, 2004

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," adding a definition of
6 "recreational cabin"; and further providing for application
7 of the act, FOR MUNICIPAL ADMINISTRATION AND ENFORCEMENT AND
8 FOR EXEMPTIONS; AND PROVIDING FOR MUNICIPAL IMMUNITY.

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<—

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

11 Section 1. Section 103 of the act of November 10, 1999
12 (P.L.491, No.45), known as the Pennsylvania Construction Code
13 Act, is amended by adding a definition to read:

14 Section 103. Definitions.

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

1 * * *

2 ~~"Recreational cabin." A structure which is not occupied on a <—~~
3 ~~full time basis and is used mainly by the occupants for the~~
4 ~~purpose of engaging in seasonal hunting and fishing.~~

5 "RECREATIONAL CABIN." A STRUCTURE WHICH IS: <—

6 (1) USED PRINCIPALLY FOR THE PURPOSE OF ENGAGING IN
7 SEASONAL HUNTING AND FISHING;

8 (2) NOT UTILIZED AS A DOMICILE OR RESIDENCE FOR ANY
9 INDIVIDUAL FOR ANY TIME PERIOD;

10 (3) NOT UTILIZED FOR COMMERCIAL PURPOSES;

11 (4) NOT GREATER THAN TWO STORIES IN HEIGHT, EXCLUDING
12 BASEMENT;

13 (5) NOT USED BY THE OWNER OR ANY OTHER PERSON AS A PLACE
14 OF EMPLOYMENT;

15 (6) NOT A MAILING ADDRESS FOR BILLS AND CORRESPONDENCE;
16 AND

17 (7) NOT LISTED AS AN INDIVIDUAL'S PLACE OF RESIDENCE ON
18 A TAX RETURN, DRIVER'S LICENSE, CAR REGISTRATION OR VOTER
19 REGISTRATION.

20 * * *

21 ~~Section 2. Section 104(b) of the act is amended to read:~~ <—

22 SECTION 2. SECTIONS 104(B) AND 501(B) OF THE ACT ARE AMENDED <—

23 AND THE SECTIONS ARE AMENDED BY ADDING SUBSECTIONS TO READ:

24 Section 104. Application.

25 * * *

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

27 (1) new buildings or renovations to existing buildings
28 for which an application for a building permit has been made
29 to the municipality prior to the effective date of the
30 regulations promulgated under this act;

1 (2) new buildings or renovations to existing buildings
2 on which a contract for design or construction has been
3 signed prior to the effective date of the regulations
4 promulgated under this act on projects requiring department
5 approval;

6 (3) utility and miscellaneous use structures that are
7 accessory to detached one-family dwellings; [or]

8 (4) any agricultural building[.]; or

9 ~~(5) any recreational cabin if the cabin is equipped with~~ ←
10 ~~at least one smoke detector and one fire extinguisher in both~~
11 ~~the kitchen and sleeping quarters.~~

12 (5) ANY RECREATIONAL CABIN IF: ←

13 (I) THE CABIN IS EQUIPPED WITH AT LEAST ONE SMOKE
14 DETECTOR, ONE FIRE EXTINGUISHER AND ONE CARBON MONOXIDE
15 DETECTOR IN BOTH THE KITCHEN AND SLEEPING QUARTERS; AND

16 (II) THE OWNER OF THE CABIN FILES WITH THE
17 MUNICIPALITY EITHER:

18 (A) AN AFFIDAVIT ON A FORM PRESCRIBED BY THE
19 DEPARTMENT ATTESTING TO THE FACT THAT THE CABIN MEETS
20 THE DEFINITION OF A "RECREATIONAL CABIN" IN SECTION
21 103; OR

22 (B) A VALID PROOF OF INSURANCE FOR THE
23 RECREATIONAL CABIN, WRITTEN AND ISSUED BY AN INSURER
24 AUTHORIZED TO DO BUSINESS IN THIS COMMONWEALTH,
25 STATING THAT THE STRUCTURE MEETS THE DEFINITION OF A
26 "RECREATIONAL CABIN" AS DEFINED IN SECTION 103.

27 (B.1) CONTINUITY OF EXCLUSION.--

28 (1) IF A RECREATIONAL CABIN IS SUBJECT TO EXCLUSION
29 UNDER SUBSECTION (B)(5), UPON TRANSFER OF OWNERSHIP OF THE
30 RECREATIONAL CABIN, WRITTEN NOTICE MUST BE PROVIDED IN THE

1 AND ENFORCEMENT OF THIS ACT. WHEN SUCH A CONTRACT HAS BEEN
2 ENTERED INTO, THE MUNICIPAL CODE OFFICIAL SHALL HAVE ALL THE
3 POWERS AND AUTHORITY CONFERRED BY LAW IN THE MUNICIPALITY
4 WHICH HAS CONTRACTED TO SECURE SUCH SERVICES.

5 (5) BY ENTERING INTO AN AGREEMENT WITH THE DEPARTMENT
6 FOR PLAN REVIEWS, INSPECTIONS AND ENFORCEMENT OF STRUCTURES
7 OTHER THAN ONE-FAMILY OR TWO-FAMILY DWELLING UNITS AND
8 UTILITY AND MISCELLANEOUS USE STRUCTURES.

9 (B.1) ALL THIRD-PARTY AGENCIES SEEKING INCLUSION ON ANY LIST
10 AS REFERRED TO IN SUBSECTION (B)(2.1) SHALL REGISTER WITH THE
11 DEPARTMENT AND ANY APPROPRIATE MUNICIPAL OFFICIAL OF EACH
12 MUNICIPALITY IN WHICH THEY SEEK INCLUSION ON ANY LIST.

13 * * *

14 ~~SECTION 3. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.~~ <—

15 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
16 SECTION 505. IMMUNITY.

17 A MUNICIPALITY SHALL BE IMMUNE FROM CIVIL LIABILITY FOR ANY
18 ACTION ARISING OUT OF THE SAFETY OF A RECREATIONAL CABIN WHICH
19 IS EXCLUDED FROM THIS ACT UNDER SECTION 104(B)(5).

20 SECTION 4. SECTION 901 OF THE ACT, AMENDED JUNE 22, 2001
21 (P.L.585, NO.43), IS AMENDED TO READ:

22 SECTION 901. EXEMPTIONS.

23 (A) MANUFACTURED HOUSING.--THIS ACT SHALL NOT APPLY TO
24 MANUFACTURED HOUSING WHICH BEARS A LABEL, AS REQUIRED BY AND
25 REFERRED TO IN THE ACT OF NOVEMBER 17, 1982 (P.L.676, NO.192),
26 KNOWN AS THE MANUFACTURED HOUSING CONSTRUCTION AND SAFETY
27 STANDARDS AUTHORIZATION ACT, WHICH CERTIFIES THAT IT CONFORMS TO
28 FEDERAL CONSTRUCTION AND SAFETY STANDARDS ADOPTED UNDER THE
29 HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 (PUBLIC LAW 93-
30 383, 88 STAT. 633), NOR SHALL IT APPLY TO INDUSTRIALIZED

1 HOUSING, AS DEFINED IN THE ACT OF MAY 11, 1972 (P.L.286, NO.70),
2 KNOWN AS THE INDUSTRIALIZED HOUSING ACT.

3 (B) RELIGIOUS BELIEFS.--

4 (1) AN APPLICANT FOR A CONSTRUCTION PERMIT FOR A
5 DWELLING UNIT UTILIZED BY A MEMBER OF A RECOGNIZED RELIGIOUS
6 SECT MAY FILE AN APPLICATION WITH A CODE ADMINISTRATOR TO BE
7 EXEMPTED FROM AN ELECTRICAL PROVISION OF THE UNIFORM
8 CONSTRUCTION CODE WHICH CONFLICTS WITH THE APPLICANT'S
9 RELIGIOUS BELIEFS. THE APPLICATION SHALL STATE THE MANNER IN
10 WHICH THE PROVISION CONFLICTS WITH THE APPLICANT'S RELIGIOUS
11 BELIEFS AND SHALL INCLUDE AN AFFIDAVIT BY THE APPLICANT
12 STATING THAT:

13 (I) THE APPLICANT IS A MEMBER OF A RECOGNIZED
14 RELIGIOUS SECT;

15 (II) THE RELIGIOUS SECT HAS ESTABLISHED TENETS OR
16 TEACHINGS WHICH CONFLICT WITH AN ELECTRICAL PROVISION OF
17 THE UNIFORM CONSTRUCTION CODE;

18 (III) THE APPLICANT ADHERES TO THE ESTABLISHED
19 TENETS OR TEACHINGS OF THE SECT; AND

20 (IV) THE DWELLING UNIT WILL BE USED SOLELY AS A
21 RESIDENCE FOR THE APPLICANT AND THE APPLICANT'S
22 HOUSEHOLD.

23 (2) A CODE ADMINISTRATOR SHALL GRANT AN APPLICATION FOR
24 AN EXEMPTION IF MADE IN ACCORDANCE WITH PARAGRAPH (1).

25 (3) IF AN APPLICANT RECEIVES AN EXEMPTION FOR A DWELLING
26 UNIT UNDER THIS SUBSECTION AND THE APPLICANT SUBSEQUENTLY
27 SELLS OR LEASES THE DWELLING UNIT, THE APPLICANT SHALL BRING
28 THE DWELLING UNIT INTO COMPLIANCE WITH THE PROVISION OF THE
29 UNIFORM CONSTRUCTION CODE FROM WHICH IT WAS EXEMPTED UNDER
30 THIS SUBSECTION PRIOR TO THE DWELLING UNIT BEING SOLD OR

1 LEASED UNLESS THE PROSPECTIVE SUBSEQUENT OWNER OR LESSEE
2 FILES AN AFFIDAVIT IN COMPLIANCE WITH PARAGRAPH (1)(I)
3 THROUGH (IV).

4 (C) NATURAL CUT TREES.--SECTION 804.1.1 (RELATING TO NATURAL
5 CUT TREES) OF THE INTERNATIONAL FIRE CODE (2003) AND ANY
6 SUCCESSOR PROVISION IS EXCLUDED FROM THIS ACT. A MUNICIPALITY
7 WHICH ELECTS TO ADOPT AN ORDINANCE FOR THE ADMINISTRATION AND
8 ENFORCEMENT OF THIS ACT MAY, BY ORDINANCE, RESTRICT THE
9 PLACEMENT OF NATURAL CUT TREES IN AN OCCUPANCY GROUP. THE
10 ORDINANCE RESTRICTING THE PLACEMENT SHALL NOT BE SUBJECT TO
11 SECTION 503(B) THROUGH (K).

12 SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

13 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
14 IMMEDIATELY:

15 (I) THE AMENDMENT OF SECTION 901 OF THE ACT.

16 (II) THIS SECTION.

17 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
18 DAYS.