

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1096 Session of 2007

INTRODUCED BY BUXTON, ARGALL, BELFANTI, BIANCUCCI, CALTAGIRONE, CAPPELLI, CARROLL, CLYMER, FABRIZIO, FAIRCHILD, GEORGE, GERGELY, GIBBONS, HALUSKA, HENNESSEY, HUTCHINSON, JAMES, KORTZ, KOTIK, MARKOSEK, McILHATTAN, M. O'BRIEN, SCAVELLO, SONNEY, TRUE, EVERETT, LONGIETTI, COX, GINGRICH, STURLA, FLECK, DERMODY, HORNAMAN, PASHINSKI AND SIPTROTH, APRIL 18, 2007

AS REPORTED FROM COMMITTEE ON LABOR RELATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 2, 2007

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," defining "council"; and
6 establishing the Uniform Construction Code REVIEW AND
7 Advisory Council. <—

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

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

13 Section 103. Definitions.

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

17 * * *

1 "Council." The Uniform Construction Code REVIEW AND Advisory <—
2 Council established under this act.

3 * * *

4 Section 2. The act is amended by adding a section to read:

5 Section 107. Uniform Construction Code REVIEW AND Advisory <—
6 Council.

7 (a) Establishment.--The Uniform Construction Code REVIEW AND <—
8 Advisory Council is hereby established.

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

10 (1) Gather information from municipal officers, building
11 code officials, construction code officials, licensed design
12 professionals, builders and property owners, concerning
13 issues with the Uniform Construction Code raised by council
14 members, or changes proposed by members of the General
15 Assembly.

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

18 (i) The Governor.

19 ~~(ii) The Labor and Industry Committee of the Senate.~~ <—

20 ~~(iii) The Labor Relations Committee of the House of~~
21 ~~Representatives.~~

22 (II) THE SECRETARY OF LABOR AND INDUSTRY. <—

23 (III) THE MEMBERS OF ANY LEGISLATIVE COMMITTEE
24 CONSIDERING AMENDMENTS TO THIS ACT.

25 (IV) THE PRESIDENT PRO TEMPORE OF THE SENATE.

26 (V) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

27 ~~(iv) (VI) The Code Development Councils of the~~ <—
28 International Code Council.

29 (3) REVIEW NEW AND AMENDED PROVISIONS CONTAINED IN <—
30 TRIENNIAL REVISIONS BY THE ICC TO ANY OF THE ICC CODES WHICH

1 HAVE BEEN ADOPTED BY REGULATION AS PART OF THE UNIFORM
2 CONSTRUCTION CODE AND PROVIDE ADVICE TO THE DEPARTMENT WITHIN
3 120 DAYS AFTER THE PUBLICATION OF THE REVISIONS IN ACCORDANCE
4 WITH SECTION 304(D).

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

7 (1) A general contractor from an association
8 representing the residential construction industry who has
9 recognized ability and experience in the construction of NEW <—
10 residential buildings.

11 (2) A ~~general~~ contractor from an association <—
12 representing the ~~commercial~~ NONRESIDENTIAL construction <—
13 industry who has recognized ability and experience in the
14 construction of ~~commercial~~ NONRESIDENTIAL buildings. <—

15 ~~(3) A certified residential building inspector from an~~ <—
16 ~~association representing building code officials who has~~
17 ~~experience administering and enforcing residential codes.~~

18 ~~(4) A certified building inspector from an association~~
19 ~~representing building code officials who has experience~~
20 ~~administering and enforcing commercial codes.~~

21 ~~(5) A certified fire official from an association~~
22 ~~representing fire officials.~~

23 ~~(6) One residential contractor who has recognized~~
24 ~~ability and experience in remodeling residential buildings.~~

25 ~~(7) A licensed architect from an association~~
26 ~~representing architects who has recognized ability and~~
27 ~~experience in the construction of buildings.~~

28 ~~(8) A licensed structural engineer from an association~~
29 ~~representing professional engineers who has recognized~~
30 ~~ability and experience in the construction of buildings.~~

1 ~~(9) A licensed mechanical engineer from an association~~
2 ~~representing professional engineers who has recognized~~
3 ~~ability and experience in the construction of buildings.~~

4 ~~(10) A master plumber from an association representing~~
5 ~~the plumbing industry who has recognized ability and~~
6 ~~experience in the construction of buildings.~~

7 ~~(11) An electrical contractor from an association~~
8 ~~representing the electrical construction industry who has~~
9 ~~recognized ability and experience in the construction of~~
10 ~~buildings.~~

11 ~~(12) An elected municipal official who has recognized~~
12 ~~ability and experience in the construction of buildings.~~

13 ~~(13) A representative of the Department of Labor and~~
14 ~~Industry managing the Uniform Construction Code program.~~

15 (3) A UNIFORM CONSTRUCTION CODE CERTIFIED RESIDENTIAL <—
16 BUILDING INSPECTOR WHO POSSESSES ALL FIVE RESIDENTIAL
17 CERTIFICATIONS FROM AN ASSOCIATION REPRESENTING BUILDING CODE
18 OFFICIALS WHO HAS EXPERIENCE ADMINISTERING AND ENFORCING
19 RESIDENTIAL CODES.

20 (4) A UNIFORM CONSTRUCTION CODE CERTIFIED BUILDING
21 INSPECTOR WHO POSSESSES ALL NONRESIDENTIAL INSPECTION
22 CERTIFICATIONS, BUT NEED NOT POSSESS A FIRE INSPECTOR
23 CERTIFICATION, OR A CERTIFIED PLANS EXAMINER WHO ALSO HOLDS
24 AN ACCESSIBILITY CERTIFICATION FROM AN ASSOCIATION
25 REPRESENTING BUILDING CODE OFFICIALS WHO HAS EXPERIENCE
26 ADMINISTERING AND ENFORCING NONRESIDENTIAL CODES.

27 (5) A UNIFORM CONSTRUCTION CODE CERTIFIED FIRE INSPECTOR
28 FROM AN ASSOCIATION REPRESENTING BUILDING CODE OFFICIALS.

29 (6) A UNIFORM CONSTRUCTION CODE CERTIFIED BUILDING CODE
30 OFFICIAL FROM AN ASSOCIATION REPRESENTING BUILDING CODE

1 OFFICIALS WITH BUILDING CODE OFFICIAL CERTIFICATION.

2 (7) A RESIDENTIAL CONTRACTOR FROM AN ASSOCIATION
3 REPRESENTING CONTRACTORS ENGAGED IN REMODELING RESIDENTIAL
4 BUILDINGS WHO HAS RECOGNIZED ABILITY AND EXPERIENCE IN
5 REMODELING RESIDENTIAL AND NONRESIDENTIAL BUILDINGS.

6 (8) A LICENSED ARCHITECT FROM AN ASSOCIATION
7 REPRESENTING ARCHITECTS WHO HAS RECOGNIZED ABILITY AND
8 EXPERIENCE IN THE DESIGN AND CONSTRUCTION OF NONRESIDENTIAL
9 BUILDINGS.

10 (9) A LICENSED ARCHITECT FROM AN ASSOCIATION
11 REPRESENTING ARCHITECTS WHO HAS RECOGNIZED ABILITY AND
12 EXPERIENCE IN THE DESIGN AND CONSTRUCTION OF RESIDENTIAL
13 BUILDINGS.

14 (10) A LICENSED STRUCTURAL ENGINEER FROM AN ASSOCIATION
15 REPRESENTING PROFESSIONAL ENGINEERS WHO HAS RECOGNIZED
16 ABILITY AND EXPERIENCE IN THE DESIGN AND CONSTRUCTION OF
17 BUILDINGS.

18 (11) A LICENSED MECHANICAL ENGINEER SPECIALIZING IN HVAC
19 SYSTEMS FROM AN ASSOCIATION REPRESENTING PROFESSIONAL
20 ENGINEERS WHO HAS RECOGNIZED ABILITY AND EXPERIENCE IN THE
21 DESIGN AND CONSTRUCTION OF BUILDINGS.

22 (12) A LICENSED MECHANICAL ENGINEER, SPECIALIZING IN
23 PLUMBING AND FIRE PROTECTION, FROM AN ASSOCIATION
24 REPRESENTING PROFESSIONAL ENGINEERS WHO HAS RECOGNIZED
25 ABILITY AND EXPERIENCE IN THE DESIGN AND CONSTRUCTION OF
26 BUILDINGS.

27 (13) A LICENSED ELECTRICAL ENGINEER FROM AN ASSOCIATION
28 REPRESENTING THE ELECTRICAL CONSTRUCTION INDUSTRY WHO HAS
29 RECOGNIZED ABILITY AND EXPERIENCE IN THE DESIGN AND
30 CONSTRUCTION OF BUILDINGS.

1 (14) AN ELECTED OFFICIAL OF A TOWNSHIP OF THE SECOND
2 CLASS WHO HAS RECOGNIZED ABILITY AND EXPERIENCE IN
3 CONSTRUCTION OF BUILDINGS.

4 (15) AN ELECTED BOROUGH OFFICIAL WHO HAS RECOGNIZED
5 ABILITY AND EXPERIENCE IN CONSTRUCTION OF BUILDINGS.

6 (16) AN ELECTED OFFICIAL OF A THIRD CLASS CITY WHO HAS
7 RECOGNIZED ABILITY AND EXPERIENCE IN THE CONSTRUCTION OF
8 BUILDINGS.

9 (17) AN INDIVIDUAL FROM AN ASSOCIATION REPRESENTING
10 MANUFACTURED AND MODULAR HOUSING WHO SHALL BE KNOWLEDGEABLE,
11 LICENSED OR CERTIFIED TO SELL AND INSTALL MANUFACTURED AND
12 MODULAR HOUSING.

13 AT LEAST ONE OF THE INSPECTORS APPOINTED TO THE COUNCIL SHALL BE
14 A MUNICIPAL EMPLOYEE, AND AT LEAST ONE INSPECTOR SHALL BE A
15 THIRD-PARTY PRIVATE SECTOR INSPECTOR.

16 (d) Vacancies.--Vacancies on the council shall be filled in
17 the same manner in which they were originally designated, within
18 30 business days of the vacancy. If the Governor fails to act
19 within the 30 business days, the council chairperson shall
20 appoint an individual to fill the vacancy.

21 (e) Removal.--A member may be removed for just cause by the
22 ~~appointing authority~~ GOVERNOR.

23 (f) Terms.--A member of the council shall serve terms of two
24 years and until his successor is appointed beginning July 1,
25 2007, except the initial term of members appointed under
26 subsection ~~(c)(1), (3), (5), (7), (9), (11) and (13)~~ (C)(1),
27 (3), (4), (5), (8), (11), (13) AND (14) shall be for three years
28 and until their successor is appointed.

29 (g) Chairperson and vice chairperson.--The members shall
30 elect, by a majority vote, a chairperson and vice chairperson of

1 the council.

2 (h) Quorum AND CONSENSUS.--Nine members shall constitute a <—
3 quorum, AND A CONSENSUS AMONG AT LEAST NINE MEMBERS MUST BE <—
4 REACHED BEFORE ANY RECOMMENDATION CAN BE MADE BY THE COUNCIL.

5 (i) Meetings.--Meetings shall be held in Harrisburg in
6 locations provided by the department. The meetings shall also be
7 conducted as required by 65 Pa.C.S. Ch. 7 (relating to open
8 meetings) as follows:

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

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

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

24 (j) Administrative support.--The secretary shall provide the
25 administrative support necessary for the functions of the
26 council.

27 (k) Technical support.--The council may solicit and retain,
28 without compensation, individuals who are qualified by training
29 or experience to provide expert input to the council and, at the
30 discretion of the council, such individuals may be reimbursed

1 for reasonable travel expenses at a rate established by the
2 secretary.

3 (l) Compensation and expenses.--Members of the council shall
4 not receive a salary or per diem allowance for their service,
5 but shall be reimbursed for reasonable travel expenses and other
6 necessary expenses, at a rate to be determined by the secretary,
7 while attending council meetings.

8 (M) COMMONWEALTH DOCUMENT LAW AND REGULATORY REVIEW ACT.-- <—
9 THE COUNCIL SHALL NOT BE SUBJECT TO THE PROVISIONS OF THE ACT OF
10 JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE COMMONWEALTH
11 DOCUMENTS LAW, OR THE ACT OF JUNE 25, 1982 (P.L.633, NO.181),
12 KNOWN AS THE REGULATORY REVIEW ACT.

13 SECTION 3. SECTION 304(A) OF THE ACT, AMENDED FEBRUARY 19,
14 2004 (P.L.141, NO.13), IS AMENDED AND THE SECTION IS AMENDED BY
15 ADDING A SUBSECTION TO READ:

16 SECTION 304. REVISED OR SUCCESSOR CODES.

17 (A) BUILDING CODE.--

18 (1) SUBJECT TO SECTIONS 105(C) AND (D), 301(A)(3), (4),
19 (5), (6) AND (7), (C) AND (D) AND 302, BY DECEMBER 31 OF THE
20 YEAR OF THE ISSUANCE OF A NEW TRIENNIAL BOCA NATIONAL
21 BUILDING CODE, OR ITS SUCCESSOR BUILDING CODE, BUT NO SOONER
22 THAN RECEIVING A DETERMINATION FROM THE COUNCIL AS PROVIDED
23 IN SUBSECTION (D), OR 210 DAYS AFTER PUBLICATION OF A
24 TRIENNIAL REVISION, WHICHEVER FIRST OCCURS, THE DEPARTMENT
25 SHALL PROMULGATE REGULATIONS ADOPTING THE NEW CODE AS THE
26 UNIFORM CONSTRUCTION CODE, EXCEPT AS MAY BE REQUIRED BY
27 SUBSECTION (D).

28 (2) SUBJECT TO SECTIONS 105(C) AND (D), 301(A)(3), (4),
29 (5), (6) AND (7), (C) AND (D) AND 302, BY DECEMBER 31 OF THE
30 YEAR OF ISSUANCE OF A NEW TRIENNIAL ICC [INTERNATIONAL ONE

1 AND TWO FAMILY DWELLING CODE] INTERNATIONAL RESIDENTIAL CODE
2 FOR ONE- AND TWO-FAMILY DWELLINGS, OR ITS SUCCESSOR BUILDING
3 CODE, BUT NO SOONER THAN RECEIVING A DETERMINATION FROM THE
4 COUNCIL AS PROVIDED IN SUBSECTION (D), OR 210 DAYS AFTER
5 PUBLICATION OF A TRIENNIAL REVISION, WHICHEVER FIRST OCCURS,
6 THE DEPARTMENT SHALL PROMULGATE REGULATIONS PROVIDING THAT
7 ALL DETACHED ONE-FAMILY AND TWO-FAMILY DWELLINGS AND ONE-
8 FAMILY TOWNHOUSES THAT ARE NOT MORE THAN THREE STORIES IN
9 HEIGHT AND THEIR ACCESSORY STRUCTURES MAY BE DESIGNED IN
10 ACCORDANCE WITH THAT CODE , EXCEPT AS MAY BE REQUIRED BY
11 SUBSECTION (D) OR THE [UNIFORM CONSTRUCTION CODE]
12 INTERNATIONAL BUILDING CODE AT THE OPTION OF THE BUILDING
13 PERMIT APPLICANT.

14 * * *

15 (D) CODE REVISIONS.--

16 (1) THE COUNCIL MAY DETERMINE THAT ANY NEW OR AMENDED
17 PROVISION CONTAINED IN A TRIENNIAL REVISION BY THE ICC TO ANY
18 OF THE CODES WHICH HAVE BEEN ADOPTED BY REGULATION OF THE
19 DEPARTMENT AS PART OF THE UNIFORM CONSTRUCTION CODE IS NOT,
20 IN THE OPINION OF THE COUNCIL, CONSISTENT WITH THE INTENT AND
21 PURPOSE OF THIS ACT OR IS OTHERWISE INAPPROPRIATE FOR
22 INCLUSION IN THE UNIFORM CONSTRUCTION CODE. IN MAKING A
23 DETERMINATION ON THE NEW OR AMENDED TRIENNIAL REVISIONS THE
24 COUNCIL MAY CONSIDER THE PROVISIONS OF SECTION 102, AS WELL
25 AS OTHER RELEVANT FACTORS, INCLUDING, BUT NOT LIMITED TO:

26 (I) THE IMPACT THAT THE PROVISIONS MAY HAVE UPON THE
27 HEALTH, SAFETY AND WELFARE OF THE PUBLIC.

28 (II) THE ECONOMIC REASONABLENESS AND FINANCIAL
29 IMPACT OF THE PROVISIONS.

30 (III) THE TECHNICAL FEASIBILITY OF THE PROVISIONS.

1 (2) WHEN ADOPTING NEW TRIENNIAL VERSIONS OF THE ICC
2 CODES PURSUANT TO SUBSECTION (A) FOR WHICH THE COUNCIL HAS
3 RECOMMENDED REVISIONS UNDER PARAGRAPH (1), THE DEPARTMENT
4 SHALL ISSUE PROPOSED REGULATIONS AS REQUIRED BY THE ACT OF
5 JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE REGULATORY
6 REVIEW ACT, ADOPTING THE NEW ICC VERSION AS AMENDED. IN THE
7 EVENT OF PROPOSED REGULATIONS, THE DECEMBER 31 DEADLINE IN
8 SUBSECTION (A) SHALL BE WAIVED.

9 Section 3 4. This act shall take effect in 60 days.

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