
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1348 Session of
2006

INTRODUCED BY REGOLA, D. WHITE, RAFFERTY AND ORIE,
OCTOBER 11, 2006

REFERRED TO LABOR AND INDUSTRY, OCTOBER 11, 2006

AN ACT

1 Reenacting the former act of July 9, 1976 (P.L.919, No.170),
2 entitled "An act providing for the approval or disapproval of
3 applications for a permit relating to the construction or
4 maintenance of improvements to real estate," restoring the
5 act to the state in which it existed prior to repeal by the
6 Pennsylvania Construction Code Act.

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

9 Section 1. The title of the act of July 9, 1976 (P.L.919,
10 No.170), entitled "An act providing for the approval or
11 disapproval of applications for a permit relating to the
12 construction or maintenance of improvements to real estate,"
13 repealed November 10, 1999 (P.L.491, No.45), is reenacted to
14 read:

15 AN ACT

16 Providing for the approval or disapproval of applications for a
17 permit relating to the construction or maintenance of
18 improvements to real estate.

19 Section 2. Section 1 of the act, amended March 30, 1988

1 (P.L.332, No.45) and repealed November 10, 1999 (P.L.491,
2 No.45), is reenacted to read:

3 Section 1. (a) A municipality which regulates the
4 construction, erection, maintenance, operation or repair of
5 buildings, structures or devices by means of an ordinance
6 requiring the filing of an application, the payment of a fee and
7 the issuance of a permit shall render a decision either
8 approving or disapproving the application for a permit within 90
9 days after the application is filed unless the ordinance
10 requires a decision within a lesser period of time, provided
11 that any disapproval of the application shall be issued within
12 said 90-day period containing a brief explanation setting forth
13 the reasons for said disapproval and the manner in which the
14 application can be corrected and/or modified to obtain the
15 required approval. If no decision is rendered on the application
16 within 90 days, the application shall be deemed to be approved
17 and the permit shall be deemed to have been granted immediately,
18 unless the applicant has agreed in writing to an extension of
19 time. No agreement to extension of time for action may be made a
20 part of an application form nor may any such agreement be
21 required of any applicant under threat of denial of the
22 application.

23 (b) No building permit shall be issued for any property
24 which will require access to a highway under the jurisdiction of
25 the Department of Transportation, unless the permit contains a
26 notice that a highway occupancy permit is required pursuant to
27 section 420 of the act of June 1, 1945 (P.L.1242, No.428), known
28 as the "State Highway Law," before driveway access to a State
29 highway is permitted. The department shall, within 60 days of
30 the date of receipt of an application for a highway occupancy

1 permit, (i) approve the permit, (ii) deny the permit, (iii)
2 return the application for additional information or correction
3 to conform with department regulations or (iv) determine that no
4 permit is required in which case the department shall notify the
5 municipality and applicant in writing. If the department shall
6 fail to take any action within the 60-day period, the permit
7 will be deemed to be issued. The permit shall be marked to
8 indicate that access to the State highway shall be only as
9 authorized by a highway occupancy permit. Neither the department
10 nor any municipality to which permit-issuing authority has been
11 delegated under section 420 of the "State Highway Law" shall be
12 liable in damages for any injury to persons or property arising
13 out of the issuance or denial of a driveway permit, or for
14 failure to regulate any driveway. Furthermore, the municipality
15 from which the building permit approval has been requested shall
16 not be held liable for damages to persons or property arising
17 out of the issuance or denial of a driveway permit by the
18 department.

19 (c) As used in this section, "buildings, structures or
20 devices" means anything constructed or erected with a fixed
21 location on or in the ground including dwellings, offices,
22 places of assembly, mobile homes, signs, walls, fences, or other
23 improvements to real estate.

24 Section 3. Section 2 of the act, repealed November 10, 1999
25 (P.L.491, No.45), is reenacted to read:

26 Section 2. This act shall take effect immediately.

27 Section 4. The Secretary of Labor and Industry shall
28 transmit a notice for publication in the Pennsylvania Bulletin
29 when the secretary is satisfied that all of the following have
30 been enacted:

1 (1) The addition of sections 2, 3, 3.1, 3.2, 3.6(a),
2 (b), (c), (d), (e) and (f)(1)(ii) and (iii) and (2), 4, 4.1,
3 4.2, 5, 6, 7, 8, 9, 10, 11 and 12 of the act of April 27,
4 1927 (P.L.465, No.299), referred to as the Fire and Panic
5 Act.

6 (2) The reenactment of the act of May 2, 1929 (P.L.1518,
7 No.452), referred to as the Elevator Regulation Law.

8 (3) The reenactment of the act of September 1, 1965
9 (P.L.459, No.235), entitled, as amended, "An act requiring
10 that certain buildings and facilities adhere to certain
11 principles, standards and specifications to make the same
12 accessible to and usable by persons with physical handicaps,
13 and providing for enforcement."

14 (4) The reenactment of the act of July 9, 1976 (P.L.919,
15 No.170), entitled "An act providing for the approval or
16 disapproval of applications for a permit relating to the
17 construction or maintenance of improvements to real estate."

18 (5) The reenactment of the act of December 15, 1980
19 (P.L.1203, No.222), known as the Building Energy Conservation
20 Act.

21 (6) The reenactment of the act of December 17, 1990
22 (P.L.742, No.185), entitled "An act providing for restrooms
23 in facilities where the public congregates; and requiring
24 that restroom facilities be provided for women on an
25 equitable basis."

26 (7) The reenactment of the act of December 19, 1990
27 (P.L.1387, No.214), known as the Dry Cleaning Law.

28 (8) The repeal of the act of November 10, 1999 (P.L.491,
29 No.45), known as the Pennsylvania Construction Code Act.

30 Section 5. This act shall take effect as follows:

1 (1) The following provisions shall take effect
2 immediately:

3 (i) Section 4 of this act.

4 (ii) This section.

5 (2) The remainder of this act shall take effect upon
6 publication of the notice under section 4 of this act.