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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1096 Session of  
2007

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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, McGEEHAN AND BROOKS, APRIL 18, 2007

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SENATE AMENDMENTS TO HOUSE AMENDMENTS, OCTOBER 7, 2008

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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," "State~~ <—  
6 ~~affiliated entity," "State owned building" and "State related~~  
7 ~~institution"~~ FURTHER PROVIDING FOR DEFINITIONS; establishing <—  
8 the Uniform Construction Code Review and Advisory Council;  
9 and further providing for revised or successor codes, ~~for~~ <—  
10 ~~training of inspectors and for applicability to certain~~  
11 ~~buildings.~~ AND FOR TRAINING OF INSPECTORS. <—

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. Section 103 of the act of November 10, 1999  
15 (P.L.491, No.45), known as the Pennsylvania Construction Code  
16 Act, is amended by adding ~~definitions~~ A DEFINITION to read: <—  
17 Section 103. Definitions.

18 The following words and phrases when used in this act shall  
19 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 \* \* \*

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

5 \* \* \*

6 ~~"State affiliated entity." A Commonwealth authority or a~~ ←  
7 ~~Commonwealth entity. The term includes the Pennsylvania Turnpike~~  
8 ~~Commission, the Pennsylvania Housing Finance Agency, the~~  
9 ~~Pennsylvania Municipal Retirement System, the Pennsylvania~~  
10 ~~Infrastructure Investment Authority, the State Public School~~  
11 ~~Building Authority, the Pennsylvania Higher Educational~~  
12 ~~Facilities Authority and the State System of Higher Education.~~

13 ~~"State owned building." A building owned by or to be~~  
14 ~~constructed for Commonwealth entities consisting of the General~~  
15 ~~Assembly, the Unified Judicial System, the Pennsylvania Higher~~  
16 ~~Education Assistance Agency, an executive agency, an independent~~  
17 ~~agency, a State affiliated entity or a State related~~  
18 ~~institution.~~

19 ~~"State related institution." The Pennsylvania State~~  
20 ~~University, the University of Pittsburgh, Lincoln University or~~  
21 ~~Temple University.~~

22 \* \* \*

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

24 Section 107. Uniform Construction Code Review and Advisory  
25 Council.

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

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

29 (1) Gather information from municipal officers, building  
30 code officials, construction code officials, licensed design

1 professionals, builders and property owners, concerning  
2 issues with the Uniform Construction Code raised by council  
3 members, or changes proposed by members of the General  
4 Assembly.

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

7 (i) The Governor.

8 (ii) The Secretary of Labor and Industry.

9 (iii) The members of any legislative committee  
10 considering amendments to this act.

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

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

13 (vi) The Code Development Councils of the  
14 International Code Council.

15 (3) With the exception of the provisions of Chapter 11  
16 and Appendix E of the International Building Code of 2006, or  
17 its successor codes, or any other accessibility requirements  
18 contained in or referenced by the Uniform Construction Code  
19 relating to persons with physical disabilities, review new  
20 and amended provisions contained in triennial revisions of  
21 the codes issued by the International Code Council to any of  
22 its codes. The council shall inform the department of any  
23 code provisions that should be excluded from the Uniform  
24 Construction Code by May 1 of the year of issuance of the  
25 latest triennial code issued by the International Code  
26 Council.

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

29 (1) A general contractor from an association  
30 representing the residential construction industry who has

1 recognized ability and experience in the construction of new  
2 residential buildings.

3 (2) A contractor from an association representing the  
4 nonresidential construction industry who has recognized  
5 ability and experience in the construction of nonresidential  
6 buildings.

7 (3) A Uniform Construction Code certified residential  
8 building inspector who possesses all five residential  
9 certifications from an association representing building code  
10 officials who has experience administering and enforcing  
11 residential codes.

12 (4) A Uniform Construction Code certified building  
13 inspector who possesses all nonresidential inspection  
14 certifications, but need not possess a fire inspector  
15 certification, or a certified plans examiner who also holds  
16 an accessibility certification from an association  
17 representing building code officials who has experience  
18 administering and enforcing nonresidential codes.

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

21 (6) A Uniform Construction Code certified building code  
22 official from an association representing building code  
23 officials with building code official certification.

24 (7) A residential contractor from an association  
25 representing contractors engaged in remodeling residential  
26 buildings who has recognized ability and experience in  
27 remodeling residential and nonresidential buildings.

28 (8) A licensed architect from an association  
29 representing architects who has recognized ability and  
30 experience in the design and construction of nonresidential

1 buildings.

2 (9) A licensed architect from an association  
3 representing architects who has recognized ability and  
4 experience in the design and construction of residential  
5 buildings.

6 (10) A licensed structural engineer from an association  
7 representing professional engineers who has recognized  
8 ability and experience in the design and construction of  
9 buildings.

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

14 (12) A licensed mechanical engineer, specializing in  
15 plumbing and fire protection, from an association  
16 representing professional engineers who has recognized  
17 ability and experience in the design and construction of  
18 buildings.

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

23 (14) An elected official of a township of the second  
24 class who has recognized ability and experience in  
25 construction of buildings.

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

28 (16) An elected official of a third class city who has  
29 recognized ability and experience in the construction of  
30 buildings.

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

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

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

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

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

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

22          (f) Terms.--A member of the council shall serve terms of two  
23 years and until his successor is appointed beginning July 1,  
24 2008, except the initial term of members appointed under  
25 subsection (c)(1), (3), (4), (5), (8), (11), (13) and (14) shall  
26 be for three years and until their successor is appointed.

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

30          (h) Quorum and consensus.--Ten members shall constitute a

1 quorum, and a consensus among at least ten members must be  
2 reached before any determination can be made by the council.

3 (i) Meetings.--Meetings shall be conducted as required under  
4 65 Pa.C.S. Ch. 7 (relating to open meetings) as follows:

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

9 (2) All meetings of the council shall be publicly  
10 advertised and shall be open to the public. Members of the  
11 general public shall be given reasonable opportunity to  
12 address the council.

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

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

23 (k) Technical support.--The council may solicit and retain,  
24 without compensation, individuals who are qualified by training  
25 or experience to provide expert input to the council and, at the  
26 discretion of the council, such individuals may be reimbursed  
27 for reasonable travel expenses at a rate established by the  
28 secretary.

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

1 Section 3. Section 304(a) of the act, amended February 19,  
2 2004 (P.L.141, No.13), is amended and the section is amended by  
3 adding a subsection to read:

4 Section 304. Revised or successor codes.

5 (a) Building code.--

6 (1) 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 the issuance of a new triennial [BOCA National] ICC  
9 International Building Code, or its successor building code,  
10 the department shall promulgate regulations adopting the new  
11 code as the Uniform Construction Code[.] unless the council  
12 informs the department that it should exclude any provisions  
13 of the triennial code from the Uniform Construction Code. If  
14 the council provides this notification, the department shall  
15 submit regulations adopting the triennial code with  
16 provisions omitted by the council under this section within  
17 90 days following council notification.

18 (2) 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 issuance of a new triennial ICC [International One  
21 and Two Family Dwelling Code] International Residential Code,  
22 or its successor building code, the department shall  
23 promulgate regulations providing that all detached one-family  
24 and two-family dwellings and one-family townhouses that are  
25 not more than three stories in height and their accessory  
26 structures may be designed in accordance with that code or  
27 the Uniform Construction Code at the option of the building  
28 permit applicant. The department shall promulgate regulations  
29 adopting the new code as the Uniform Construction Code unless  
30 the council informs the department that it should exclude any



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

6 \* \* \*

7 (d) Code revisions.--

8 (1) The council may determine that any new or amended  
9 provision contained in a triennial revision by the ICC to any  
10 of the codes which have been adopted by regulation of the  
11 department as part of the Uniform Construction Code is not,  
12 in the opinion of the council, consistent with the intent and  
13 purpose of this act or is otherwise inappropriate for  
14 inclusion in the Uniform Construction Code. In making a  
15 determination on the new or amended triennial revisions the  
16 council may consider the provisions of section 102, as well  
17 as other relevant factors, including, but not limited to:

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

20 (ii) The economic reasonableness and financial  
21 impact of the provisions.

22 (iii) The technical feasibility of the provisions.

23 (2) When adopting the latest triennial versions of the  
24 ICC codes, the department shall exclude a specific new or  
25 amended code provision rejected by the council under  
26 paragraph (1) and shall provide that the relevant provisions  
27 of the prior versions of the code shall remain in effect.

28 Section 4. Section 701(a) and (b) of the act, amended July  
29 7, 2006 (P.L.1052, No.108), are amended to read:

30 Section 701. Training of inspectors.

1 (a) Training program.--The department, in consultation with  
2 the advisory board, [BOCA] ICC, NCSBCS and other interested  
3 parties, shall by regulation adopt a program of required  
4 training and certification for all categories of code  
5 administrators. This education program shall include  
6 accessibility requirements contained in and referenced by the  
7 Uniform Construction Code. The department may contract with  
8 third parties to provide the code training and testing programs.

9 (b) Categories of inspectors.--

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

13 (2) A code administrator may act in place of a lumber  
14 grading or inspection agency to satisfy the requirement set  
15 forth under section 2303.1.1 of the 2003 International  
16 Building Code or its successor code or section R404.2.1,  
17 R502.1, R602.1 or R802.1 of the 2003 International  
18 Residential Code for One- and Two-Family Dwellings or its  
19 successor code.

20 \* \* \*

21 ~~Section 5. Section 902(b)(4) of the act, amended December~~ <—  
22 ~~22, 2005 (P.L.478, No.95), is amended to read:~~

23 ~~Section 902. Applicability to certain buildings.~~

24 \* \* \*

25 ~~(b) Uncertified buildings under department's jurisdiction.~~  
26 ~~Subject to subsection (d), all of the following apply to a~~  
27 ~~building subject to the jurisdiction of the department:~~

28 \* \* \*

29 ~~(4) A building owner may file an application for a~~  
30 ~~variance from this subsection concerning accessibility with~~

1 ~~the advisory board under section 106. A building owner may~~  
2 ~~file an application for a variance from this subsection~~  
3 ~~concerning other standards. The application must be filed~~  
4 ~~with the Industrial Board if any of the following apply:~~

5 ~~(i) The building is located in a municipality where~~  
6 ~~the department has jurisdiction.~~

7 ~~(ii) The building is a State owned building. [As~~  
8 ~~used in this subparagraph, the term "State owned~~  
9 ~~building" means a building owned or constructed for~~  
10 ~~Commonwealth entities consisting of the General Assembly,~~  
11 ~~the Unified Judicial System, the Pennsylvania Higher~~  
12 ~~Education Assistance Agency, an executive agency, an~~  
13 ~~independent agency and a State affiliated entity or~~  
14 ~~State related institution, as defined in 62 Pa.C.S. § 103~~  
15 ~~(relating to definitions).]~~

16 ~~\* \* \*~~

17 Section 6 5. This act shall take effect immediately.

<—