

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 124 Session of
2013

INTRODUCED BY AUMENT, GINGRICH, MACKENZIE, CUTLER, HICKERNELL,
MILLARD, MILLER, DENLINGER, MURT, MATZIE AND GROVE,
JANUARY 15, 2013

SENATOR GORDNER, LABOR AND INDUSTRY, IN SENATE, AS AMENDED,
FEBRUARY 12, 2013

AN ACT

1 Amending the act of May 11, 1972 (P.L.286, No.70), entitled "An
2 act regulating the sale of certain structures made,
3 fabricated, formed or assembled in manufacturing facilities
4 and providing penalties," further providing for findings and
5 declarations of policy, for regulations, insignia of
6 certification required, for promulgation of rules and
7 regulations by the department and for recognition of
8 certification of other states or the Federal Government.

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

11 Section 1. Section 2 of the act of May 11, 1972 (P.L.286,
12 No.70), known as the Industrialized Housing Act, is amended by
13 adding a paragraph to read:

14 Section 2. Findings and Declarations of Policy.--It is
15 hereby determined and declared as a matter of legislative
16 finding that:

17 * * *

18 (8) To facilitate the construction and installation of
19 industrialized/commercial modular buildings and

1 industrialized/commercial building modules for use in this
2 Commonwealth there is a need for uniform State standards and
3 procedures for the identification, inspection and assembly and
4 certification in a similar manner as industrialized housing.

5 Section 2. Section 4(j) of the act, added July 6, 2009
6 (P.L.56, No.13), is amended to read:

7 Section 4. Regulations, Insignia of Certification
8 Required.--* * *

9 ~~(j) The department [is authorized to enter into a multistate <--~~
10 ~~agreement for the purpose of regulating] shall adopt regulations~~
11 ~~to administer a certification program as described in this~~
12 ~~section to regulate the construction, installation standards and~~
13 ~~inspection of industrialized/commercial modular buildings~~
14 ~~shipped from the factory and industrialized/commercial building~~
15 ~~modules shipped from the factory. [The department shall adopt~~
16 ~~regulations to administer the program.] Modules of~~
17 ~~industrialized/commercial modular buildings that are certified~~
18 ~~under the program established pursuant to this subsection shall~~
19 ~~be deemed to meet the requirements of the act of November 10,~~
20 ~~1999 (P.L.491, No.45), known as the "Pennsylvania Construction~~
21 ~~Code Act."~~

22 (J) THE DEPARTMENT [IS AUTHORIZED TO ENTER INTO A MULTISTATE <--
23 AGREEMENT FOR THE PURPOSE OF REGULATING] SHALL ADOPT REGULATIONS
24 THAT ARE CONSISTENT WITH THE REQUIREMENTS OF THE ACT OF NOVEMBER
25 10, 1999 (P.L.491, NO.45), KNOWN AS THE "PENNSYLVANIA
26 CONSTRUCTION CODE ACT," TO ADMINISTER A CERTIFICATION PROGRAM AS
27 DESCRIBED IN THIS SECTION TO REGULATE THE CONSTRUCTION,
28 INSTALLATION STANDARDS AND INSPECTION OF
29 INDUSTRIALIZED/COMMERCIAL MODULAR BUILDINGS SHIPPED FROM THE
30 FACTORY AND INDUSTRIALIZED/COMMERCIAL BUILDING MODULES SHIPPED

1 FROM THE FACTORY. [THE DEPARTMENT SHALL ADOPT REGULATIONS TO
2 ADMINISTER THE PROGRAM.] MODULES OF INDUSTRIALIZED/COMMERCIAL
3 MODULAR BUILDINGS THAT ARE CERTIFIED UNDER THE PROGRAM
4 ESTABLISHED PURSUANT TO THIS SUBSECTION SHALL BE DEEMED TO MEET
5 THE REQUIREMENTS OF THE [ACT OF NOVEMBER 10, 1999 (P.L.491,
6 NO.45), KNOWN AS THE] "PENNSYLVANIA CONSTRUCTION CODE ACT."

7 Section 3. Sections 5(a) and 6 of the act are amended to
8 read:

9 Section 5. Promulgation of Rules and Regulations by the
10 Department.--(a) The department, in consultation with the
11 Industrialized Housing Advisory Commission shall promulgate
12 rules and regulations to interpret and make specific the
13 provisions of this act. Such rules and regulations adopted,
14 amended, repealed and substituted from time to time pursuant to
15 this section shall assure the health, safety and welfare of the
16 people of Pennsylvania by requiring safe and sanitary industrial
17 housing and industrialized/commercial modular buildings and
18 industrialized/commercial building modules and shall include
19 provisions [imposing requirements reasonably] consistent with <--
20 THE REQUIREMENTS ADOPTED UNDER THE "PENNSYLVANIA CONSTRUCTION <--
21 CODE ACT" AND OTHER recognized and accepted model codes. The
22 department shall adopt such other rules and regulations as are
23 necessary to carry out the provisions of this act. Such rules
24 and regulations shall be consistent with the act of [June 4,
25 1945 (P.L.1388), known as the "Administrative Agency Law."] July
26 31, 1968 (P.L.769, No.240), referred to as the Commonwealth
27 Documents Law. No portion of this act or any code, or rules and
28 regulations adopted, amended, repealed or substituted as
29 provided herein, which limits the work to be performed to any
30 type of construction contractor, or labor or mechanic

1 classification shall be adopted or enforceable by the
2 department.

3 * * *

4 Section 6. Recognition of Certification of Other States or
5 the Federal Government.--The department may issue insignia of
6 certification to industrialized housing [or], housing
7 components, industrialized/commercial modular buildings and
8 industrialized/commercial building modules that have been
9 certified by the United States Department of Housing and Urban
10 Development or competent authority within other states if the
11 department finds that such certification is granted on the basis
12 of standards substantially equivalent to the provisions
13 promulgated under section 5 of this act.

14 Section 4. This act shall take effect immediately.