

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, SIPTROTH, BENNINGHOFF AND PAYNE, APRIL 18, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 23, 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";
6 establishing the Uniform Construction Code Review and
7 Advisory Council; and further providing for revised or
8 successor codes and for training of inspectors.

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:

18 * * *

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 Secretary of Labor and Industry.

20 (iii) The members of any legislative committee
21 considering amendments to this act.

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

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

24 (vi) The Code Development Councils of the
25 International Code Council.

26 (3) Review new and amended provisions contained in
27 triennial revisions of the codes issued by the International
28 Code Council to any of its codes. The council shall inform
29 the department of any code provisions that should be excluded
30 from the Uniform Construction Code by May 1 of the year of

1 issuance of the latest triennial code issued by the
2 International Code Council.

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

5 (1) A general contractor from an association
6 representing the residential construction industry who has
7 recognized ability and experience in the construction of new
8 residential buildings.

9 (2) A contractor from an association representing the
10 nonresidential construction industry who has recognized
11 ability and experience in the construction of nonresidential
12 buildings.

13 (3) A Uniform Construction Code certified residential
14 building inspector who possesses all five residential
15 certifications from an association representing building code
16 officials who has experience administering and enforcing
17 residential codes.

18 (4) A Uniform Construction Code certified building
19 inspector who possesses all nonresidential inspection
20 certifications, but need not possess a fire inspector
21 certification, or a certified plans examiner who also holds
22 an accessibility certification from an association
23 representing building code officials who has experience
24 administering and enforcing nonresidential codes.

25 (5) A Uniform Construction Code certified fire inspector
26 from an association representing building code officials.

27 (6) A Uniform Construction Code certified building code
28 official from an association representing building code
29 officials with building code official certification.

30 (7) A residential contractor from an association

1 representing contractors engaged in remodeling residential
2 buildings who has recognized ability and experience in
3 remodeling residential and nonresidential buildings.

4 (8) A licensed architect from an association
5 representing architects who has recognized ability and
6 experience in the design and construction of nonresidential
7 buildings.

8 (9) A licensed architect from an association
9 representing architects who has recognized ability and
10 experience in the design and construction of residential
11 buildings.

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

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

20 (12) A licensed mechanical engineer, specializing in
21 plumbing and fire protection, from an association
22 representing professional engineers who has recognized
23 ability and experience in the design and construction of
24 buildings.

25 (13) A licensed electrical engineer from an association
26 representing ~~the electrical construction industry~~ <—
27 PROFESSIONAL ENGINEERS who has recognized ability and <—
28 experience in the design and construction of buildings.

29 (14) An elected official of a township of the second
30 class who has recognized ability and experience in

1 construction of buildings.

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

4 (16) An elected official of a third class city who has
5 recognized ability and experience in the construction of
6 buildings.

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

10 (18) An official of a city of the first class who has
11 recognized ability and experience in the administration and
12 enforcement of this act.

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

18 (20) AN ELECTED OFFICIAL OF A TOWNSHIP OF THE FIRST ←
19 CLASS WHO HAS RECOGNIZED ABILITY AND EXPERIENCE IN
20 CONSTRUCTION OF BUILDINGS.

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

24 (d) Vacancies.--Vacancies on the council shall be filled in
25 the same manner in which they were originally designated, within
26 30 business days of the vacancy. If the Governor fails to act
27 within the 30 business days, the council chairperson shall
28 appoint an individual to fill the vacancy.

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

1 (f) Terms.--A member of the council shall serve terms of two
2 years and until his successor is appointed beginning July 1,
3 2007, except the initial term of members appointed under
4 subsection (c)(1), (3), (4), (5), (8), (11), (13) and (14) shall
5 be for three years and until their successor is appointed.

6 (g) Chairperson and vice chairperson.--The members shall
7 elect, by a majority vote, a chairperson and vice chairperson of
8 the council.

9 (h) Quorum and consensus.-- ~~Ten~~ ELEVEN members shall <—
10 constitute a quorum, and a consensus among at least ~~ten~~ 11 <—
11 members must be reached before any determination can be made by
12 the council.

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

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

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

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

1 general public.

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

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

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

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] ICC
21 International Building Code, or its successor building code,
22 the department shall promulgate regulations adopting the new
23 code as the Uniform Construction Code[.] unless the council
24 informs the department that it should exclude any provisions
25 of the triennial code from the Uniform Construction Code. If
26 the council provides this notification, the department shall
27 submit regulations adopting the triennial code with
28 provisions omitted by the council under this section within
29 90 days following council notification.

30 (2) 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 issuance of a new triennial ICC [International One
3 and Two Family Dwelling Code] International Residential Code,
4 or its successor building code, the department shall
5 promulgate regulations providing that all detached one-family
6 and two-family dwellings and one-family townhouses that are
7 not more than three stories in height and their accessory
8 structures may be designed in accordance with that code or
9 the Uniform Construction Code at the option of the building
10 permit applicant. The department shall promulgate regulations
11 adopting the new code as the Uniform Construction Code unless
12 the council informs the department that it should exclude any
13 provisions of the triennial code from the Uniform
14 Construction Code. If the council provides this notification,
15 the department shall submit regulations adopting the
16 triennial code with provisions omitted by the council under
17 this section within 90 days following council notification.

18 * * *

19 (d) Code revisions.--

20 (1) The council may determine that any new or amended
21 provision contained in a triennial revision by the ICC to any
22 of the codes which have been adopted by regulation of the
23 department as part of the Uniform Construction Code is not,
24 in the opinion of the council, consistent with the intent and
25 purpose of this act or is otherwise inappropriate for
26 inclusion in the Uniform Construction Code. In making a
27 determination on the new or amended triennial revisions the
28 council may consider the provisions of section 102, as well
29 as other relevant factors, including, but not limited to:

30 (i) The impact that the provisions may have upon the

1 health, safety and welfare of the public.

2 (ii) The economic reasonableness and financial
3 impact of the provisions.

4 (iii) The technical feasibility of the provisions.

5 (2) When adopting the latest triennial versions of the
6 ICC codes, the department shall exclude a specific new or
7 amended code provision rejected by the council under
8 paragraph (1) and shall provide that the relevant provisions
9 of the prior versions of the code shall remain in effect.

10 Section 4. Section 701(a) and (b) of the act, amended July
11 7, 2006 (P.L.1052, No.108), are amended to read:

12 Section 701. Training of inspectors.

13 (a) Training program.--The department, in consultation with
14 the advisory board, [BOCA] ICC, NCSBCS and other interested
15 parties, shall by regulation adopt a program of required
16 training and certification for all categories of code
17 administrators. This education program shall include
18 accessibility requirements contained in and referenced by the
19 Uniform Construction Code. The department may contract with
20 third parties to provide the code training and testing programs.

21 (b) Categories of inspectors.--

22 (1) The department, in consultation with [BOCA] the ICC
23 and other interested parties, shall establish appropriate
24 categories of code administrators.

25 (2) A code administrator may act in place of a lumber
26 grading or inspection agency to satisfy the requirement set
27 forth under section 2303.1.1 of the 2003 International
28 Building Code or its successor code or section R404.2.1,
29 R502.1, R602.1 or R802.1 of the 2003 International
30 Residential Code for One- and Two-Family Dwellings or its

1 successor code.

2 * * *

3 Section 5. This act shall take effect in 60 days.