

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 437 Session of  
2007

INTRODUCED BY REGOLA, WAUGH, LOGAN, ROBBINS, WONDERLING,  
BOSCOLA, RAFFERTY, McILHINNEY, O'PAKE, BAKER, BROWNE,  
FONTANA, TOMLINSON, D. WHITE, EARLL AND VANCE, MARCH 5, 2007

AS REPORTED FROM COMMITTEE ON LABOR RELATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, APRIL 17, 2007

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 the  
6 adoption of regulations.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 301(a) of the act of November 10, 1999  
10 (P.L.491, No.45), known as the Pennsylvania Construction Code  
11 Act, amended February 19, 2004 (P.L.141, No.13), July 15, 2004  
12 (P.L.748, No.92) and December 22, 2005 (P.L.478, No.95), is  
13 amended to read:

14 Section 301. Adoption by regulations.

15 (a) Regulations.--

16 (1) The department shall, within 180 days of the  
17 effective date of this section, promulgate regulations  
18 adopting the 1999 BOCA National Building Code, Fourteenth

1 Edition, as a Uniform Construction Code, except as provided  
2 in section 105(c)(2) and this section. The department shall  
3 promulgate separate regulations which may make changes to  
4 Chapter 1 of the 1999 BOCA National Building Code, Fourteenth  
5 Edition, relating to administration that are necessary for  
6 the department's implementation of this act.

7 (2) The regulations shall include a provision that all  
8 detached one-family and two-family dwellings and one-family  
9 townhouses that are not more than three stories in height and  
10 their accessory structures shall be designed and constructed  
11 either in accordance with the ICC International One and Two  
12 Family Dwelling Code, 1998 Edition, or in accordance with the  
13 requirements of the Uniform Construction Code at the option  
14 of the building permit applicant. The provision shall require  
15 that an irrevocable election be made at the time plans are  
16 submitted for review and approval. If the building permit  
17 applicant does not indicate a code, the design and  
18 construction shall be in accordance with the Uniform  
19 Construction Code.

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

27 (4) The secretary shall consider the recommendations of  
28 the advisory board as provided in section 106(c). The  
29 department shall consider the comments of the advisory board  
30 with respect to accessibility issues in any proposed

1 regulations.

2 (5) The regulations shall provide for a system of  
3 periodic compliance reviews conducted by the department and  
4 for enforcement procedures conducted by the department to  
5 ensure that code administrators are adequately administering  
6 and enforcing Chapter 11 (Accessibility) of the Uniform  
7 Construction Code and any other accessibility requirements  
8 contained in or referenced by the Uniform Construction Code.

9 (6) The regulations shall include the provisions of  
10 exception 8 to section 1014.6 (relative to stairway treads  
11 and risers) of the 1993 BOCA National Building Code, Twelfth  
12 Edition, and the provisions of section R-213.1 (relative to  
13 stairways) of the CABO One and Two Family Dwelling Code, 1992  
14 Edition, and such provisions shall be applicable  
15 notwithstanding section 303(b), which shall not apply to the  
16 provisions of any municipal building code ordinance which  
17 equals or exceeds these provisions.

18 (7) The department shall consult with the Department of  
19 Health in the development of regulations relating to health  
20 care facilities, intermediate care facilities for the  
21 mentally retarded or for persons with related conditions and  
22 State institutions.

23 (8) The regulations shall exclude section R313.1.1 of  
24 the 2003 International Residential Code for One- and Two-  
25 Family Dwellings or its successor code from applying to  
26 existing one-family and two-family unit dwellings undergoing  
27 alterations, repairs or additions but shall include  
28 provisions requiring non-interconnected battery-operated  
29 smoke alarms in one-family and two-family dwellings in  
30 accordance with section R313.1.1 of the 2003 International

1 Residential Code for One- and Two-Family Dwellings.

2 (9) Regulations under this subsection shall include the  
3 adoption of section 110.3 (temporary occupancy) of the  
4 International Building Code.

5 (10) (i) Section R404.1 and Tables R404.1(1), R404.1(2)  
6 and R404.1(3) of the 2006 International Residential Code and  
7 its successor codes are not part of the Uniform Construction  
8 Code. In lieu of R404.1 of the International Residential  
9 Code, the provisions of ~~subparagraphs (ii) and (iii)~~ <—  
10 SUBPARAGRAPH (II) shall apply and are part of the Uniform <—  
11 Construction Code.

12 (ii) Concrete and masonry foundation walls shall be  
13 selected and constructed in accordance with:

14 (A) all provisions of section R404 of the 2006  
15 International Residential Code and its successor  
16 codes except those excluded by subsection (i);

17 (B) ACI 318, ACI 332, NCMA TR68-A or ACI  
18 530/ASCE 5/TMS 402; or

19 (C) other approved structural standards.

20 ~~(iii) When ACI 318, ACI 332, ACI 530/ASCE 5/TMS 402~~ <—  
21 ~~or provisions of section R404 are used to design concrete~~  
22 ~~or masonry foundation walls, project drawings, typical~~  
23 ~~details and specifications are not required to bear the~~  
24 ~~seal of an architect or engineer responsible for design.~~

25 \* \* \*

26 Section 2. This act shall take effect immediately.