
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,
PAYNE, WAGNER AND McGEEHAN, APRIL 18, 2007

SENATOR GORDNER, LABOR AND INDUSTRY, IN SENATE, AS AMENDED,
APRIL 8, 2008

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:

1 * * *

2 "Council." The Uniform Construction Code Review and Advisory
3 Council established under this act.

4 * * *

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

6 Section 107. Uniform Construction Code Review and Advisory
7 Council.

8 (a) Establishment.--The Uniform Construction Code Review and
9 Advisory Council is hereby established.

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

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

17 (2) Evaluate the information compiled under paragraph

18 (1) and make recommendations to the following:

19 (i) The Governor.

20 (ii) The Secretary of Labor and Industry.

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

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

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

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

27 (3) ~~Review~~ WITH THE EXCEPTION OF THE PROVISIONS OF ←
28 CHAPTER 11 AND APPENDIX E OF THE INTERNATIONAL BUILDING CODE
29 OF 2006, OR ITS SUCCESSOR CODES, OR ANY OTHER ACCESSIBILITY
30 REQUIREMENTS CONTAINED IN OR REFERENCED BY THE UNIFORM

1 CONSTRUCTION CODE RELATING TO PERSONS WITH PHYSICAL
2 DISABILITIES, REVIEW new and amended provisions contained in
3 triennial revisions of the codes issued by the International
4 Code Council to any of its codes. The council shall inform
5 the department of any code provisions that should be excluded
6 from the Uniform Construction Code by May 1 of the year of
7 issuance of the latest triennial code issued by the
8 International Code Council.

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

11 (1) A general contractor from an association
12 representing the residential construction industry who has
13 recognized ability and experience in the construction of new
14 residential buildings.

15 (2) A contractor from an association representing the
16 nonresidential construction industry who has recognized
17 ability and experience in the construction of nonresidential
18 buildings.

19 (3) A Uniform Construction Code certified residential
20 building inspector who possesses all five residential
21 certifications from an association representing building code
22 officials who has experience administering and enforcing
23 residential codes.

24 (4) A Uniform Construction Code certified building
25 inspector who possesses all nonresidential inspection
26 certifications, but need not possess a fire inspector
27 certification, or a certified plans examiner who also holds
28 an accessibility certification from an association
29 representing building code officials who has experience
30 administering and enforcing nonresidential codes.

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

3 (6) A Uniform Construction Code certified building code
4 official from an association representing building code
5 officials with building code official certification.

6 (7) A residential contractor from an association
7 representing contractors engaged in remodeling residential
8 buildings who has recognized ability and experience in
9 remodeling residential and nonresidential buildings.

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

14 (9) A licensed architect from an association
15 representing architects who has recognized ability and
16 experience in the design and construction of residential
17 buildings.

18 (10) A licensed structural engineer from an association
19 representing professional engineers who has recognized
20 ability and experience in the design and construction of
21 buildings.

22 (11) A licensed mechanical engineer specializing in HVAC
23 systems from an association representing professional
24 engineers who has recognized ability and experience in the
25 design and construction of buildings.

26 (12) A licensed mechanical engineer, specializing in
27 plumbing and fire protection, from an association
28 representing professional engineers who has recognized
29 ability and experience in the design and construction of
30 buildings.

1 (13) A licensed electrical engineer from an association
2 representing professional engineers who has recognized
3 ability and experience in the design and construction of
4 buildings.

5 (14) An elected official of a township of the second
6 class who has recognized ability and experience in
7 construction of buildings.

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

10 (16) An elected official of a third class city who has
11 recognized ability and experience in the construction of
12 buildings.

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

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

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

24 ~~(20) An elected official of a township of the first~~ <—
25 ~~class who has recognized ability and experience in~~
26 ~~construction of buildings.~~

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

30 (d) Vacancies.--Vacancies on the council shall be filled in

1 the same manner in which they were originally designated, within
2 30 business days of the vacancy. If the Governor fails to act
3 within the 30 business days, the council chairperson shall
4 appoint an individual to fill the vacancy.

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

7 (f) Terms.--A member of the council shall serve terms of two
8 years and until his successor is appointed beginning July 1,
9 2007 2008, except the initial term of members appointed under <—
10 subsection (c)(1), (3), (4), (5), (8), (11), (13) and (14) shall
11 be for three years and until their successor is appointed.

12 (g) Chairperson and vice chairperson.--The members shall
13 elect, by a majority vote, a chairperson and vice chairperson of
14 the council.

15 (h) Quorum and consensus.--~~Eleven~~ TEN members shall <—
16 constitute a quorum, and a consensus among at least ~~11~~ TEN <—
17 members must be reached before any determination can be made by
18 the council.

19 (i) Meetings.--Meetings shall be held in Harrisburg in <—
20 locations provided by the department. The meetings shall also be
21 SHALL BE conducted as required by UNDER 65 Pa.C.S. Ch. 7 <—
22 (relating to open meetings) as follows:

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

27 (2) All meetings of the council shall be publicly
28 advertised and shall be open to the public. Members of the
29 general public shall be given reasonable opportunity to
30 address the council.

1 (3) The council shall publish a schedule of its meetings
2 in the Pennsylvania Bulletin and in at least one newspaper of
3 general circulation. The notice shall be published at least
4 five business days in advance of each meeting. The notice
5 shall specify the date, time and place of the meeting and
6 shall state that the meetings of the council are open to the
7 general public.

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

11 (k) Technical support.--The council may solicit and retain,
12 without compensation, individuals who are qualified by training
13 or experience to provide expert input to the council and, at the
14 discretion of the council, such individuals may be reimbursed
15 for reasonable travel expenses at a rate established by the
16 secretary.

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

19 Section 3. Section 304(a) of the act, amended February 19,
20 2004 (P.L.141, No.13), is amended and the section is amended by
21 adding a subsection to read:

22 Section 304. Revised or successor codes.

23 (a) Building code.--

24 (1) Subject to sections 105(c) and (d), 301(a)(3), (4),
25 (5), (6) and (7), (c) and (d) and 302, by December 31 of the
26 year of the issuance of a new triennial [BOCA National] ICC
27 International Building Code, or its successor building code,
28 the department shall promulgate regulations adopting the new
29 code as the Uniform Construction Code[.] unless the council
30 informs the department that it should exclude any provisions

1 of the triennial code from the Uniform Construction Code. If
2 the council provides this notification, the department shall
3 submit regulations adopting the triennial code with
4 provisions omitted by the council under this section within
5 90 days following council notification.

6 (2) Subject to sections 105(c) and (d), 301(a)(3), (4),
7 (5), (6) and (7), (c) and (d) and 302, by December 31 of the
8 year of issuance of a new triennial ICC [International One
9 and Two Family Dwelling Code] International Residential Code,
10 or its successor building code, the department shall
11 promulgate regulations providing that all detached one-family
12 and two-family dwellings and one-family townhouses that are
13 not more than three stories in height and their accessory
14 structures may be designed in accordance with that code or
15 the Uniform Construction Code at the option of the building
16 permit applicant. The department shall promulgate regulations
17 adopting the new code as the Uniform Construction Code unless
18 the council informs the department that it should exclude any
19 provisions of the triennial code from the Uniform
20 Construction Code. If the council provides this notification,
21 the department shall submit regulations adopting the
22 triennial code with provisions omitted by the council under
23 this section within 90 days following council notification.

24 * * *

25 (d) Code revisions.--

26 (1) The council may determine that any new or amended
27 provision contained in a triennial revision by the ICC to any
28 of the codes which have been adopted by regulation of the
29 department as part of the Uniform Construction Code is not,
30 in the opinion of the council, consistent with the intent and

1 purpose of this act or is otherwise inappropriate for
2 inclusion in the Uniform Construction Code. In making a
3 determination on the new or amended triennial revisions the
4 council may consider the provisions of section 102, as well
5 as other relevant factors, including, but not limited to:

6 (i) The impact that the provisions may have upon the
7 health, safety and welfare of the public.

8 (ii) The economic reasonableness and financial
9 impact of the provisions.

10 (iii) The technical feasibility of the provisions.

11 (2) When adopting the latest triennial versions of the
12 ICC codes, the department shall exclude a specific new or
13 amended code provision rejected by the council under
14 paragraph (1) and shall provide that the relevant provisions
15 of the prior versions of the code shall remain in effect.

16 Section 4. Section 701(a) and (b) of the act, amended July
17 7, 2006 (P.L.1052, No.108), are amended to read:

18 Section 701. Training of inspectors.

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

27 (b) Categories of inspectors.--

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

