

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 409 Session of 2017

INTRODUCED BY EVANKOVICH, DOWLING, GABLER, A. HARRIS, HARPER, ZIMMERMAN, BERNSTINE, IRVIN, BENNINGHOFF, EVERETT, TURZAI, MOUL, DUSH AND MACKENZIE, FEBRUARY 8, 2017

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 3, 2017

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 definitions and for Uniform
7 Construction Code Review and Advisory Council and providing
8 for review of updated sections and adoption of updated
9 sections into Uniform Construction Code; in Uniform
10 Construction Code, further providing for revised or successor
11 codes; in adoption and enforcement by municipalities, further
12 providing for administration and enforcement; in training and
13 certification of inspectors, further providing for education
14 and training programs; and, in exemptions, applicability and
15 penalties, further providing for applicability to certain
16 buildings.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. Section 103 of the act of November 10, 1999
20 (P.L.491, No.45), known as the Pennsylvania Construction Code
21 Act, is amended by adding definitions to read:

22 Section 103. Definitions.

23 The following words and phrases when used in this act shall
24 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 * * *

3 "Collective codes." The term includes:

4 (1) Provisions of the ICC codes specified in 34 Pa. Code
5 § 403.21 (relating to Uniform Construction Code).

6 (2) Any other sections of the ICC codes which were
7 previously subject to review by the council whether or not
8 those sections were incorporated into the Uniform
9 Construction Code or specified in 34 Pa. Code § 403.21.

10 * * *

11 "Existing sections." All sections of the collective codes
12 that have been incorporated into the Uniform Construction Code
13 that are currently in effect at the time of review by the
14 council pursuant to section 108.

15 * * *

16 "Unopposed sections." Any and all updated sections that:

17 (1) Do not receive a public comment recommending
18 modification or rejection pursuant to section 108(a)(3)(ii).

19 (2) Are not selected for further review by a technical
20 advisory committee pursuant to section 108(a)(3)(v).

21 (3) Are not selected for further review by the council
22 pursuant to section 108(a)(3)(ix)(A).

23 "Updated sections." Any and all sections of the newest
24 editions of the ICC codes subject to review by the council under
25 section 108(a)(1) that are different from, added to or deleted
26 from, the immediately preceding editions of the ICC codes. Each
27 updated section shall be referenced by the section number
28 assigned to such section by the ICC codes.

29 * * *

30 Section 2. Section 107 of the act is amended to read:

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

3 (a) Establishment.--The Uniform Construction Code Review and
4 Advisory Council is hereby established.

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

6 (1) Gather information from municipal officers, building
7 code officials, construction code officials, licensed design
8 professionals, builders [and], property owners, construction
9 trades and consumer representatives concerning issues with
10 the Uniform Construction Code raised by council members or
11 changes proposed by members of the General Assembly.

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

14 (i) The Governor.

15 (ii) The Secretary of Labor and Industry.

16 (iii) The members of any legislative committee
17 considering amendments to this act.

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

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

20 (vi) The [Code Development Councils of the]
21 International Code Council.

22 (3) With the exception of the accessibility provisions
23 of [Chapter 11 and Appendix E of the International Building
24 Code of 2009, or its successor] the most recently published
25 editions of ICC codes, or any other accessibility
26 requirements specified in regulation, contained in or
27 referenced by the Uniform Construction Code relating to
28 persons with physical disabilities, review the [latest
29 triennial code revisions issued by the International Code
30 Council, beginning with the 2012 codes] updated sections, as

1 provided under [subsection (b.1)] section 108, or other
2 sections of the collective codes, as provided under section
3 108(a)(1)(iii).

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

5 (1) Beginning with the 2012 ICC codes, the council shall
6 review the latest triennial code revisions upon official
7 publication of the codes.

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

13 (3) The council shall submit a report to the secretary
14 within the 12-month period following official publication of
15 the latest triennial code revisions under paragraph (1) with
16 provisions of the codes that are specified for adoption. The
17 provisions of the codes that are specified for adoption shall
18 be separately designated in the report.

19 (4) The council shall examine triennial code revisions
20 applying all of the following criteria:

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

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

25 (iii) The technical feasibility of the provision.

26 (5) Only triennial code revisions that are adopted by a
27 two-thirds vote of council membership shall be included in
28 the report required under paragraph (3).]

29 (c) Composition.--The council shall [consist of the
30 following members appointed by the Governor:

1 (1) A general contractor from an association
2 representing the residential construction industry who has
3 recognized ability and experience in the construction of new
4 residential buildings.

5 (2) A general contractor from an association
6 representing the nonresidential construction industry who has
7 recognized ability and experience in the construction of
8 nonresidential buildings.

9 (3) A Uniform Construction Code-certified residential
10 building inspector who possesses all five residential
11 certifications from an association representing building code
12 officials who has experience administering and enforcing
13 residential codes.

14 (4) A Uniform Construction Code-certified building
15 inspector who possesses all nonresidential inspection
16 certifications, but need not possess a fire inspector
17 certification, or a certified plans examiner who also holds
18 an accessibility certification from an association
19 representing building code officials who has experience
20 administering and enforcing nonresidential codes.

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

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

26 (7) A residential contractor from an association
27 representing contractors engaged in remodeling residential
28 buildings who has recognized ability and experience in
29 remodeling residential and nonresidential buildings.

30 (8) A licensed architect from an association

1 representing architects who has recognized ability and
2 experience in the design and construction of nonresidential
3 buildings.

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

8 (10) A licensed structural engineer from an association
9 representing professional engineers who has recognized
10 ability and experience in the design and construction of
11 buildings.

12 (11) A licensed mechanical engineer specializing in HVAC
13 systems from an association representing professional
14 engineers who has recognized ability and experience in the
15 design and construction of buildings.

16 (12) A licensed mechanical engineer specializing in
17 plumbing and fire protection from an association representing
18 professional engineers who has recognized ability and
19 experience in the design and construction of buildings.

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

24 (14) An elected official of a township of the second
25 class who has recognized ability and experience in
26 construction of buildings.

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

29 (16) An elected official of a third class city who has
30 recognized ability and experience in the construction of

1 buildings.

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

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

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

13 be comprised of members WHO ARE LEGAL RESIDENTS OF THIS <--
14 COMMONWEALTH selected as follows:

15 (1) One member, appointed by the President pro tempore
16 of the Senate, who must be a general contractor from an
17 association representing the residential construction
18 industry and have a recognized ability and experience in the
19 construction of new residential dwellings.

20 (2) One member, appointed by the Minority Leader of the
21 Senate, who must be a second or third class city official and
22 have recognized ability and experience in the construction of
23 buildings.

24 (3) One member, appointed by the Speaker of the House of
25 Representatives, who must be a general contractor from an
26 association representing the nonresidential construction
27 industry and have recognized ability and experience in the
28 construction of nonresidential buildings.

29 (4) One member, appointed by the Minority Leader of the
30 House of Representatives, who must have recognized ability

1 and experience in construction trades so as to represent
2 employees in the industry.

3 (5) Seventeen members appointed by the Governor to
4 include the following:

5 (i) One member who must be a Uniform Construction
6 Code-certified residential building inspector, possess
7 all five residential certifications from an association
8 representing building code officials and have experience
9 administering and enforcing residential codes.

10 (ii) One member who must be a Uniform Construction
11 Code-certified building inspector, ~~possess~~ WHO POSSESSES <--
12 all nonresidential inspection certifications BUT DOES NOT <--
13 NEED TO POSSESS A FIRE INSPECTOR CERTIFICATION, or a
14 certified plans examiner, ~~hold~~ WHO HOLDS an accessibility <--
15 certification from an association representing building
16 code officials and ~~have~~ HAS experience administering and <--
17 enforcing nonresidential codes. ~~The code certified~~ <--
18 building inspector need not possess a fire inspector
19 certification.

20 (iii) One member who must be a Uniform Construction
21 Code-certified fire inspector from an association
22 representing fire code officials.

23 (iv) One member who must be a Uniform Construction
24 Code-certified building code official from an association
25 representing building code officials with building code
26 official certification.

27 (v) One member who must be a residential contractor
28 from an association representing contractors engaged in
29 remodeling residential buildings and have recognized
30 ability and experience in remodeling residential and

1 nonresidential buildings.

2 (vi) One member who must be a licensed architect
3 from an association representing architects and have
4 recognized ability and experience in the design and
5 construction of nonresidential buildings.

6 (vii) One member who must be a licensed architect
7 from an association representing architects and have
8 recognized ability and experience in the design and
9 construction of residential buildings.

10 (viii) One member who must be a licensed structural
11 engineer from an association representing professional
12 engineers and have recognized ability and experience in
13 the design and construction of buildings.

14 (ix) One member who must be a licensed mechanical
15 engineer specializing in HVAC systems from an association
16 representing professional engineers and have recognized
17 ability and experience in the design and construction of
18 buildings.

19 (x) One member who must be a licensed mechanical
20 engineer specializing in plumbing and fire protection
21 from an association representing professional engineers
22 and have recognized ability and experience in the design
23 and construction of buildings.

24 (xi) One member who must be a licensed electrical
25 engineer from an association representing professional
26 engineers and have recognized ability and experience in
27 the design and construction of buildings.

28 (xii) One member who must be a public official of a
29 borough and have recognized ability and experience in the
30 construction of buildings.

1 (xiii) One member from an association representing
2 manufactured housing who must be knowledgeable, licensed
3 or certified to sell and install manufactured housing.

4 (xiv) One member who must be a first class city
5 official and have recognized ability and experience in
6 the administration and enforcement of this act.

7 (xv) One member from an association representing
8 only modular housing manufacturers who must be
9 knowledgeable, licensed or certified under the act of May
10 11, 1972 (P.L.286, No.70), known as the Industrialized
11 Housing Act, to manufacture and sell modular homes in
12 this Commonwealth.

13 (xvi) One member who is a public official of a
14 township of the second class and has recognized ability
15 and experience in the construction of buildings.

16 (xvii) One member from an association representing
17 commercial building owners who has recognized ability and
18 experience in the construction and renovation of
19 nonresidential buildings.

20 At least one of the inspectors appointed to the council shall be
21 a municipal employee, and at least one inspector shall be a
22 third-party private sector inspector. ALL MEMBERS SHALL PRESENT <--
23 DOCUMENTATION TO THE SECRETARY THAT THEY MEET THE QUALIFICATIONS
24 OF THEIR APPOINTMENT AND THE SECRETARY SHALL MAINTAIN THE
25 DOCUMENTATION FOR PUBLIC INSPECTION.

26 (d) Vacancies.--Vacancies on the council shall be filled in
27 the [same] manner [in which they were originally designated]
28 provided under subsection (c) within 30 business days of the
29 vacancy. If the [Governor] appointing authority fails to act
30 within 30 business days, the council chairperson shall appoint

1 an individual to fill the vacancy.

2 (e) Removal.--Council members who miss three or more
3 consecutive meetings or who miss three or more meetings of a
4 technical advisory committee to which they have been appointed,
5 may be removed from the council and any technical advisory
6 committees to which they have been appointed and a new council
7 member shall be appointed in accordance with this section.
8 Notwithstanding any other provision to the contrary, the council
9 chair shall appoint a council member to serve on a technical
10 advisory committee and replace a council member removed from
11 that technical advisory committee pursuant to this subsection. A
12 council member may also be removed for just cause by the
13 Governor. A COUNCIL MEMBER SHALL BE REMOVED WHO DOES NOT MEET <--
14 THE QUALIFICATIONS OF THEIR APPOINTMENT.

15 (f) Terms.--[A]

16 (1) Except as otherwise provided under this subsection,
17 a member of the council shall serve terms of [two] three
18 years and until his successor is appointed [beginning July 1,
19 2008, except the initial term of members appointed under
20 subsection (c) (1), (3), (4), (5), (8), (11), (13) and (14)
21 shall be for three years and until their successor is
22 appointed].

23 (2) The term of a member appointed under subsection (c)
24 (1), (2), (3), (4) or (5) (xvii) shall commence immediately
25 upon appointment and shall expire June 30, 2020, and until a
26 successor is appointed.

27 (3) A member appointed to the council before the
28 effective date of this section shall serve on the council
29 according to the following:

30 (i) If the member meets the qualifications as

1 specified under subsection (c)(5)(x) or (xiv), the member
2 shall fill the appointment under subsection (c)(5)(x) or
3 (xiv) until June 30, 2017, and until a successor is
4 appointed.

5 (ii) If the member meets the qualifications as
6 specified under subsection (c)(5)(i), (ii), (iv), (vi),
7 (viii), (ix) or (xv), the member shall fill the
8 appointment under subsection (c)(5)(i), (ii), (iv), (vi),
9 (viii), (ix) or (xv) until June 30, 2018, and until a
10 successor is appointed.

11 (iii) If the member meets the qualifications as
12 specified under subsection (c)(5)(iii), (v), (vii), (xi),
13 (xii), (xiii) or (xvi), the member shall fill the
14 appointment under subsection (c)(5)(iii), (v), (vii)
15 (xi), (xii), (xiii) or (xvi) until June 30, 2019, and
16 until a successor is appointed.

17 (4) If a member serving the council under paragraph
18 (3)(i), (ii) or (iii) resigns or is removed in accordance
19 with subsection (e), the member's successor shall serve for
20 the remainder of the member's term and until a successor is
21 appointed.

22 (g) Chairperson and vice chairperson.--The members shall
23 elect, by a majority vote, a chairperson and vice chairperson of
24 the council.

25 (h) Quorum.--[Ten] Eleven members shall constitute a quorum.

26 (i) Meetings.--Meetings shall be conducted as required under
27 65 Pa.C.S. Ch. 7 (relating to open meetings) as follows:

28 (1) The council shall meet at least once every six
29 months. Meeting dates shall be set by majority vote of the
30 council members or by the call of the chair along with at

1 least seven business days' notice to all members.

2 (2) All meetings of the council shall be publicly
3 advertised and shall be open to the public. Members of the
4 general public shall be given reasonable opportunity to
5 address the council.

6 (3) The council shall publish a schedule of its meetings
7 in the Pennsylvania Bulletin and in at least one newspaper of
8 general circulation. The notice shall be published at least
9 five business days in advance of each meeting. The notice
10 shall specify the date, time and place of the meeting and
11 shall state that the meetings of the council are open to the
12 general public.

13 (4) Council members may participate in council meetings
14 in person, via telephone conference, or via video conference.
15 Council members may submit votes in person, telephonically or
16 by electronic mail to the chair of the council. The
17 department may approve similar methods of communication for
18 participation and voting by council members.

19 (j) Administrative support.--The department shall provide a
20 facility for council meetings under this act, stenographic
21 services, secretarial services, legal representation and
22 required notice of the council's meetings. The department [may]
23 shall provide staff support in drafting any reports required
24 under this act.

25 (k) Technical support.--The council may solicit and retain,
26 with or without compensation, individuals who are qualified by
27 training or experience to provide expert input to the council
28 [and, at]. At the discretion of the [council] department:

29 (1) Except as set forth in paragraph (2), such
30 individuals may be compensated for their services or

1 reimbursed for reasonable travel expenses at a rate
2 established by the secretary, or both.

3 (2) Paragraph (1) does not apply to a member of a
4 technical advisory committee appointed under subsection (m)
5 (1) (v).

6 (1) Compensation and expenses.--Members of the council shall
7 not receive a salary or per diem allowance for their service[.]
8 but shall be reimbursed in amounts and as determined by the
9 department for reasonable travel, lodging and other necessary
10 expenses incurred in performing their duties.

11 (m) Technical advisory committees.--

12 (1) The council shall establish a process by which
13 technical advisory committees will assist the council in the
14 review of the updated sections. The technical advisory
15 committee process shall comply with the following
16 requirements:

17 (i) There shall be a technical advisory committee
18 for each of the codes included in the Uniform
19 Construction Code and specified in 34 Pa. Code § 403.21
20 (relating to Uniform Construction Code), and such other
21 technical advisory committees as the council deems
22 necessary to facilitate its review. Participation in the
23 technical advisory committees may not be limited to
24 members of the council and shall be open to members of
25 industry and to interest groups associated with code
26 development and enforcement.

27 (ii) Each technical advisory committee shall be
28 composed of council members and nonvoting technical
29 advisory members and shall be limited to a maximum of 12
30 members. The chair of the council shall appoint a council

1 member to chair each technical advisory committee. Any
2 other council member may seek appointment to a technical
3 advisory committee and, if no more than four additional
4 council members seek appointment to a specified technical
5 advisory committee, those council members shall also be
6 appointed to the technical advisory committee. If more
7 than four council members seek appointment to a technical
8 advisory committee, the chair of the council shall
9 appoint four of the council members seeking appointment
10 to serve and the remaining council members seeking
11 appointment shall serve only if additional positions on
12 the technical advisory committee remain after selection
13 of the technical advisory committee members pursuant to
14 subparagraph (v).

15 (iii) The department shall publish a notice seeking
16 participation in the technical advisory committees in the
17 Pennsylvania Bulletin and on the department's publicly
18 accessible Internet website or, in the absence of an
19 Internet website, in such other manner as the secretary
20 determines will provide substantially similar public
21 notice.

22 (iv) Interested persons shall submit to the chair of
23 the council the following information within 30 days
24 following the publication of the notice:

25 (A) name;

26 (B) the name or subject matter area of the
27 technical advisory committee to which the individual
28 seeks to be appointed;

29 (C) contact information;

30 (D) industry sector, interest group or area of

1 construction industry expertise, if applicable; and

2 (E) summary of experience and expertise.

3 (v) The chair of the council shall seek to ensure

4 diversity of interests on each technical advisory

5 committee. Technical advisory committee members shall be

6 selected by the chair of the council from among the

7 interested persons identified in subparagraph (iv) so as

8 to ensure that technical advisory committees add relevant <--

9 expertise as well as differing viewpoints, industries,

10 professions and other interests. TO ENSURE THAT THE <--

11 TECHNICAL ADVISORY COMMITTEE AS A WHOLE HAS, AT MINIMUM,

12 REPRESENTATION FROM AFFECTED CONTRACTOR ASSOCIATIONS,

13 AFFECTED BUILDING TRADE ORGANIZATIONS, THE CODE

14 ENFORCEMENT COMMUNITY, THE DESIGN PROFESSIONAL COMMUNITY

15 AND OTHER RELEVANT INDUSTRIES.

16 (vi) Meetings of the technical advisory committees

17 may be in person, via telephone conference or via video

18 conference. The department may approve similar methods of

19 communication for participation and voting by technical

20 advisory committee members.

21 (vii) Technical advisory committee members may

22 submit votes in person, telephonically or by electronic

23 mail to the chair of the technical advisory committee.

24 Decisions of a technical advisory committee shall be by

25 majority of the votes received from council members on

26 the technical advisory committee.

27 Section 3. The act is amended by adding a section to read:

28 Section 108. Review of updated sections and adoption of updated

29 sections into Uniform Construction Code.

30 (a) Code review process.--

1 (1) (i) Except as specifically provided in this act
2 with respect:

3 (A) to the 2015 changes to the Uniform
4 Construction Code adopted by the council; and

5 (B) to the procedure outlined in subparagraph
6 (iii),

7 the council shall commence its review of the updated
8 sections 21 months following the publication of a new
9 edition of the ICC codes in accordance with paragraph
10 (3). Notwithstanding any other provision of this act to
11 the contrary, the council shall initiate a new review of
12 the updated sections contained in the 2015 edition of the
13 ICC codes within 30 days of the effective date of this
14 section, and this review shall be referred to as the 2015
15 Code Review. The decisions by the council with respect to
16 the 2015 edition of the ICC codes previously provided to
17 the department on May 29, 2015, and the regulations
18 promulgated by the department as a result, shall remain
19 in full force and effect until ~~June~~ SEPTEMBER 30, 2018. <--
20 As of ~~July~~ OCTOBER 1, 2018, the decisions of the council <--
21 as a result of the 2015 Code Review and the regulations
22 promulgated by the department as a result, shall
23 supersede any previous inconsistent council decisions or
24 departmental regulations.

25 (ii) The 2015 code review shall be conducted in
26 accordance with provisions of this act, except that:

27 (A) the public comment period under paragraph

28 (3)(i) shall be 30 days;

29 (B) notwithstanding the requirements under
30 paragraph (3)(viii), the council shall only be

1 required to conduct one public hearing as scheduled
2 by the council within the 30 days after the end of
3 the public comment period;

4 (C) the council shall not be required to
5 establish technical subcommittees as required by
6 section 107(m) and may establish a committee
7 composition based on past practices of the council
8 provided that the committees shall follow the process
9 as specified under this act to the furthest extent
10 practicable; and

11 (D) the council may rely on the technical
12 analysis of the 2015 edition of the triennial codes
13 performed by the council during the council's
14 previous review.

15 (iii) The council shall also review, in accordance
16 with the procedures outlined in this act, any section of
17 the collective codes that do not otherwise constitute
18 updated sections but only if two-thirds of the council
19 membership so determine. The sections selected for review
20 shall be referred to as "additional sections." The
21 additional sections shall be treated for purposes of
22 review and approval or disapproval by the council as
23 updated sections.

24 (2) Each updated section subject to review under
25 paragraph (3)(v) shall be examined applying all of the
26 following criteria:

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

29 (ii) The economic and financial impact of the
30 section, including impact on the end consumer.

1 (iii) The technical feasibility of the section.

2 (3) The council shall review the updated sections as
3 follows:

4 (i) A 120-day period to receive comments from
5 council members and the general public regarding the
6 updated sections shall commence 30 days following the
7 start of the council's review pursuant to paragraph (1).
8 The public comment period shall be announced in the
9 Pennsylvania Bulletin and on the department's publicly
10 accessible Internet website or, in the absence of an
11 Internet website, in such other manner as the secretary
12 determines will provide substantially similar public
13 notice.

14 (ii) All public comments shall be submitted on a
15 form created by the council. Each comment shall relate to
16 a single updated section. The comment shall, at a
17 minimum, specify the updated section to which the comment
18 relates, state whether the updated section should be
19 adopted, rejected or modified, and specify the rationale
20 for the recommended action based on the criteria set
21 forth in paragraph (2). Any modification shall meet or
22 exceed the standards of the section in effect or
23 currently being reviewed and such modification shall be
24 within the standards under review.

25 (iii) All public comments submitted in accordance
26 with subparagraph (ii) shall be provided to all council
27 members, posted on the department's publicly accessible
28 Internet website or, in the absence of an Internet
29 website, in such other manner as the secretary determines
30 will provide substantially similar public notice. All

1 public comments submitted in accordance with subparagraph
2 (ii) shall be reviewed individually by a technical
3 advisory committee.

4 (iv) After the expiration of the public comment
5 period, the chair shall assign each updated section,
6 regardless of whether a public comment has been received,
7 to the technical advisory committee for the code that
8 contains the updated section.

9 (v) The technical advisory committee shall review
10 all of the updated sections it has been assigned as
11 provided in this section. The technical advisory
12 committee may also review any related updated section,
13 any existing section or any related collective code
14 section as needed to ensure consistency and effectiveness
15 of the Uniform Construction Code. Even if an updated
16 section has not received a public comment in accordance
17 with subparagraph (ii), a technical advisory committee
18 member may select one or more of the updated sections
19 assigned to the technical advisory committee for
20 individual consideration by the council pursuant to
21 subparagraph (ix) (b).

22 (vi) For each updated section that:

23 (A) receives a comment recommending modification
24 or rejection in accordance with subparagraph (ii); or

25 (B) a member of the technical advisory committee
26 to which it has been assigned has separately selected
27 for individual review by the council;

28 the technical advisory committee shall submit to the
29 chair of the council a recommendation that the section
30 and any related section identified in subparagraph (v) be

1 adopted, rejected or modified. The technical advisory
2 committee shall submit the rationale for its
3 recommendations. Notwithstanding any other provision of
4 this subparagraph, updated sections that do not receive a
5 comment recommending modification or rejection in
6 accordance with subparagraph (ii) and that a member of
7 the technical advisory committee has not separately
8 selected for individual review by the council shall be
9 noted in the report as unopposed.

10 (vii) The technical advisory committee's
11 recommendations shall be posted on the department's
12 publicly accessible Internet website or, in the absence
13 of an Internet website, in such other manner as the
14 secretary determines will provide substantially similar
15 public notice. The technical advisory committee's
16 recommendations shall be posted at least 10 business days
17 prior to holding the first hearing pursuant to this
18 section.

19 (viii) After submission of all recommendations of
20 the technical advisory committees, the council shall hold
21 at least three public hearings. One of the public
22 hearings shall be held in Harrisburg, one shall be held
23 in the eastern region of this Commonwealth and one shall
24 be held in the western region of this Commonwealth.

25 (ix) Upon completion of the hearings, the council
26 shall hold one or more official meetings of the council
27 to decide whether to adopt, reject or modify the updated
28 sections and any related section identified in
29 subparagraph (v). The following shall apply:

30 (A) The council shall consider and vote on the

1 unopposed sections as a group. Prior to a vote on the
2 unopposed sections as a group, the council shall
3 first consider any motion made by a council member to
4 exclude a section from the unopposed group. A MOTION <--
5 TO EXCLUDE SHALL ONLY BE IN ORDER IF IT IS SUPPORTED
6 BY WRITTEN EXPLANATION, MADE AVAILABLE TO THE
7 COUNCIL, DESCRIBING NEW INFORMATION NOT CONSIDERED BY
8 THE TECHNICAL ADVISORY COMMITTEES AND THE UNDERLYING
9 RATIONALE FOR THE MOTION. If the motion is supported
10 by a majority of the council membership, that section
11 shall be removed from the unopposed group. There <--
12 shall be no limit to the number of motions that the
13 council shall consider before consideration of the
14 unopposed sections as a group. Unopposed sections
15 that remain as part of the group, after consideration
16 of motions to exclude sections, may be adopted by a
17 majority vote of the council. All unopposed sections
18 that are rejected as a group or successfully excluded
19 from the group shall be subject to the procedure
20 specified in clause (B). For each unopposed section <--
21 that the council subjects to the procedure specified
22 in clause (B), the council shall provide, in writing,
23 the specific rationale for its decision.

24 (B) Except for the unopposed sections, a two-
25 thirds majority of the council members is required
26 for adoption or modification of the updated sections.
27 The council may vote on the updated sections
28 individually or in groups. If the council's decision <--
29 on an updated section differs from the recommendation
30 of the technical advisory committee, the council

1 ~~shall provide, in writing, the specific rationale for~~
2 ~~its decision.~~

3 (b) Submission of report.--With the exception of the
4 council's review of the 2015 ICC codes, the council shall submit
5 a report to the secretary within the 24-month period following
6 the commencement of the review process by the council with
7 sections of the updated codes and additional codes that are
8 specified for adoption or modification. The sections of the
9 codes that are specified for adoption or modification shall be
10 separately designated in the report. For the council's review of
11 the 2015 ICC codes only, the council shall submit a report to
12 the secretary on or before ~~March 31~~ MAY 1, 2018. <--

13 Section 4. Sections 304, 703 and 902(c) of the act are
14 amended to read:

15 Section 304. Revised or successor codes.

16 (a) Duties of department.--

17 (1) Subject to sections 105(c) and (d), 301(a) (3), (4),
18 (5), (6) and (7), (c) and (d) and 302, within [three] nine
19 months of the receipt of the report under section [107(b.1)]
20 108(b), the department shall promulgate final-omitted
21 regulations under the act of June 25, 1982 (P.L.633, No.181),
22 known as the Regulatory Review Act, to adopt the [triennial
23 code revisions made] council's decisions contained in the
24 report without change. Regulations adopted under this act
25 shall become effective 33 months after the commencement of
26 council review as provided for in section 108(a) (1) (i)
27 provided, however, that the regulations promulgated by the
28 department as a result of the 2015 Code Review shall be
29 effective ~~July~~ OCTOBER 1, 2018. <--

30 (2) Regulations promulgated under this subsection are

1 exempt from:

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

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

8 (3) [Notwithstanding paragraphs (1) and (2), the] The
9 department shall promulgate regulations updating
10 accessibility standards under Chapter 3 by adopting [Chapter
11 11 and Appendix E of the International Building Code of 2012,
12 or its successor,] by December 31 of the year of issuance of
13 [the new code.] the accessibility provisions of the most
14 recently published edition of the ICC codes and any other
15 accessibility requirements which shall be specified in the
16 regulations, or contained in or referenced by the Uniform
17 Construction Code relating to persons with disabilities.

18 (4) The department may contract with the ICC to
19 establish and publish code manuals that contain the standards
20 of the Uniform Construction Code. The department shall
21 require in any contract under this paragraph that the
22 documentation be made available on the department's publicly
23 accessible Internet website.

24 (a.1) Continuity.--If [a triennial revision] an updated
25 section is not adopted or modified under section [107(b.1) (5)]
26 108, the relevant provisions of the [prior version of the codes]
27 existing sections shall remain in effect.

28 (c) Prior permits and construction.--

29 (1) A construction permit issued under valid
30 construction regulations prior to the effective date of

1 regulations for a subsequent Uniform Construction Code or
2 International Fuel Gas Code issued under this act shall
3 remain valid, and the construction of any building or
4 structure may be completed pursuant to and in accordance with
5 the permit.

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

11 (3) Where construction of a building or structure
12 commenced before the effective date of the regulations for a
13 subsequent Uniform Construction Code or International Fuel
14 Gas Code issued under this act and a permit was not required
15 at that time, construction may be completed without a permit.
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 on each
20 construction or building permit issued under the authority of
21 this act. The fee shall be in addition to any other fee imposed
22 for the permit.

23 (b) [Training accounts] Accounts.--There [is] are 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]

29 (1) The fee collected as authorized under subsection (a)
30 shall be transmitted quarterly to the State Treasury and

1 shall be equally divided and deposited in the accounts
2 established in subsection (b)[.] as follows:

3 (i) ~~Forty five~~ FORTY-SEVEN AND ONE-HALF percent of <--
4 the fee shall be deposited in the Municipal Code Official
5 Training Account.

6 (ii) ~~Forty five~~ FORTY-SEVEN AND ONE-HALF percent of <--
7 the fee shall be deposited in the Construction Contractor
8 Training Account.

9 (iii) ~~Ten~~ FIVE percent of the fee shall be deposited <--
10 in the Review and Advisory Council Administration
11 Account.

12 (2) [Moneys so] Money deposited [are] under paragraph
13 (1)(i) and (ii) is hereby [equally] appropriated on approval
14 of the Governor to the Department of Community and Economic
15 Development for the purpose of education and training
16 programs [provided by the Pennsylvania Construction Codes
17 Academy] for municipal code officials and individuals
18 employed by third-party agencies under contract to a
19 municipality and to a Pennsylvania-based housing research
20 center located at a land grant university for the
21 construction industry. To assure the programs meet the needs
22 of the construction industry, the education, training and
23 other activities provided by such a housing research center
24 shall be approved by its industry advisory committee. NO <--

25 MONEY APPROPRIATED UNDER THIS PARAGRAPH SHALL BE USED BY THE
26 DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FOR
27 ADMINISTRATIVE EXPENSES.

28 (3) All money deposited under paragraph (1)(iii) shall
29 be transmitted quarterly to the Department of Labor and
30 Industry for expenses of the council as authorized in section

1 107(l), for technical assistance as provided for in section
2 107(k), for administrative assistance as provided for in
3 section 107(j), for fees associated with contracting with the
4 ICC to establish and publish code manuals which contain the
5 standards of the Uniform Construction Code as provided for in
6 section 304(a)(4) and as otherwise determined necessary by
7 the council as money is available.

8 Section 902. Applicability to certain buildings.

9 * * *

10 (c) Uncertified buildings over which the department does not
11 have jurisdiction.--

12 (1) A construction code official shall issue a
13 certificate of occupancy to an uncertified building if it
14 meets the requirements of subsection (b), the latest adopted
15 version of the International Existing Building Code or
16 Chapter 34 of the International Building Code[,]; and the
17 construction code official shall utilize the code [for the
18 municipality which] that, in his professional judgment, he
19 deems to best apply.

20 (2) A construction code official may deny the issuance
21 of a certificate of occupancy if the official deems that a
22 building is unsafe because of inadequate means of egress,
23 inadequate lighting and ventilation, fire hazards or other
24 dangers to human life or to public welfare.

25 [(3) A municipality subject to this subsection may
26 utilize the standards of subsection (b) for the issuance of
27 certificates of occupancy to uncertified buildings by
28 adopting an ordinance adopting the standards of issuance
29 pursuant to the procedures delineated in section 503.]

30 * * *

1 Section 5. This act shall take effect as follows:

2 (1) The amendment of section 902(c) of the act shall
3 take effect in 60 days.

4 (2) The remainder of this act shall take effect
5 immediately.