

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 CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, JUNE 2, 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 <--

30 PROVISIONS REVISED IN PUBLISHED INTERNATIONAL CODE COUNCIL <--

1 UPDATES SUBSEQUENT TO THE LATEST PENNSYLVANIA UNIFORM
2 CONSTRUCTION CODE ADOPTION upon official publication of the
3 codes, as well as code revisions in the 2012 triennial <--
4 publication of the codes that were not previously adopted by
5 the council for inclusion in the Uniform Construction Code.

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

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

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

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

26 (ii) The economic and financial impact of the
27 provision.

28 (iii) The technical feasibility of the provision.

29 (iv) The requirement that the provision, if modified
30 by the council, must meet or exceed the Uniform

1 Construction Code provision currently in effect.

2 (5) Only [triennial code revisions] PROVISIONS REVISED <--
3 IN PUBLISHED INTERNATIONAL CODE COUNCIL UPDATES SUBSEQUENT TO
4 THE LATEST PENNSYLVANIA UNIFORM CONSTRUCTION CODE ADOPTION
5 and modifications that are adopted by a two-thirds vote of
6 council membership shall be included in the report required
7 under paragraph (3).

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

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

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

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

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

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

1 administering and enforcing nonresidential codes.

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

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

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

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

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

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

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

27 (12) A licensed mechanical engineer specializing in
28 plumbing and fire protection from an association representing
29 professional engineers who has recognized ability and
30 experience in the design and construction of 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 architect or engineer specializing in building
25 energy efficiency.

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

29 * * *

30 (f) Terms.--A member of the council shall serve terms of

1 [two] three years and until his successor is appointed beginning
2 July 1, 2008, except the initial term of members appointed under
3 subsection (c)(1), (3), (4), (5), (8), (11), (13) and (14) shall
4 be for three years and until their successor is appointed.

5 * * *

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

12 * * *

13 (l) Compensation and expenses.--Members of the council shall
14 not receive a salary [or per diem allowance for their service]
15 but shall be entitled to REIMBURSEMENT FOR reasonable travel, <--
16 hotel and other necessary expenses incurred in performing their
17 duties.

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

20 Section 304. Revised or successor codes.

21 (a) Duties of department.--

22 (1) Subject to sections 105(c) and (d), 301(a)(3), (4),
23 (5), (6) and (7), (c) and (d) and 302, within [three] 12
24 months of the receipt of the report under section 107(b.1),
25 the department shall promulgate final-omitted regulations
26 under the act of June 25, 1982 (P.L.633, No.181), known as
27 the Regulatory Review Act, to adopt the [triennial code <--
28 revisions] PROVISIONS REVISED IN PUBLISHED INTERNATIONAL CODE <--
29 COUNCIL UPDATES SUBSEQUENT TO THE LATEST PENNSYLVANIA UNIFORM
30 CONSTRUCTION CODE ADOPTION and modifications made in the

1 report without change.

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

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

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

10 (3) Notwithstanding paragraphs (1) and (2), the
11 department shall promulgate regulations updating
12 accessibility standards under Chapter 3 by adopting Chapter
13 11 and Appendix E of the International Building Code of 2012,
14 or its successor, OR ANY OTHER ACCESSIBILITY REQUIREMENTS <--
15 WHICH SHALL BE SPECIFIED IN THE REGULATIONS, CONTAINED IN OR
16 REFERENCED BY THE UNIFORM CONSTRUCTION CODE RELATING TO
17 PERSONS WITH DISABILITIES, by December 31 of the year [of] <--
18 FOLLOWING THE issuance of the new code.

19 (a.1) Continuity.--If [a triennial revision is] THE <--
20 PROVISIONS REVISED IN PUBLISHED INTERNATIONAL CODE COUNCIL
21 UPDATES SUBSEQUENT TO THE LATEST PENNSYLVANIA UNIFORM
22 CONSTRUCTION CODE ADOPTION ARE not adopted under section
23 107(b.1) (5), the relevant provisions of the [prior version of] <--
24 the codes] THE LATEST PENNSYLVANIA UNIFORM CONSTRUCTION CODE <--
25 shall remain in effect.

26 (c) Prior permits and construction.--

27 (1) A construction permit issued under valid
28 construction regulations prior to the effective date of
29 regulations for a subsequent Uniform Construction Code or
30 International Fuel Gas Code issued under this act shall

1 remain valid, and the construction of any building or
2 structure may be completed pursuant to and in accordance with
3 the permit.

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

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

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

16 Section 703. Education and training programs.

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

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

28 (c) Deposit.--Moneys collected as authorized under
29 subsection (a) shall be transmitted quarterly to the State
30 Treasury and shall be [equally] divided and deposited in the

1 accounts established in subsection (b) [.] as follows:

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

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

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

8 Moneys so deposited UNDER PARAGRAPHS (1) AND (2) are hereby <--

9 equally appropriated on approval of the Governor to the

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

20 (d) Review and Advisory Council Administration expenses.--

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

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