

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

AS AMENDED ON SECOND CONSIDERATION, MARCH 10, 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), (b.1), (c), (f), (j) and (l) of
11 the act of November 10, 1999 (P.L.491, No.45), known as the
12 Pennsylvania Construction Code Act, amended or added October 9,
13 2008 (P.L.1386, No.106) and April 25, 2011 (P.L.1, No.1), are
14 amended to read:

15 Section 107. Uniform Construction Code Review and Advisory
16 Council.

17 * * *

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

19 (1) Gather information from municipal officers, building
20 code officials, construction code officials, licensed design

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

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

6 (i) The Governor.

7 (ii) The Secretary of Labor and Industry.

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

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

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

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

14 (3) With the exception of the provisions of Chapter 11
15 and Appendix E of the International Building Code of 2009, or
16 its successor codes, or any other accessibility requirements
17 which shall be specified in the regulations contained in or
18 referenced by the Uniform Construction Code relating to
19 persons with physical disabilities, review the [latest
20 triennial code revisions issued by the International Code
21 Council, beginning with the 2012 codes,] provisions revised
22 in published International Code Council updates subsequent to
23 the latest Pennsylvania Uniform Construction Code adoption,
24 as provided under subsection (b.1).

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

26 (1) Beginning with the [2012 ICC codes, the council
27 shall review the latest triennial code revisions upon
28 official publication of the codes.] 2015 ICC codes, the
29 council shall review the latest triennial code revisions upon
30 official publication of the codes, as well as code revisions

1 in the 2012 triennial publication of the codes that were not
2 previously adopted by the council for inclusion in the
3 Uniform Construction Code.

4 (2) During the review process, the council shall hold at
5 least three public hearings. One of the public hearings shall
6 be held in Harrisburg, one shall be held in the eastern
7 region of this Commonwealth and one shall be held in the
8 western region of this Commonwealth.

9 (3) The council shall submit a report to the secretary
10 within the [12-month] 24-month period following official
11 publication of the latest triennial code revisions under
12 paragraph (1) with provisions of the codes that are specified
13 for adoption[.] and which provisions are specified for
14 modification. Modification shall be limited to the subject
15 matter of the provisions of the latest triennial code
16 revisions and shall be consistent with the intent and
17 purposes of this act. The provisions of the codes that are
18 specified for [adoption] rejection shall be separately
19 designated in the report.

20 (4) The council shall examine triennial code revisions
21 and modifications by applying all of the following criteria:

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

24 (ii) The economic and financial impact of the
25 provision.

26 (iii) The technical feasibility of the provision.

27 (iv) The requirement that the provision, if modified
28 by the council, must meet or exceed the Uniform
29 Construction Code provision currently in effect.

30 (5) Only triennial code revisions and modifications that

1 are adopted by a two-thirds vote of council membership shall
2 be included in the report required under paragraph (3).

3 ~~(6) The council may, as part of its review of the 2015~~ <--
4 ~~ICC codes, also re review the 2012 codes.~~

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

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

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

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

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

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

29 (6) A Uniform Construction Code-certified building code
30 official from an association representing building code

1 officials with building code official certification.

2 (7) A residential contractor from an association
3 representing contractors engaged in remodeling residential
4 buildings who has recognized ability and experience in
5 remodeling residential and nonresidential buildings.

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

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

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

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

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

26 (13) A licensed electrical engineer from an association
27 representing professional engineers who has recognized
28 ability and experience in the design and construction of
29 buildings.

30 (14) An elected official of a township of the second

1 class who has recognized ability and experience in
2 construction of buildings.

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

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

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

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

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

19 (20) An architect or engineer specializing in building
20 energy efficiency.

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 * * *

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

30 * * *

1 (j) Administrative support.--The department shall provide a
2 facility for council meetings under this act, stenographic
3 services and required notice of the council's meetings. The
4 department [may] shall provide staff support to assist the
5 council in its duties required by subsection (b.1)(4) and in
6 drafting any reports required under this act.

7 * * *

8 (l) Compensation and expenses.--Members of the council shall
9 not receive a salary [or per diem allowance for their service]
10 but shall be entitled to reasonable travel, hotel and other
11 necessary expenses incurred in performing their duties.

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

14 Section 304. Revised or successor codes.

15 (a) Duties of department.--

16 (1) Subject to sections 105(c) and (d), 301(a)(3), (4),
17 (5), (6) and (7), (c) and (d) and 302, within [three] 12
18 months of the receipt of the report under section 107(b.1),
19 the department shall promulgate final-omitted regulations
20 under the act of June 25, 1982 (P.L.633, No.181), known as
21 the Regulatory Review Act, to adopt the triennial code
22 revisions and modifications made in the report without
23 change.

24 (2) Regulations promulgated under this subsection are
25 exempt from:

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

29 (ii) sections 204(b) and 301(10) of the act of
30 October 15, 1980 (P.L.950, No.164), known as the

1 Commonwealth Attorneys Act.

2 (3) Notwithstanding paragraphs (1) and (2), the
3 department shall promulgate regulations updating
4 accessibility standards under Chapter 3 by adopting Chapter
5 11 and Appendix E of the International Building Code of 2012,
6 or its successor, by December 31 of the year of issuance of
7 the new code.

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

11 (c) Prior permits and construction.--

12 (1) A construction permit issued under valid
13 construction regulations prior to the effective date of
14 regulations for a subsequent Uniform Construction Code or
15 International Fuel Gas Code issued under this act shall
16 remain valid, and the construction of any building or
17 structure may be completed pursuant to and in accordance with
18 the permit.

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

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

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

1 Section 703. Education and training programs.

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

8 (b) [Training accounts] Accounts.--There is hereby
9 established within the State Treasury [two] three restricted
10 accounts which shall be known as the Municipal Code Official
11 Training Account, the Review and Advisory Council Administration
12 Account and the Construction Contractor Training Account.

13 (c) Deposit.--Moneys collected as authorized under
14 subsection (a) shall be transmitted quarterly to the State
15 Treasury and shall be [equally] divided and deposited in the
16 accounts established in subsection (b)[.] as follows:

17 (1) forty percent of the moneys shall be deposited in
18 the Municipal Code Official Training Account;

19 (2) forty percent of the moneys shall be deposited in
20 the Construction Contractor Training Account; and

21 (3) twenty percent of the moneys shall be deposited in
22 the Review and Advisory Council Administration Account.

23 Moneys so deposited are hereby equally appropriated on approval
24 of the Governor to the Department of Community and Economic
25 Development for the purpose of education and training programs
26 provided by the Pennsylvania Construction Codes Academy for
27 municipal code officials and individuals employed by third-party
28 agencies under contract to a municipality and to a Pennsylvania-
29 based housing research center located at a land grant university
30 for the construction industry. To assure the programs meet the

1 needs of the construction industry, the education, training and
2 other activities provided by such a housing research center
3 shall be approved by its industry advisory committee.

4 (d) Review and Advisory Council Administration expenses.--
5 Moneys collected as authorized under subsection (a) and
6 deposited in the Review and Advisory Council Administration
7 Account shall be transmitted quarterly to the Department of
8 Labor and Industry for expenses of the Review and Advisory
9 Council as authorized in section 107(l) and for technical
10 assistance as provided for in section 107(k) and administrative
11 assistance as determined necessary by the council and the
12 department.

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