

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2149 Session of  
2003

INTRODUCED BY FAIRCHILD, BELFANTI, ALLEN, ARMSTRONG, BAKER,  
BOYD, BUNT, CAPPELLI, CLYMER, COY, CREIGHTON, DENLINGER,  
EACHUS, EGOLF, FABRIZIO, FEESE, FLEAGLE, FORCIER, GEIST,  
GEORGE, GERGELY, GODSHALL, GOODMAN, GORDNER, HARRIS,  
HENNESSEY, HERSHEY, HESS, LEH, LEVDANSKY, PHILLIPS, PICKETT,  
READSHAW, REICHLEY, SATHER, SCAVELLO, SCHRODER, S. H. SMITH,  
STABACK, STERN, R. STEVENSON, SURRA, E. Z. TAYLOR, WALKO,  
WILT, YOUNGBLOOD, ZUG, PETRARCA AND HARHAI, NOVEMBER 10, 2003

AS REPORTED FROM COMMITTEE ON LABOR RELATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MARCH 17, 2004

## 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," adding a definition of  
6 "recreational cabin"; ~~and~~ further providing for application <—  
7 of the act, FOR MUNICIPAL ADMINISTRATION AND ENFORCEMENT AND <—  
8 FOR EXEMPTIONS; AND PROVIDING FOR MUNICIPAL IMMUNITY.

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

11 Section 1. Section 103 of the act of November 10, 1999  
12 (P.L.491, No.45), known as the Pennsylvania Construction Code  
13 Act, is amended by adding a definition to read:

14 Section 103. Definitions.

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

1 \* \* \*

2 ~~"Recreational cabin." A structure which is not occupied on a~~ <—  
3 ~~full time basis and is used mainly by the occupants for the~~  
4 ~~purpose of engaging in seasonal hunting and fishing.~~

5 "RECREATIONAL CABIN." A STRUCTURE WHICH IS: <—

6 (1) USED PRINCIPALLY FOR THE PURPOSE OF ENGAGING IN  
7 SEASONAL HUNTING AND FISHING;

8 (2) NOT UTILIZED AS A DOMICILE OR RESIDENCE FOR ANY  
9 INDIVIDUAL FOR ANY TIME PERIOD;

10 (3) NOT UTILIZED FOR COMMERCIAL PURPOSES;

11 (4) NOT GREATER THAN TWO STORIES IN HEIGHT, EXCLUDING  
12 BASEMENT;

13 (5) NOT USED BY THE OWNER OR ANY OTHER PERSON AS A PLACE  
14 OF EMPLOYMENT;

15 (6) NOT A MAILING ADDRESS FOR BILLS AND CORRESPONDENCE;  
16 AND

17 (7) NOT LISTED AS AN INDIVIDUAL'S PLACE OF RESIDENCE ON  
18 A TAX RETURN, DRIVER'S LICENSE, CAR REGISTRATION OR VOTER  
19 REGISTRATION.

20 \* \* \*

21 ~~Section 2. Section 104(b) of the act is amended to read:~~ <—

22 SECTION 2. SECTIONS 104(B) AND 501(B) OF THE ACT ARE AMENDED <—

23 AND THE SECTIONS ARE AMENDED BY ADDING SUBSECTIONS TO READ:

24 Section 104. Application.

25 \* \* \*

26 (b) Exclusions.--This act shall not apply to:

27 (1) new buildings or renovations to existing buildings  
28 for which an application for a building permit has been made  
29 to the municipality prior to the effective date of the  
30 regulations promulgated under this act;

1 (2) new buildings or renovations to existing buildings  
2 on which a contract for design or construction has been  
3 signed prior to the effective date of the regulations  
4 promulgated under this act on projects requiring department  
5 approval;

6 (3) utility and miscellaneous use structures that are  
7 accessory to detached one-family dwellings; [or]

8 (4) any agricultural building[.]; or

9 ~~(5) any recreational cabin if the cabin is equipped with~~ <—  
10 ~~at least one smoke detector and one fire extinguisher in both~~  
11 ~~the kitchen and sleeping quarters.~~

12 (5) ANY RECREATIONAL CABIN IF: <—

13 (I) THE CABIN IS EQUIPPED WITH AT LEAST ONE SMOKE  
14 DETECTOR, ONE FIRE EXTINGUISHER AND ONE CARBON MONOXIDE  
15 DETECTOR IN BOTH THE KITCHEN AND SLEEPING QUARTERS; AND

16 (II) THE OWNER OF THE CABIN FILES WITH THE  
17 MUNICIPALITY EITHER:

18 (A) AN AFFIDAVIT ON A FORM PRESCRIBED BY THE  
19 DEPARTMENT ATTESTING TO THE FACT THAT THE CABIN MEETS  
20 THE DEFINITION OF A "RECREATIONAL CABIN" IN SECTION  
21 103; OR

22 (B) A VALID PROOF OF INSURANCE FOR THE  
23 RECREATIONAL CABIN, WRITTEN AND ISSUED BY AN INSURER  
24 AUTHORIZED TO DO BUSINESS IN THIS COMMONWEALTH,  
25 STATING THAT THE STRUCTURE MEETS THE DEFINITION OF A  
26 "RECREATIONAL CABIN" AS DEFINED IN SECTION 103.

27 (B.1) CONTINUITY OF EXCLUSION.--

28 (1) IF A RECREATIONAL CABIN IS SUBJECT TO EXCLUSION  
29 UNDER SUBSECTION (B)(5), UPON TRANSFER OF OWNERSHIP OF THE  
30 RECREATIONAL CABIN, WRITTEN NOTICE MUST BE PROVIDED IN THE

1     SALES AGREEMENT AND THE DEED THAT THE RECREATIONAL CABIN:

2             (I) IS EXEMPT FROM THIS ACT;

3             (II) MAY NOT BE IN CONFORMANCE WITH THE UNIFORM

4             CONSTRUCTION CODE; AND

5             (III) IS NOT SUBJECT TO MUNICIPAL REGULATION.

6             (2) FAILURE TO COMPLY WITH THE NOTICE REQUIREMENT UNDER  
7             PARAGRAPH (1) SHALL RENDER THE SALE VOIDABLE AT THE OPTION OF  
8             THE PURCHASER.

9             \* \* \*

10    SECTION 501. ADMINISTRATION AND ENFORCEMENT.

<—

11             \* \* \*

12             (B) MUNICIPAL ADMINISTRATION AND ENFORCEMENT.--THIS ACT MAY  
13    BE ADMINISTERED AND ENFORCED BY MUNICIPALITIES IN ANY OF THE  
14    FOLLOWING WAYS:

15             (1) BY THE DESIGNATION OF AN EMPLOYEE TO SERVE AS THE  
16    MUNICIPAL CODE OFFICIAL TO ACT ON BEHALF OF THE MUNICIPALITY  
17    FOR ADMINISTRATION AND ENFORCEMENT OF THIS ACT.

18             (2) BY THE RETENTION OF ONE OR MORE CONSTRUCTION CODE  
19    OFFICIALS [OR THIRD-PARTY AGENCIES] TO ACT ON BEHALF OF THE  
20    MUNICIPALITY FOR ADMINISTRATION AND ENFORCEMENT OF THIS ACT.

21             (2.1) A MUNICIPALITY SHALL NOT SELECT ANY AGENCY TO BE  
22             THE SOLE PROVIDER OF INSPECTIONS BUT SHALL MAINTAIN A LIST OF  
23             ALL THIRD-PARTY AGENCIES QUALIFIED TO PERFORM PLAN REVIEWS  
24             AND INSPECTIONS AS PRESCRIBED BY THIS ACT.

25             (3) TWO OR MORE MUNICIPALITIES MAY PROVIDE FOR THE JOINT  
26    ADMINISTRATION AND ENFORCEMENT OF THIS ACT THROUGH AN  
27    INTERMUNICIPAL AGREEMENT UNDER 53 PA.C.S. CH. 23 SUBCH. A  
28    (RELATING TO INTERGOVERNMENTAL COOPERATION).

29             (4) BY ENTERING INTO A CONTRACT WITH THE PROPER  
30    AUTHORITIES OF ANOTHER MUNICIPALITY FOR THE ADMINISTRATION

1 AND ENFORCEMENT OF THIS ACT. WHEN SUCH A CONTRACT HAS BEEN  
2 ENTERED INTO, THE MUNICIPAL CODE OFFICIAL SHALL HAVE ALL THE  
3 POWERS AND AUTHORITY CONFERRED BY LAW IN THE MUNICIPALITY  
4 WHICH HAS CONTRACTED TO SECURE SUCH SERVICES.

5 (5) BY ENTERING INTO AN AGREEMENT WITH THE DEPARTMENT  
6 FOR PLAN REVIEWS, INSPECTIONS AND ENFORCEMENT OF STRUCTURES  
7 OTHER THAN ONE-FAMILY OR TWO-FAMILY DWELLING UNITS AND  
8 UTILITY AND MISCELLANEOUS USE STRUCTURES.

9 (B.1) ALL THIRD-PARTY AGENCIES SEEKING INCLUSION ON ANY LIST  
10 AS REFERRED TO IN SUBSECTION (B)(2.1) SHALL REGISTER WITH THE  
11 DEPARTMENT AND ANY APPROPRIATE MUNICIPAL OFFICIAL OF EACH  
12 MUNICIPALITY IN WHICH THEY SEEK INCLUSION ON ANY LIST.

13 \* \* \*

14 ~~SECTION 3. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.~~ <—

15 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ:  
16 SECTION 505. IMMUNITY.

17 A MUNICIPALITY SHALL BE IMMUNE FROM CIVIL LIABILITY FOR ANY  
18 ACTION ARISING OUT OF THE SAFETY OF A RECREATIONAL CABIN WHICH  
19 IS EXCLUDED FROM THIS ACT UNDER SECTION 104(B)(5).

20 SECTION 4. SECTION 901 OF THE ACT, AMENDED JUNE 22, 2001  
21 (P.L.585, NO.43), IS AMENDED TO READ:

22 SECTION 901. EXEMPTIONS.

23 (A) MANUFACTURED HOUSING.--THIS ACT SHALL NOT APPLY TO  
24 MANUFACTURED HOUSING WHICH BEARS A LABEL, AS REQUIRED BY AND  
25 REFERRED TO IN THE ACT OF NOVEMBER 17, 1982 (P.L.676, NO.192),  
26 KNOWN AS THE MANUFACTURED HOUSING CONSTRUCTION AND SAFETY  
27 STANDARDS AUTHORIZATION ACT, WHICH CERTIFIES THAT IT CONFORMS TO  
28 FEDERAL CONSTRUCTION AND SAFETY STANDARDS ADOPTED UNDER THE  
29 HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 (PUBLIC LAW 93-  
30 383, 88 STAT. 633), NOR SHALL IT APPLY TO INDUSTRIALIZED

1 HOUSING, AS DEFINED IN THE ACT OF MAY 11, 1972 (P.L.286, NO.70),  
2 KNOWN AS THE INDUSTRIALIZED HOUSING ACT.

3 (B) RELIGIOUS BELIEFS.--

4 (1) AN APPLICANT FOR A CONSTRUCTION PERMIT FOR A  
5 DWELLING UNIT UTILIZED BY A MEMBER OF A RECOGNIZED RELIGIOUS  
6 SECT MAY FILE AN APPLICATION WITH A CODE ADMINISTRATOR TO BE  
7 EXEMPTED FROM AN ELECTRICAL PROVISION OF THE UNIFORM  
8 CONSTRUCTION CODE WHICH CONFLICTS WITH THE APPLICANT'S  
9 RELIGIOUS BELIEFS. THE APPLICATION SHALL STATE THE MANNER IN  
10 WHICH THE PROVISION CONFLICTS WITH THE APPLICANT'S RELIGIOUS  
11 BELIEFS AND SHALL INCLUDE AN AFFIDAVIT BY THE APPLICANT  
12 STATING THAT:

13 (I) THE APPLICANT IS A MEMBER OF A RECOGNIZED  
14 RELIGIOUS SECT;

15 (II) THE RELIGIOUS SECT HAS ESTABLISHED TENETS OR  
16 TEACHINGS WHICH CONFLICT WITH AN ELECTRICAL PROVISION OF  
17 THE UNIFORM CONSTRUCTION CODE;

18 (III) THE APPLICANT ADHERES TO THE ESTABLISHED  
19 TENETS OR TEACHINGS OF THE SECT; AND

20 (IV) THE DWELLING UNIT WILL BE USED SOLELY AS A  
21 RESIDENCE FOR THE APPLICANT AND THE APPLICANT'S  
22 HOUSEHOLD.

23 (2) A CODE ADMINISTRATOR SHALL GRANT AN APPLICATION FOR  
24 AN EXEMPTION IF MADE IN ACCORDANCE WITH PARAGRAPH (1).

25 (3) IF AN APPLICANT RECEIVES AN EXEMPTION FOR A DWELLING  
26 UNIT UNDER THIS SUBSECTION AND THE APPLICANT SUBSEQUENTLY  
27 SELLS OR LEASES THE DWELLING UNIT, THE APPLICANT SHALL BRING  
28 THE DWELLING UNIT INTO COMPLIANCE WITH THE PROVISION OF THE  
29 UNIFORM CONSTRUCTION CODE FROM WHICH IT WAS EXEMPTED UNDER  
30 THIS SUBSECTION PRIOR TO THE DWELLING UNIT BEING SOLD OR

1 LEASED UNLESS THE PROSPECTIVE SUBSEQUENT OWNER OR LESSEE  
2 FILES AN AFFIDAVIT IN COMPLIANCE WITH PARAGRAPH (1)(I)  
3 THROUGH (IV).

4 (C) NATURAL CUT TREES.--SECTION 804.1.1 (RELATING TO NATURAL  
5 CUT TREES) OF THE INTERNATIONAL FIRE CODE (2003) AND ANY  
6 SUCCESSOR PROVISION IS EXCLUDED FROM THIS ACT. A MUNICIPALITY  
7 WHICH ELECTS TO ADOPT AN ORDINANCE FOR THE ADMINISTRATION AND  
8 ENFORCEMENT OF THIS ACT MAY, BY ORDINANCE, RESTRICT THE  
9 PLACEMENT OF NATURAL CUT TREES IN AN OCCUPANCY GROUP. THE  
10 ORDINANCE RESTRICTING THE PLACEMENT SHALL NOT BE SUBJECT TO  
11 SECTION 503(B) THROUGH (K).

12 SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

13 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT  
14 IMMEDIATELY:

15 (I) THE AMENDMENT OF SECTION 901 OF THE ACT.  
16 (II) THIS SECTION.

17 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60  
18 DAYS.