

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1023 Session of 2013

INTRODUCED BY McILHINNEY, SOLOBAY, FERLO, DINNIMAN, HUGHES, FONTANA, STACK, LEACH, TOMLINSON, SMITH AND FARNESE, JUNE 17, 2013

SENATOR GORDNER, LABOR AND INDUSTRY, AS AMENDED, JANUARY 28, 2014

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," further providing for the
6 duties of the council, for revised or successor codes and for
7 education and training programs.

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

10 Section 1. ~~Section 107(b.1), (c) and (l) of the act of~~ <--
11 ~~November 10, 1999 (P.L.491, No.45), known as the Pennsylvania~~
12 ~~Construction Code Act, amended or added October 9, 2008~~
13 ~~(P.L.1386, No.106) and April 25, 2011 (P.L.1, No.1), are amended~~
14 ~~to read:~~

15 SECTION 1. SECTION 107(B), (B.1), (C), (F), (J) AND (L) OF <--
16 THE ACT OF NOVEMBER 10, 1999 (P.L.491, NO.45), KNOWN AS THE
17 PENNSYLVANIA CONSTRUCTION CODE ACT, AMENDED OR ADDED OCTOBER 9,
18 2008 (P.L.1386, NO.106) AND APRIL 25, 2011 (P.L.1, NO.1), ARE
19 AMENDED TO READ:

1 Section 107. Uniform Construction Code Review and Advisory
2 Council.

3 * * *

4 (B) DUTIES.--THE COUNCIL SHALL DO THE FOLLOWING: <--

5 (1) GATHER INFORMATION FROM MUNICIPAL OFFICERS, BUILDING
6 CODE OFFICIALS, CONSTRUCTION CODE OFFICIALS, LICENSED DESIGN
7 PROFESSIONALS, BUILDERS AND PROPERTY OWNERS CONCERNING ISSUES
8 WITH THE UNIFORM CONSTRUCTION CODE RAISED BY COUNCIL MEMBERS
9 OR CHANGES PROPOSED BY MEMBERS OF THE GENERAL ASSEMBLY.

10 (2) EVALUATE THE INFORMATION COMPILED UNDER PARAGRAPH
11 (1) AND MAKE RECOMMENDATIONS TO THE FOLLOWING:

12 (I) THE GOVERNOR.

13 (II) THE SECRETARY OF LABOR AND INDUSTRY.

14 (III) THE MEMBERS OF ANY LEGISLATIVE COMMITTEE
15 CONSIDERING AMENDMENTS TO THIS ACT.

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

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

18 (VI) THE CODE DEVELOPMENT COUNCILS OF THE
19 INTERNATIONAL CODE COUNCIL.

20 (3) WITH THE EXCEPTION OF THE PROVISIONS OF CHAPTER 11
21 AND APPENDIX E OF THE INTERNATIONAL BUILDING CODE OF 2009, OR
22 ITS SUCCESSOR CODES, OR ANY OTHER ACCESSIBILITY REQUIREMENTS
23 WHICH SHALL BE SPECIFIED IN THE REGULATIONS CONTAINED IN OR
24 REFERENCED BY THE UNIFORM CONSTRUCTION CODE RELATING TO
25 PERSONS WITH PHYSICAL DISABILITIES, REVIEW THE [LATEST
26 TRIENNIAL CODE REVISIONS ISSUED BY THE INTERNATIONAL CODE
27 COUNCIL, BEGINNING WITH THE 2012 CODES,] PROVISIONS REVISED
28 IN PUBLISHED INTERNATIONAL CODE COUNCIL UPDATES SUBSEQUENT TO
29 THE LATEST PENNSYLVANIA UNIFORM CONSTRUCTION CODE ADOPTION,
30 AS PROVIDED UNDER SUBSECTION (B.1).

1 (b.1) Code review process.--

2 (1) Beginning with the [2012 ICC codes, the council <--
3 shall review the latest triennial code revisions upon
4 official publication of the codes.] 2015 ICC CODES, THE <--
5 COUNCIL SHALL REVIEW THE LATEST TRIENNIAL CODE REVISIONS UPON
6 OFFICIAL PUBLICATION OF THE CODES, AS WELL AS CODE REVISIONS
7 IN THE 2012 TRIENNIAL PUBLICATION OF THE CODES THAT WERE NOT
8 PREVIOUSLY ADOPTED BY THE COUNCIL FOR INCLUSION IN THE
9 UNIFORM CONSTRUCTION CODE.

10 (2) During the review process, the council shall hold at
11 least three public hearings. One of the public hearings shall
12 be held in Harrisburg, one shall be held in the eastern
13 region of this Commonwealth and one shall be held in the
14 western region of this Commonwealth.

15 (3) The council shall submit a report to the secretary
16 within the [12-month] 24-MONTH period following official <--
17 publication of the latest triennial code revisions under
18 paragraph (1) with provisions of the codes that are specified
19 for ~~adoption~~ rejection. [.] AND WHICH PROVISIONS ARE <--
20 SPECIFIED FOR MODIFICATION. MODIFICATION SHALL BE LIMITED TO
21 THE SUBJECT MATTER OF THE PROVISIONS OF THE LATEST TRIENNIAL
22 CODE REVISIONS AND SHALL BE CONSISTENT WITH THE INTENT AND
23 PURPOSES OF THIS ACT. The provisions of the codes that are
24 specified for [adoption] rejection shall be separately
25 designated in the report.

26 (4) The council shall examine triennial code revisions
27 AND MODIFICATIONS BY applying all of the following criteria: <--

28 (i) The impact that the provision may have upon the
29 health, safety and welfare of the public.

30 (ii) The economic and financial impact of the

1 provision.

2 (iii) The technical feasibility of the provision.

3 (IV) THE REQUIREMENT THAT THE PROVISION, IF MODIFIED <--
4 BY THE COUNCIL, MUST MEET OR EXCEED THE UNIFORM
5 CONSTRUCTION CODE PROVISION CURRENTLY IN EFFECT.

6 (5) Only triennial code revisions AND MODIFICATIONS that <--
7 are ~~adopted~~ ~~rejected~~ by a two-thirds vote of council <--
8 membership shall be included in the report required under
9 paragraph (3).

10 (6) The council shall MAY, as part of its review of the <--
11 2015 ICC codes, also re-review the 2012 codes.

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

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

18 (2) A general contractor from an association
19 representing the nonresidential construction industry who has
20 recognized ability and experience in the construction of
21 nonresidential buildings.

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

27 (4) A Uniform Construction Code-certified building
28 inspector who possesses all nonresidential inspection
29 certifications, but need not possess a fire inspector
30 certification, or a certified plans examiner who also holds

1 an accessibility certification from an association
2 representing building code officials who has experience
3 administering and enforcing nonresidential codes.

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

6 (6) A Uniform Construction Code-certified building code
7 official from an association representing building code
8 officials with building code official certification.

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

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

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

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

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

29 (12) A licensed mechanical engineer specializing in
30 plumbing and fire protection from an association representing

1 professional engineers who has recognized ability and
2 experience in the design and construction of buildings.

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

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

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

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

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

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

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

26 ~~(20) A professor of engineering with a concentration or <--
27 specialty in building energy efficiency.~~

28 ~~(21) An architect specializing in building energy
29 efficiency.~~

30 ~~(20) AN ARCHITECT OR ENGINEER SPECIALIZING IN BUILDING <--~~

1 ENERGY EFFICIENCY.

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

5 * * *

6 (F) TERMS.--A MEMBER OF THE COUNCIL SHALL SERVE TERMS OF <--
7 [TWO] THREE YEARS AND UNTIL HIS SUCCESSOR IS APPOINTED BEGINNING
8 JULY 1, 2008, EXCEPT THE INITIAL TERM OF MEMBERS APPOINTED UNDER
9 SUBSECTION (C) (1), (3), (4), (5), (8), (11), (13) AND (14) SHALL
10 BE FOR THREE YEARS AND UNTIL THEIR SUCCESSOR IS APPOINTED.

11 * * *

12 (J) ADMINISTRATIVE SUPPORT.--THE DEPARTMENT SHALL PROVIDE A
13 FACILITY FOR COUNCIL MEETINGS UNDER THIS ACT, STENOGRAPHIC
14 SERVICES AND REQUIRED NOTICE OF THE COUNCIL'S MEETINGS. THE
15 DEPARTMENT [MAY] SHALL PROVIDE STAFF SUPPORT TO ASSIST THE
16 COUNCIL IN ITS DUTIES REQUIRED BY SUBSECTION (B.1) (4) AND IN
17 DRAFTING ANY REPORTS REQUIRED UNDER THIS ACT.

18 * * *

19 (1) Compensation and expenses.--Members of the council shall
20 not receive a salary [or per diem allowance for their service]
21 but shall be entitled to \$60 per diem and reasonable travel, <--
22 hotel and other necessary expenses incurred in performing their
23 duties.

24 Section 2. Section 304 of the act, amended April 5, 2011
25 (P.L.1, No.1), is amended to read:

26 Section 304. Revised or successor codes.

27 (a) Duties of department.--

28 (1) Subject to sections 105(c) and (d), 301(a) (3), (4),
29 (5), (6) and (7), (c) and (d) and 302, within [three] 12
30 months of the receipt of the report under section 107(b.1),

1 the department shall promulgate final-omitted regulations
2 under the act of June 25, 1982 (P.L.633, No.181), known as
3 the Regulatory Review Act, to adopt the triennial code
4 revisions AND MODIFICATIONS made in the report without <--
5 change.

6 (2) Regulations promulgated under this subsection are
7 exempt from:

8 (i) section 205 of the act of July 31, 1968
9 (P.L.769, No.240), referred to as the Commonwealth
10 Documents Law; and

11 (ii) sections 204(b) and 301(10) of the act of
12 October 15, 1980 (P.L.950, No.164), known as the
13 Commonwealth Attorneys Act.

14 (3) Notwithstanding paragraphs (1) and (2), the
15 department shall promulgate regulations updating
16 accessibility standards under Chapter 3 by adopting Chapter
17 11 and Appendix E of the International Building Code of 2012,
18 or its successor, by December 31 of the year of issuance of
19 the new code.

20 (a.1) Continuity.--If a triennial revision is not adopted
21 under section 107(b.1)(5), the relevant provisions of the prior
22 version of the codes shall remain in effect.

23 (c) Prior permits and construction.--

24 (1) A construction permit issued under valid
25 construction regulations prior to the effective date of
26 regulations for a subsequent Uniform Construction Code or
27 International Fuel Gas Code issued under this act shall
28 remain valid, and the construction of any building or
29 structure may be completed pursuant to and in accordance with
30 the permit.

1 (2) If the permit has not been actively prosecuted
2 within two years of the effective date of the regulation or
3 the period specified by a municipal ordinance, whichever is
4 less, the former permitholder shall be required to acquire a
5 new permit.

6 (3) Where construction of a building or structure
7 commenced before the effective date of the regulations for a
8 subsequent Uniform Construction Code or International Fuel
9 Gas Code issued under this act and a permit was not required
10 at that time, construction may be completed without a permit.

11 Section 3. Section 703 of the act, amended November 29, 2006
12 (P.L.1440, No.157), is amended to read:

13 Section 703. Education and training programs.

14 (a) Fee.--Municipalities administering and enforcing this
15 act under section 501(a) and third-party agencies providing
16 services under section 501(e) shall assess a fee of ~~[\$4]~~ \$5 on <--
17 each construction or building permit issued under the authority
18 of this act. The fee shall be in addition to any other fee
19 imposed for the permit.

20 (b) ~~[Training accounts]~~ Accounts.--There is hereby
21 established within the State Treasury ~~[two]~~ three restricted
22 accounts which shall be known as the Municipal Code Official
23 Training Account, the Review and Advisory Council Administration
24 Account and the Construction Contractor Training Account.

25 (c) Deposit.--Moneys collected as authorized under
26 subsection (a) shall be transmitted quarterly to the State
27 Treasury and ~~†~~shall be ~~[equally]~~ divided and deposited in the <--
28 ~~accounts established in subsection (b)]~~ 37.5% of said moneys <--
29 shall be deposited in the Municipal Code Official Training
30 Account, 37.5% of said moneys shall be deposited in the

1 ~~Construction Contractor Training Account and 25% shall be~~
2 ~~deposited in the Review and Advisory Council Administration~~
3 ~~Account. Moneys so deposited are hereby equally appropriated on~~ <--

4 ACCOUNTS ESTABLISHED IN SUBSECTION (B) [.] AS FOLLOWS:

5 (1) FORTY PERCENT OF THE MONEYS SHALL BE DEPOSITED IN
6 THE MUNICIPAL CODE OFFICIAL TRAINING ACCOUNT;

7 (2) FORTY PERCENT OF THE MONEYS SHALL BE DEPOSITED IN
8 THE CONSTRUCTION CONTRACTOR TRAINING ACCOUNT; AND

9 (3) TWENTY PERCENT OF THE MONEYS SHALL BE DEPOSITED IN
10 THE REVIEW AND ADVISORY COUNCIL ADMINISTRATION ACCOUNT.

11 MONEYS SO DEPOSITED ARE HEREBY EQUALLY APPROPRIATED ON approval
12 of the Governor to the Department of Community and Economic
13 Development for the purpose of education and training programs
14 provided by the Pennsylvania Construction Codes Academy for
15 municipal code officials and individuals employed by third-party
16 agencies under contract to a municipality and to a Pennsylvania-
17 based housing research center located at a land grant university
18 for the construction industry. To assure the programs meet the
19 needs of the construction industry, the education, training and
20 other activities provided by such a housing research center
21 shall be approved by its industry advisory committee.

22 (d) Review and Advisory Council Administration expenses.--
23 Moneys collected as authorized under subsection (a) and
24 deposited in the Review and Advisory Council Administration
25 Account shall be transmitted quarterly to the Department of
26 Labor and Industry for per diem and expenses of the Review and <--
27 Advisory Council as authorized in section 107(l) and for
28 technical assistance as provided for in section 107(k) and
29 administrative assistance as determined necessary by the council
30 and the department.

1 Section 4. This act shall take effect in 60 days.