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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 635 Session of  
2015

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INTRODUCED BY EVANKOVICH, HEFFLEY, GODSHALL, HELM, MAHONEY AND  
MOUL, FEBRUARY 26, 2015

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, FEBRUARY 26, 2015

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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," in preliminary provisions,  
6 further providing for Uniform Construction Code Review and  
7 Advisory Council; in Uniform Construction Code, further  
8 providing for revised or successor codes; and, in training  
9 and certification of inspectors, further providing for  
10 education and training programs.

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

13 Section 1. Sections 107(b)(3), (b.1), (f), (j), (k) and (l)  
14 and 304(a)(1) and (3) of the act of November 10, 1999 (P.L.491,  
15 No.45), known as the Pennsylvania Construction Code Act, amended  
16 or added October 9, 2008 (P.L.1386, No.106) and April 25, 2011  
17 (P.L.1, No.1), are amended to read:

18 Section 107. Uniform Construction Code Review and Advisory  
19 Council.

20 \* \* \*

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

22 \* \* \*

1 (3) With the exception of the provisions of Chapter 11  
2 and Appendix E of the International Building Code of 2009, or  
3 its successor codes, or any other accessibility requirements  
4 specified in regulation, contained in or referenced by the  
5 Uniform Construction Code relating to persons with physical  
6 disabilities, review the latest triennial code revisions  
7 issued by the International Code Council, beginning with the  
8 [2012] 2015 codes, as provided under subsection (b.1).

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

10 (1) Beginning with the [2012 ICC codes, the council  
11 shall review the latest triennial code revisions upon  
12 official publication of the codes.] 2015 ICC codes, the  
13 council shall, every six years, conduct a comprehensive  
14 review of the revisions contained in the last two triennial  
15 code updates. The council may, every six years beginning with  
16 publication of the 2018 triennial codes, conduct a limited  
17 review of selected triennial code revisions which the council  
18 deems to significantly improve public health, safety or  
19 welfare.

20 (2) During the comprehensive review process of the  
21 revisions contained in the last two triennial code updates  
22 under paragraph (1), the council shall hold at least three  
23 public hearings. One of the public hearings shall be held in  
24 Harrisburg, one shall be held in the eastern region of this  
25 Commonwealth and one shall be held in the western region of  
26 this Commonwealth. During any limited review process of  
27 selected triennial code revisions under paragraph (1), the  
28 council shall hold at least one public hearing in Harrisburg.

29 (3) The council shall submit a report to the secretary  
30 within the [12-month] 24-month period following official

1 publication of the [latest] applicable triennial code  
2 revisions under paragraph (1) with [provisions of the codes]  
3 the code revisions that are specified for adoption[.] and  
4 modification. Modification shall be limited to the subject  
5 matter of revisions in the updated triennial codes and shall  
6 be consistent with the intent and purposes of this act. Any  
7 modified code revision shall meet or exceed the requirements  
8 of the code provision in effect, or revision currently being  
9 reviewed, whichever is less stringent. The [provisions]  
10 revisions of the codes that are specified for adoption shall  
11 be separately designated in the report.

12 (4) The council shall [examine triennial code revisions  
13 applying all of the following criteria:] review triennial  
14 code revisions as required under paragraph (1) and consider  
15 relevant criteria, including the following:

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

18 (ii) The economic and financial impact of the  
19 provision.

20 (iii) The technical feasibility of the provision.

21 (5) [Only triennial code revisions that are] Code  
22 revisions subject to review under paragraph (1) may only be  
23 adopted or modified by a two-thirds vote of council  
24 membership and shall be [included] specified for adoption or  
25 modification in the report required under paragraph (3).

26 (6) If for technical reasons the council deems it  
27 necessary to review a triennial code revision that was not  
28 previously adopted and is not in a triennial code update  
29 authorized for review under paragraph (1), the council may,  
30 by two-thirds procedural vote of council membership, review

1 the revision. The provisions of paragraphs (3), (4) and (5)  
2 shall apply to the adoption or modification of such  
3 revisions.

4 \* \* \*

5 (f) Terms.--A member of the council shall serve terms of two  
6 years and until his successor is appointed beginning July 1,  
7 2008, except the initial term of members appointed under  
8 subsection (c)(1), (3), (4), (5), (8), (11), (13) and (14) shall  
9 be for three years and until their successor is appointed.  
10 Beginning with appointments made on or after January 31, 2015,  
11 members of the council shall serve terms of three years and  
12 until successors are appointed. The current term of members  
13 appointed before January 31, 2015, under subsection (c)(2), (6),  
14 (8), (11), (16) and (17) shall be extended to three years.

15 \* \* \*

16 (j) Administrative support.--The department shall provide a  
17 facility for council meetings under this act, stenographic  
18 services and required notice of the council's meetings. The  
19 department [may] shall provide staff support [in drafting any  
20 reports], including legal counsel to assist the council in its  
21 duties required under this act.

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

28 (l) Compensation and expenses.--Members of the council shall  
29 not receive a salary or per diem allowance for their service[.]  
30 but may be reimbursed, at the discretion of the chairperson, for

1 reasonable travel, lodging and other necessary expenses incurred  
2 in performing their duties.

3 Section 304. Revised or successor codes.

4 (a) Duties of department.--

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

13 \* \* \*

14 (3) [Notwithstanding paragraphs (1) and (2), the] 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.] and any other accessibility requirements which  
20 shall be specified in the regulations, or contained in or  
21 referenced by the Uniform Construction Code relating to  
22 persons with disabilities. If regulations are required to be  
23 promulgated under paragraph (1), the department shall  
24 promulgate regulations under this paragraph with the same  
25 effective date as regulations promulgated under paragraph  
26 (1). If regulations are not required to be promulgated under  
27 paragraph (1), the department shall promulgate regulations  
28 under this paragraph within 30 months after the official  
29 publication of the latest triennial code revisions.

30 \* \* \*

1 Section 2. Section 703(b) and (c) of the act, amended  
2 November 29, 2006 (P.L.1440, No.157), are amended and the  
3 section is amended by adding a subsection to read:

4 Section 703. Education and training programs.

5 \* \* \*

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

11 (c) Deposit.--

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

16 (i) forty-five percent of the moneys shall be  
17 deposited in the Municipal Code Official Training  
18 Account;

19 (ii) forty-five percent of the moneys shall be  
20 deposited in the Construction Contractor Training  
21 Account; and

22 (iii) ten percent of the moneys shall be deposited  
23 in the Review and Advisory Council Administration  
24 Account.

25 (2) Moneys so deposited under subparagraphs (i) and  
26 (ii) are hereby equally appropriated on approval of the  
27 Governor to the Department of Community and Economic  
28 Development for the purpose of education and training  
29 programs provided by the Pennsylvania Construction Codes  
30 Academy for municipal code officials and individuals employed

1 by third-party agencies under contract to a municipality and  
2 to a Pennsylvania-based housing research center located at a  
3 land grant university for the construction industry. To  
4 assure the programs meet the needs of the construction  
5 industry, the education, training and other activities  
6 provided by such a housing research center shall be approved  
7 by its industry advisory committee.

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

9 Moneys collected as authorized under subsection (a) and  
10 deposited in the Review and Advisory Council Administration  
11 Account shall be transmitted quarterly to the Department of  
12 Labor and Industry for expenses of the Review and Advisory  
13 Council as authorized in section 107(l), for technical  
14 assistance as provided for in section 107(k) and administrative  
15 assistance as provided for in section 107(j), as determined  
16 necessary by the council as funds are available.

17 Section 3. This act shall take effect as follows:

18 (1) The amendment or addition of section 703(b), (c) and  
19 (d) shall take effect July 1, 2015, or immediately, whichever  
20 is later.

21 (2) The remainder of this act shall take effect  
22 immediately.