

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2113 Session of  
2007

INTRODUCED BY GERGELY, BOYD, HARKINS, HELM, MAHONEY, MURT,  
MYERS, PETRONE, SIPTROTH, J. WHITE AND HORNAMAN,  
DECEMBER 13, 2007

AS REPORTED FROM COMMITTEE ON LABOR RELATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MARCH 18, 2008

## AN ACT

1 ~~Amending the act of November 10, 1999 (P.L.491, No.45), entitled~~ <—  
2 ~~"An act establishing a uniform construction code; imposing~~  
3 ~~powers and duties on municipalities and the Department of~~  
4 ~~Labor and Industry; providing for enforcement; imposing~~  
5 ~~penalties; and making repeals," further providing for~~  
6 ~~definitions and for adoption by regulations.~~  
7 AMENDING THE ACT OF MAY 11, 1972 (P.L.286, NO.70), ENTITLED "AN <—  
8 ACT REGULATING THE SALE OF CERTAIN STRUCTURES MADE,  
9 FABRICATED, FORMED OR ASSEMBLED IN MANUFACTURING FACILITIES  
10 AND PROVIDING PENALTIES," FURTHER PROVIDING FOR DEFINITIONS  
11 AND FOR PROMULGATION OF RULES AND REGULATIONS BY THE  
12 DEPARTMENT.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 ~~Section 1. Section 103 of the act of November 10, 1999~~ <—  
16 ~~(P.L.491, No.45), known as the Pennsylvania Construction Code~~  
17 ~~Act, is amended by adding a definition to read:~~  
18 ~~Section 103. Definitions.~~

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

22 \* \* \*

~~"Industrialized/modular building." A building which is constructed in a manner that conceals parts or processes of manufacture which cannot be inspected at the building site, without disassembly, damage or destruction to the building and which is made or assembled in a manufacturing facility, off the building site, for installation, or assembly and installation on the building site. The term does not include:~~

~~(1) structures subject to the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383, 42 U.S.C. § 5401 et seq.); or~~

~~(2) industrialized housing, as defined in the act of May 11, 1972 (P.L.286, No.70), known as the Industrialized Housing Act.~~

~~\* \* \*~~

~~Section 2. Section 301(d) of the act is amended by adding a paragraph to read:~~

~~Section 301. Adoption by regulations.~~

~~\* \* \*~~

~~(d) Scope of regulations.~~

~~\* \* \*~~

~~(4) The department is authorized to promulgate regulations and enter into a multi state agreement for the purpose of regulating industrialized/modular buildings.~~

~~Section 3. This act shall take effect in 60 days.~~

SECTION 1. SECTION 3(2) OF THE ACT OF MAY 11, 1972 (P.L.286, NO.70), KNOWN AS THE INDUSTRIALIZED HOUSING ACT, IS AMENDED AND THE SECTION IS AMENDED BY ADDING A PARAGRAPH TO READ:

SECTION 3. DEFINITIONS.--AS USED IN THIS ACT:

\* \* \*

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF COMMUNITY [AFFAIRS]  
AND ECONOMIC DEVELOPMENT OF THE COMMONWEALTH OF PENNSYLVANIA.

\* \* \*

(4.1) "INDUSTRIALIZED/COMMERCIAL MODULAR BUILDING" MEANS A  
STRUCTURE DESIGNED FOR COMMERCIAL OCCUPANCY, AND CLASSIFIED  
WITHIN NONRESIDENTIAL USE GROUPS IN ACCORDANCE WITH THE  
STANDARDS ADOPTED UNDER 12 PA. CODE § 145.41 (RELATING TO  
ADOPTION OF STANDARDS) AND WHICH IS WHOLLY OR IN SUBSTANTIAL  
PART MADE, CONSTRUCTED, FABRICATED, FORMED OR ASSEMBLED IN  
MANUFACTURING FACILITIES FOR INSTALLATION OR ASSEMBLY AND  
INSTALLATION ON THE BUILDING SITE SO THAT CONCEALED PARTS OR  
PROCESSES OF MANUFACTURE CANNOT BE INSPECTED AT THE SITE WITHOUT  
DISASSEMBLY, DAMAGE OR DESTRUCTION. THE TERM DOES NOT INCLUDE  
INDUSTRIALIZED HOUSING AS DEFINED IN 12 PA. CODE § 145.1  
(RELATING TO DEFINITIONS) OR MANUFACTURED HOME, AS DEFINED IN  
SECTION 5402(6) OF THE NATIONAL MANUFACTURED HOUSING  
CONSTRUCTION AND SAFETY STANDARDS ACT OF 1974 (PUBLIC LAW 93-383  
42 U.S.C. § 5401 ET SEQ.).

\* \* \*

SECTION 2. SECTION 5 OF THE ACT IS AMENDED BY ADDING A  
SUBSECTION TO READ:

SECTION 5. PROMULGATION OF RULES AND REGULATIONS BY THE  
DEPARTMENT.--\* \* \*

(C) THE DEPARTMENT SHALL PROMULGATE REGULATIONS FOR  
INDUSTRIALIZED/COMMERCIAL MODULAR BUILDINGS AND IS AUTHORIZED TO  
ENTER INTO A MULTI-STATE AGREEMENT FOR THE PURPOSE OF REGULATING  
THE BUILDINGS.

SECTION 3. THIS ACT SHALL TAKE EFFECT JULY 1, 2008, OR  
IMMEDIATELY, WHICHEVER IS LATER.