

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 752 Session of 2011

INTRODUCED BY CORMAN, ROBBINS, D. WHITE, BROWNE, ALLOWAY,  
BRUBAKER, EARLL, EICHELBERGER, FOLMER, FONTANA, PICCOLA,  
SMUCKER, VOGEL, M. WHITE, YAW AND BOSCOLA, MARCH 8, 2011

REFERRED TO LABOR AND INDUSTRY, MARCH 8, 2011

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 Uniform  
6 Construction Code Review and Advisory Council, for revised or  
7 successor codes and for exemptions.

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

10 Section 1. Sections 107 and 304 of the act of November 10,  
11 1999 (P.L.491, No.45), known as the Pennsylvania Construction  
12 Code Act, amended or added October 9, 2008 (P.L.1386, No.106),  
13 are amended to read:

14 Section 107. Uniform Construction Code Review and Advisory  
15 Council.

16 (a) Establishment.--The Uniform Construction Code Review and  
17 Advisory Council is hereby established.

18 (b) Duties.--The council shall do the following:

19 (1) Gather information from municipal officers, building  
20 code officials, construction code officials, licensed design

1 professionals, builders and property owners concerning issues  
2 with the Uniform Construction Code raised by council members  
3 or changes proposed by members of the General Assembly.

4 (2) Evaluate the information compiled under paragraph  
5 (1) and make recommendations to the following:

6 (i) The Governor.

7 (ii) The Secretary of Labor and Industry.

8 (iii) The members of any legislative committee  
9 considering amendments to this act.

10 (iv) The President pro tempore of the Senate.

11 (v) The Speaker of the House of Representatives.

12 (vi) The Code Development Councils of the  
13 International Code Council.

14 (3) With the exception of the provisions of Chapter 11  
15 and Appendix E of the International Building Code of [2006]  
16 2009, or its successor codes, or any other accessibility  
17 requirements contained in or referenced by the Uniform  
18 Construction Code relating to persons with physical  
19 disabilities, review [new and amended provisions contained in  
20 triennial revisions of the codes issued by the International  
21 Code Council to any of its codes. The council shall inform  
22 the department of any code provisions that should be excluded  
23 from the Uniform Construction Code by May 1 of the year of  
24 issuance of the latest triennial code issued by the  
25 International Code Council.] the latest triennial codes  
26 issued by the International Code Council, beginning with the  
27 2012 codes, as delineated in subsection (b.1).

28 (b.1) Code review process.--

29 (1) Beginning with the 2012 ICC codes, the council shall  
30 review the latest codes upon official publication of the

1 codes. The review process shall be not longer than six  
2 months, provided that review of the 2012 ICC codes shall be  
3 not longer than six months from the effective date of this  
4 subsection.

5 (2) During the review process, the council shall hold at  
6 least three public hearings. One of the public hearings shall  
7 be held in Harrisburg, one shall be held in the eastern  
8 region of this Commonwealth and one shall be held in the  
9 western region of this Commonwealth.

10 (3) The council shall submit a report to the secretary  
11 within the six-month period required under paragraph (1) with  
12 recommendations for adoption or exclusion of codes. The  
13 provisions of the codes that are specified for adoption or  
14 exclusion shall be separately designated in the report.

15 (4) Only recommendations that are supported by a two-  
16 thirds vote of council membership can be included in the  
17 report required under paragraph (3).

18 (5) The report shall examine each recommendation  
19 applying the following three criteria:

20 (i) the impact that the provision may have upon the  
21 health, safety and welfare of the public;

22 (ii) the economic and financial impact of the  
23 provision;

24 (iii) the technical feasibility of the provision.

25 (c) Composition.--The council shall consist of the following  
26 members appointed by the Governor:

27 (1) A general contractor from an association  
28 representing the residential construction industry who has  
29 recognized ability and experience in the construction of new  
30 residential buildings.

1           (2) A general contractor from an association  
2 representing the nonresidential construction industry who has  
3 recognized ability and experience in the construction of  
4 nonresidential buildings.

5           (3) A Uniform Construction Code-certified residential  
6 building inspector who possesses all five residential  
7 certifications from an association representing building code  
8 officials who has experience administering and enforcing  
9 residential codes.

10          (4) A Uniform Construction Code-certified building  
11 inspector who possesses all nonresidential inspection  
12 certifications, but need not possess a fire inspector  
13 certification, or a certified plans examiner who also holds  
14 an accessibility certification from an association  
15 representing building code officials who has experience  
16 administering and enforcing nonresidential codes.

17          (5) A Uniform Construction Code-certified fire inspector  
18 from an association representing building code officials.

19          (6) A Uniform Construction Code-certified building code  
20 official from an association representing building code  
21 officials with building code official certification.

22          (7) A residential contractor from an association  
23 representing contractors engaged in remodeling residential  
24 buildings who has recognized ability and experience in  
25 remodeling residential and nonresidential buildings.

26          (8) A licensed architect from an association  
27 representing architects who has recognized ability and  
28 experience in the design and construction of nonresidential  
29 buildings.

30          (9) A licensed architect from an association

1 representing architects who has recognized ability and  
2 experience in the design and construction of residential  
3 buildings.

4 (10) A licensed structural engineer from an association  
5 representing professional engineers who has recognized  
6 ability and experience in the design and construction of  
7 buildings.

8 (11) A licensed mechanical engineer specializing in HVAC  
9 systems from an association representing professional  
10 engineers who has recognized ability and experience in the  
11 design and construction of buildings.

12 (12) A licensed mechanical engineer specializing in  
13 plumbing and fire protection from an association representing  
14 professional engineers who has recognized ability and  
15 experience in the design and construction of buildings.

16 (13) A licensed electrical engineer from an association  
17 representing professional engineers who has recognized  
18 ability and experience in the design and construction of  
19 buildings.

20 (14) An elected official of a township of the second  
21 class who has recognized ability and experience in  
22 construction of buildings.

23 (15) An elected borough official who has recognized  
24 ability and experience in construction of buildings.

25 (16) An elected official of a third class city who has  
26 recognized ability and experience in the construction of  
27 buildings.

28 (17) An individual from an association representing  
29 manufactured housing who shall be knowledgeable, licensed or  
30 certified to sell and install manufactured housing.

1           (18) An official of a city of the first class who has  
2       recognized ability and experience in the administration and  
3       enforcement of this act.

4           (19) An individual from an association representing only  
5       modular housing manufacturers who is knowledgeable, licensed  
6       or certified under the act of May 11, 1972 (P.L.286, No.70),  
7       known as the Industrialized Housing Act, to manufacture and  
8       sell modular homes in Pennsylvania.

9       At least one of the inspectors appointed to the council shall be  
10      a municipal employee, and at least one inspector shall be a  
11      third-party private sector inspector.

12      (d) Vacancies.--Vacancies on the council shall be filled in  
13      the same manner in which they were originally designated within  
14      30 business days of the vacancy. If the Governor fails to act  
15      within 30 business days, the council chairperson shall appoint  
16      an individual to fill the vacancy.

17      (e) Removal.--A member may be removed for just cause by the  
18      Governor.

19      (f) Terms.--A member of the council shall serve terms of two  
20      years and until his successor is appointed beginning July 1,  
21      2008, except the initial term of members appointed under  
22      subsection (c)(1), (3), (4), (5), (8), (11), (13) and (14) shall  
23      be for three years and until their successor is appointed.

24      (g) Chairperson and vice chairperson.--The members shall  
25      elect, by a majority vote, a chairperson and vice chairperson of  
26      the council.

27      (h) Quorum and consensus.--Ten members shall constitute a  
28      quorum, and a consensus among at least ten members must be  
29      reached before any determination can be made by the council.

30      (i) Meetings.--Meetings shall be conducted as required under

65 Pa.C.S. Ch. 7 (relating to open meetings) as follows:

(1) The council shall meet at least once every six months. Meeting dates shall be set by majority vote of the council members or by the call of the chair along with at least seven business days' notice to all members.

(2) All meetings of the council shall be publicly advertised and shall be open to the public. Members of the general public shall be given reasonable opportunity to address the council.

(3) The council shall publish a schedule of its meetings in the Pennsylvania Bulletin and in at least one newspaper of general circulation. The notice shall be published at least five business days in advance of each meeting. The notice shall specify the date, time and place of the meeting and shall state that the meetings of the council are open to the general public.

(j) Administrative support.--The secretary shall provide a facility for council meetings under this act, stenographic services and required notice of the council's meetings.

(k) Technical support.--The council may solicit and retain, without compensation, individuals who are qualified by training or experience to provide expert input to the council and, at the discretion of the council, such individuals may be reimbursed for reasonable travel expenses at a rate established by the secretary.

(l) Compensation and expenses.--Members of the council shall not receive a salary or per diem allowance for their service.

Section 304. Revised or successor codes.

[(a) Building code.--

(1) Subject to sections 105(c) and (d), 301(a)(3), (4),

1 (5), (6) and (7), (c) and (d) and 302, by December 31 of the  
2 year of the issuance of a new triennial ICC International  
3 Building Code, or its successor building code, the department  
4 shall promulgate regulations adopting the new code as the  
5 Uniform Construction Code unless the council informs the  
6 department that it should exclude any provisions of the  
7 triennial code from the Uniform Construction Code. If the  
8 council provides this notification, the department shall  
9 submit regulations adopting the triennial code with  
10 provisions omitted by the council under this section within  
11 90 days following council notification.

12 (2) Subject to sections 105(c) and (d), 301(a)(3), (4),  
13 (5), (6) and (7), (c) and (d) and 302, by December 31 of the  
14 year of issuance of a new triennial ICC International  
15 Residential Code, or its successor building code, the  
16 department shall promulgate regulations providing that all  
17 detached one-family and two-family dwellings and one-family  
18 townhouses that are not more than three stories in height and  
19 their accessory structures may be designed in accordance with  
20 that code or the Uniform Construction Code at the option of  
21 the building permit applicant. The department shall  
22 promulgate regulations adopting the new code as the Uniform  
23 Construction Code unless the council informs the department  
24 that it should exclude any provisions of the triennial code  
25 from the Uniform Construction Code. If the council provides  
26 this notification, the department shall submit regulations  
27 adopting the triennial code with provisions omitted by the  
28 council under this section within 90 days following council  
29 notification.]

30 (a) Duties of department.--Upon receipt of report under



1 section 107(b.1)(1) the department shall:

2 (1) Review the report, supporting documentation and  
3 recommendation.

4 (2) Except as provided under paragraph (3), within six  
5 months of the receipt of the report, promulgate final-omitted  
6 regulations pursuant to the act of June 25, 1982 (P.L.633,  
7 No.181), known as the Regulatory Review Act, to adopt the  
8 recommendations made in the report without change.

9 (3) The department may exclude from publication any of  
10 the recommendations in the report if the department  
11 determines any of the following:

12 (i) The recommendation is not technically feasible  
13 in all geographic areas of this Commonwealth.

14 (ii) The recommendation will have a substantial  
15 negative economic or financial impact on consumers.

16 (b) International Fuel Gas Code.--By December 31 of the year  
17 of the issuance of a new International Fuel Gas Code, or its  
18 successor code, the department shall promulgate regulations  
19 adopting the new code.

20 (c) Prior permits and construction.--

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

28 (2) If the permit has not been actively prosecuted  
29 within two years of the effective date of the regulation or  
30 the period specified by a municipal ordinance, whichever is

1 less, the former permitholder shall be required to acquire a  
2 new permit.

3 (3) Where construction of a building or structure  
4 commenced before the effective date of the regulations for a  
5 subsequent Uniform Construction Code or International Fuel  
6 Gas Code issued under this act and a permit was not required  
7 at that time, construction may be completed without a permit.

8 [(d) Code revisions.--

9 (1) The council may determine that any new or amended  
10 provision contained in a triennial revision by the ICC to any  
11 of the codes which have been adopted by regulation of the  
12 department as part of the Uniform Construction Code is not,  
13 in the opinion of the council, consistent with the intent and  
14 purpose of this act or is otherwise inappropriate for  
15 inclusion in the Uniform Construction Code. In making a  
16 determination on the new or amended triennial revisions, the  
17 council may consider the provisions of section 102, as well  
18 as other relevant factors, including, but not limited to:

19 (i) The impact that the provisions may have upon the  
20 health, safety and welfare of the public.

21 (ii) The economic reasonableness and financial  
22 impact of the provisions.

23 (iii) The technical feasibility of the provisions.

24 (2) When adopting the latest triennial versions of the  
25 ICC codes, the department shall exclude a specific new or  
26 amended code provision rejected by the council under  
27 paragraph (1) and shall provide that the relevant provisions  
28 of the prior versions of the code shall remain in effect.]

29 Section 2. Section 901(a) of the act, amended July 7, 2006  
30 (P.L.1052, No.108), is amended and the section is amended by

1 adding subsections to read:

2 Section 901. Exemptions.

3 (a) Manufactured housing.--This act shall not apply to  
4 manufactured housing which bears a label, as required by and  
5 referred to in the act of November 17, 1982 (P.L.676, No.192),  
6 known as the Manufactured Housing Construction and Safety  
7 Standards Authorization Act, which certifies that it conforms to  
8 Federal construction and safety standards adopted under the  
9 Housing and Community Development Act of 1974 (Public Law  
10 93-383, 88 Stat. 633), nor shall it apply to industrialized  
11 housing, as defined in the act of May 11, 1972 (P.L.286, No.70),  
12 known as the Industrialized Housing Act, with the exception that  
13 any model code enacted pursuant to the Industrialized Housing  
14 Act shall not include code provisions specifically omitted from  
15 adoption pursuant to this act.

16 \* \* \*

17 (f) Log walls.--Log walls with a minimum average wall  
18 thickness of five inches or greater which comply with the  
19 International Code Council Standard on the Design and  
20 Construction of Log Structures, ICC 400-2007, or other successor  
21 standard which the department may specify by regulation, shall  
22 be permitted in residential buildings if:

23 (1) the area weighted average U-factor for fenestration  
24 products in the log walls is a maximum of 0.31; and

25 (2) (i) the building heating equipment meets or exceeds  
26 the following Department of Energy ratings:

27 (A) Gas furnace - 90 annual fuel utilization  
28 efficiency (AFUE).

29 (B) Oil furnace - 85 annual fuel utilization  
30 efficiency (AFUE).

1           (C) Boilers - 85 annual fuel utilization  
2           efficiency (AFUE).

3           (D) Air source heat pumps - 8.2 heating seasonal  
4           performance factor (HSPF) split systems.

5           (E) For water-to-air geothermal heat pumps:

6                 (I) Closed loop water-to-air, an energy  
7                 efficiency rating of 14.1 and coefficient of  
8                 performance of 3.3.

9                 (II) Open loop water-to-air, an energy  
10                efficiency rating of 16.2 and coefficient of  
11                performance of 3.6.

12           (F) For water-to-water geothermal heat pumps:

13                (I) Closed loop water-to-water, an energy  
14                efficiency rating of 15.1 and coefficient of  
15                performance of 3.0.

16                (II) Open loop water-to-water, an energy  
17                efficiency rating of 19.1 and coefficient of  
18                performance of 3.4.

19           (G) For direct geothermal exchange, an energy  
20           efficiency rating of 15.0 and coefficient of  
21           performance of 3.5;

22       or

23           (ii) the building heating equipment is qualified  
24           under the Energy Star program jointly operated by the  
25           Department of Energy and the Environmental Protection  
26           Agency as provided for in 10 CFR Pt. 430 (relating to  
27           energy conservation program for consumer products); and

28           (iii) all energy efficiency requirements of this act  
29           applicable to components other than log walls are met.

30       (g) Automatic fire sprinkler systems in one-family and two-

1 family dwellings.--

2 (1) Section R313.2 (relating to automatic fire sprinkler  
3 systems in one- and two-family dwellings) of the  
4 International Residential Code (2009 edition), and any  
5 successor triennial revisions, are excluded from this act and  
6 shall not be part of Chapter 3.

7 (2) A builder of a one-family or two-family dwelling  
8 subject to the International Residential Code shall, at or  
9 before the time of entering into the purchase contract, do  
10 all of the following:

11 (i) Offer to a buyer the option to install or equip,  
12 at the buyer's expense, an automatic fire sprinkler  
13 system in the building or dwelling unit designed and  
14 installed in accordance with the provisions of section  
15 R313.2.1 (relating to design and installation of  
16 automatic fire sprinkler systems) of the International  
17 Residential Code (2009 edition).

18 (ii) Provide the buyer with information which  
19 explains the initial and ongoing cost of installing and  
20 equipping an automatic fire sprinkler system in the  
21 building or dwelling unit.

22 (3) An applicant for a construction permit that has been  
23 approved under section 502, prior to the effective date of  
24 this subsection, may opt to utilize the provisions of this  
25 subsection on construction authorized under the permit.

26 (h) Wall bracing requirements.--Section R602.10 through  
27 section R602.12.1.6 of the 2009 International Residential Code,  
28 or its successor provisions, are excluded from the Uniform  
29 Construction Code. The wall bracing requirements of section  
30 R602.10 through section R602.11.3 of the International

- 1 Residential Code of 2006 shall be part of the Uniform
- 2 Construction Code.
- 3     Section 3. This act shall take effect immediately.