
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1877 Session of
2013

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DECEMBER 9, 2013

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, DECEMBER 9, 2013

AN ACT

1 Providing for demolition standards for buildings and structures,
2 for permits, for inspections, for powers and duties of the
3 Department of Labor and Industry and for training and
4 enforcement; imposing penalties; and establishing the
5 Demolition Safety Training and Enforcement Account.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Demolition
10 Safety Act.

11 Section 2. Definitions.

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

15 "Account." The Demolition Safety Training and Enforcement
16 Account established under section 9.

17 "ANSI." The American National Standards Institute.

18 "Code administrator." As defined in section 103 of the act

1 of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania
2 Construction Code Act.

3 "Construction code official." As defined in section 103 of
4 the act of November 10, 1999 (P.L.491, No.45), known as the
5 Pennsylvania Construction Code Act.

6 "Demolition." The partial or complete destruction of a
7 building or structure.

8 "Demolition work." The work incidental to or associated with
9 the total, partial or complete destruction of a building or
10 structure.

11 "Department." The Department of Labor and Industry of the
12 Commonwealth.

13 "Municipality." As defined in section 103 of the act of
14 November 10, 1999 (P.L.491, No.45), known as the Pennsylvania
15 Construction Code Act.

16 "OSHA." The Occupational Safety and Health Administration of
17 the United States Department of Labor.

18 "Pennsylvania Construction Code Act." The act of November
19 10, 1999 (P.L.491, No.45), known as the Pennsylvania
20 Construction Code Act.

21 "Residential building." As defined in section 103 of the act
22 of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania
23 Construction Code Act.

24 Section 3. Application.

25 (a) General rule.--

26 (1) This act shall apply to the demolition of all
27 buildings and structures under the jurisdiction of cities of
28 the first class and municipalities that have elected coverage
29 under paragraph (2).

30 (2) A municipality may approve and enact an ordinance

1 under the law governing the adoption of ordinances in that
2 jurisdiction to elect coverage under this act.

3 (b) Demolition codes and standards.--

4 (1) Demolition work shall be completed in accordance
5 with construction codes and standards adopted under the
6 Pennsylvania Construction Code Act.

7 (2) A city of the first class or a municipality that has
8 elected coverage under subsection (a)(2) may enact an
9 ordinance under the law governing the adoption of ordinances
10 in that jurisdiction to adopt standards and safeguards for
11 demolitions that equal or exceed the minimum requirements of
12 the Uniform Construction Code adopted under section 301 of
13 the Pennsylvania Construction Code Act. The ordinances shall
14 not be subject to the limitations and requirements set forth
15 in sections 503 and 504 of the Pennsylvania Construction Code
16 Act.

17 Section 4. Demolition permits and secondary demolition permits.

18 (a) Demolition permits required.--

19 (1) A contractor or an owner of a property who will
20 perform demolition work on a building or structure must
21 receive a demolition permit from the code administrator for
22 the jurisdiction where the work will be performed.

23 (2) A subcontractor or individual who is not an employee
24 of the demolition permit holder and who will perform work
25 authorized by the demolition permit must receive a secondary
26 demolition permit from the code administrator for the
27 jurisdiction where the work will be performed.

28 (b) Permit applications.--

29 (1) The demolition permit application shall require:

30 (i) Identifying information and qualifications,

1 which may include work history, training or educational
2 experience, affiliation or membership in occupational
3 associations or organizations, and licensing and
4 certifications issued by a public agency or recognized
5 industry association or organization.

6 (ii) Documents, including building and site plans,
7 if available, prepared by a licensed architect or
8 professional engineer and demolition plans, time
9 schedules and surveys required under 29 CFR Part 1926.850
10 (relating to preparatory operations), prepared by a
11 professional engineer who is trained or experienced in
12 the field of demolition.

13 (iii) A site-specific safety plan that supports the
14 demolition plan and meets or exceeds current OSHA and
15 ANSI A10.6 standards for demolition. The plan must be
16 updated throughout demolition work.

17 (iv) Verification that preparatory requirements have
18 been completed, which include, but are not limited to,
19 the following:

20 (A) Asbestos or hazardous materials inspection,
21 abatement or removal as required by Federal, State or
22 local law or regulation.

23 (B) Utility disconnections beyond the building
24 or structure, except where it may be necessary to
25 maintain a utility service.

26 (v) Liability insurance in the amount of at least
27 \$1,000,000.

28 (vi) A performance bond by a surety company
29 authorized to do business in this Commonwealth in the
30 amount of the estimated cost of the demolition work

1 authorized by the permit, but not less than \$25,000. The
2 bond shall be conditioned upon acceptable completion of
3 the work authorized by the permit.

4 (vii) Certification that employees who will perform
5 work authorized by the permit have completed industry
6 standard training and maintain any certifications or
7 licensing which may be required by Federal, State or
8 local law.

9 (viii) Proof of a drug and alcohol testing policy,
10 which authorizes testing based on reasonable suspicion or
11 any other basis, for all workers employed on the project,
12 or, if the applicant is an individual, an agreement that
13 the individual will not engage in the unlawful possession
14 or use of a controlled substance while performing work
15 authorized by the permit.

16 (ix) An agreement that an employee or individual who
17 has successfully completed an OSHA 30-hour course in
18 construction industry safety and health hazard
19 recognition and prevention and possesses training or
20 experience in the application of ANSI A10.6 standards for
21 demolition will be on site at all times work is performed
22 under the permit.

23 (x) Identifying information for subcontractors that
24 will perform work authorized by the permit.

25 (xi) An agreement to provide notice by certified
26 mail of the application for a demolition permit and
27 demolition time schedule to adjacent property owners and
28 occupants.

29 (xii) Any other requirements set forth by the
30 department, the city of the first class or the

1 municipality.

2 (2) The secondary demolition permit application shall
3 require:

4 (i) Identifying information and qualifications,
5 which may include work history, training or educational
6 experience, affiliation or membership in occupational
7 associations or organizations and licensing and
8 certifications.

9 (ii) A copy of the primary demolition permit.

10 (iii) A summary of work to be completed by the
11 subcontractor or individual.

12 (iv) Liability insurance of at least \$1,000,000.

13 (v) Certification that employees or individuals who
14 will perform work authorized by the permit have completed
15 industry standard training and maintain any
16 certifications or licensing which may be required by
17 Federal, State or local law.

18 (vi) Proof of a drug and alcohol testing policy,
19 which authorizes testing based on reasonable suspicion or
20 any other basis, for all workers employed on the project,
21 or, if the applicant is an individual, an agreement that
22 the individual will not engage in the unlawful possession
23 or use of a controlled substance while performing work
24 authorized by the permit.

25 (vii) Any other requirements set forth by the
26 department or municipality.

27 (c) Permit approval.--

28 (1) A code administrator shall review applications for
29 demolition permits and secondary demolition permits and may
30 grant the permit if:

1 (i) The application meets the requirements set forth
2 under subsection (b).

3 (ii) The code administrator determines that the
4 applicant is qualified to perform the work authorized by
5 the permit.

6 (iii) The code administrator confirms that
7 contractors and heavy equipment operators maintain
8 certifications or licensing that may be required by
9 Federal, State or local law.

10 (iv) The code administrator has conducted a site
11 inspection.

12 (2) A code administrator may approve a permit with
13 conditions or specialized instructions to conduct demolition
14 work.

15 (d) Waiver or reduction of permit requirements.--

16 (1) A code administrator may waive or reduce
17 requirements set forth by subsection (b) with respect to a
18 single demolition permit if the code administrator finds
19 that:

20 (i) the costs or requirements are excessive when
21 compared to the risks to public safety and acceptable
22 completion of the demolition and that the demolition will
23 include only work on a fully detached residential
24 building that maintains a setback from property lines and
25 public ways so that the demolition will not disturb
26 adjacent properties or the public; or

27 (ii) the proposed demolition will not include load-
28 bearing structural changes and the applicant has obtained
29 a construction permit.

30 (2) Reasons must be provided by the code administrator

1 in writing.

2 Section 5. Enforcement.

3 (a) Inspections required.--

4 (1) A code administrator may examine and inspect
5 demolition buildings, structures or sites related to the
6 permit application or demolition to ensure compliance.

7 (2) Inspections shall be conducted as follows:

8 (i) prior to issuing a permit;

9 (ii) at intervals during demolition work;

10 (iii) at any time that a credible complaint has been
11 made regarding the demolition work; and

12 (iv) after work is completed.

13 (b) Stop work orders and cancellation of permits.--A code
14 administrator may issue stop work orders or revoke permits if
15 the administrator finds that demolition work is not in
16 compliance with the requirements of this act or the requirements
17 of the demolition permit.

18 (c) Right of appeal.--A person aggrieved by the application
19 or enforcement of this section shall have the right to appeal to
20 a court of appropriate jurisdiction.

21 Section 6. Penalties.

22 (a) Violation of the act.--

23 (1) Any individual, firm or corporation that performs
24 demolition work without a demolition permit or misrepresents
25 or omits facts in order to obtain a demolition permit commits
26 a misdemeanor of the third degree and shall, upon conviction,
27 be sentenced to pay a fine of not more than \$2,500 and costs.

28 (2) Each day that a violation of this act continues
29 shall be considered a separate violation.

30 (b) Disposition of penalties.--The amount of the penalty

1 shall be forwarded to the entity with enforcement jurisdiction.

2 Section 7. Records.

3 The code administrator shall retain records of applications,
4 inspections and enforcement actions for no less than four years
5 after the completion of the demolition project.

6 Section 8. Duties of department.

7 (a) Review of code administrators.--

8 (1) The department shall annually, and at any time with
9 reasonable cause, review code administrators, construction
10 code officials and third party agencies concerning the
11 enforcement and administration of this act and qualifications
12 required by section 701 of the Pennsylvania Construction Code
13 Act.

14 (2) The department shall make a report to the governing
15 body of the municipality that was the subject of a review.
16 The report shall include findings and recommendations or
17 required actions to address any deficiency observed by the
18 department.

19 (3) The department may require compliance with this act
20 through proceedings in Commonwealth Court.

21 (b) Training programs.--Programs of required training and
22 certification and continuing education for all categories of
23 code administrators employed by the department, cities of the
24 first class and municipalities that have elected coverage under
25 this act shall include an OSHA 30-hour course in construction
26 industry safety and health hazard recognition and prevention.

27 Section 9. Training and enforcement grants.

28 (a) Additional fee.--The department, cities of the first
29 class and municipalities that have elected coverage under
30 section 3(a)(2) may assess an additional fee on each permit

1 issued under the authority of this act and the Pennsylvania
2 Construction Code Act in the amount of 15% of the total cost of
3 the permit.

4 (b) Training and enforcement account.--There is hereby
5 established within the State Treasury a restricted account,
6 which shall be known as the Demolition Safety Training and
7 Enforcement Account.

8 (c) Deposit.--Moneys collected as authorized under
9 subsection (a) shall be transmitted quarterly to the State
10 Treasurer and deposited in the account. Moneys so deposited are
11 appropriated to the department for the following purposes:

12 (1) For grants for enhanced enforcement of this act and
13 the Pennsylvania Construction Code Act, including training
14 and staffing of code administrators, construction code
15 officials and inspectors and associated administrative costs.
16 Grants must be allocated annually and in proportion to
17 revenue generated from the additional fees assessed under
18 subsection (a).

19 (2) For costs incurred by the department under section
20 8(a).

21 (3) For costs of administering the account.

22 (d) Report required.--Within 18 months of the effective date
23 of this section and every year thereafter, the department shall
24 submit a report to the chairman and minority chairman of the
25 Labor and Industry Committee of the Senate and the chairman and
26 minority chairman of the Labor and Industry Committee of the
27 House of Representatives. The report shall provide the following
28 information:

29 (1) All data available on the administration of the
30 account.

1 (2) Revenue generated by the additional fee.

2 (3) The use and distribution of revenue by the
3 department.

4 (4) Any other information that the department believes
5 to be relevant or necessary in the content of the report.

6 Section 10. Effective date.

7 This act shall take effect immediately.