

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2339 Session of
2012

INTRODUCED BY BENNINGHOFF, CALTAGIRONE, D. COSTA, DALEY,
FABRIZIO, FARRY, GEORGE, GINGRICH, HANNA, JOSEPHS, W. KELLER,
KOTIK, MCGEEHAN, MICOZZIE, MILNE, MURT, RAPP AND SANTONI,
MAY 1, 2012

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MAY 1, 2012

AN ACT

1 Providing for certification of chimney reliners by the
2 Department of Labor and Industry; and imposing penalties.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Chimney
7 Reliner Certification Act.

8 Section 2. Declaration of policy.

9 The General Assembly finds and declares as follows:

10 (1) Improper chimney relining constitutes a serious
11 threat to public health and safety.

12 (2) The purpose of this act is to protect public health
13 through regulation of chimney relining and by establishing a
14 chimney reliner certification program that ensures chimney
15 reliners have the necessary competence to perform chimney
16 relining.

17 Section 3. Definitions.

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

4 "Department." The Department of Labor and Industry of the
5 Commonwealth.

6 "Chimney relining." The process of replacing the inner wall
7 of a chimney flue.

8 Section 4. Certification requirement.

9 It shall be unlawful for any individual to perform chimney
10 relining in any building in this Commonwealth without first
11 obtaining certification under this act.

12 Section 5. Certification program.

13 The department shall establish by regulation standards and
14 procedures for the certification of individuals who perform
15 chimney relining. At a minimum, the regulations shall require an
16 individual to complete a chimney relining training program and
17 pass an examination.

18 Section 6. Fees.

19 An applicant for certification as a chimney reliner shall pay
20 a fee of \$50 to the department. Certification shall be valid for
21 one year and must be renewed annually.

22 Section 7. Enforcement and penalties.

23 (a) Order.--The department may issue an order requiring
24 compliance with this act or regulations promulgated under this
25 act.

26 (b) Penalties.--A person who fails to comply with a
27 requirement of this act or a regulation promulgated under this
28 act or who fails to obey an order issued by the department may
29 be subject to any of the following penalties:

30 (1) Denial, suspension or revocation of certification.

1 (2) Imposition of a civil penalty of up to \$1,000.

2 Section 8. Procedure.

3 All actions of the department under this act shall be taken
4 subject to the right of notice, hearing and adjudication and the
5 right of appeal therefrom in accordance with 2 Pa.C.S. (relating
6 to administrative law and procedure).

7 Section 9. Effective date.

8 This act shall take effect as follows:

9 (1) Section 4 shall take effect in two years.

10 (2) The remainder of this act shall take effect
11 immediately.