

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO HOUSE BILL NO. 298

Sponsor:

Printer's No. 292

1 Amend Bill, page 1, lines 5 and 6, by striking out "in
2 training and certification" in line 5 and all of line 6 and
3 inserting

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

16 Amend Bill, page 1, lines 9 through 11, by striking out all
17 of said lines and inserting

18 Section 1. The definition of "board of appeals" in section
19 103 of the act of November 10, 1999 (P.L.491, No.45), known as
20 the Pennsylvania Construction Code Act, is amended and the
21 section 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
25 context clearly indicates otherwise:

26 * * *

27 "Board of appeals." The body created by a municipality or
28 more than one municipality to hear appeals from decisions of the
29 code administrator as provided for by [Chapter 1 of the 1999
30 Building Officials and Code Administrators International, Inc.,
31 National Building Code, Fourteenth Edition] regulations
32 promulgated by the department.

33 * * *

34 "Collective codes." The term includes:

35 (1) Provisions of the ICC codes specified in 34 Pa. Code

1 § 403.21 (relating to Uniform Construction Code).

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

6 * * *

7 "Existing sections." All sections of the collective codes
8 that have been incorporated into the Uniform Construction Code
9 that are currently in effect at the time of review by the
10 council pursuant to section 108.

11 * * *

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

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

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

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

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

25 * * *

26 Section 2. Section 107 of the act is amended to read:
27 Section 107. Uniform Construction Code Review and Advisory
28 Council.

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

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

32 (1) Gather information from municipal officers, building
33 code officials, construction code officials, licensed design
34 professionals, builders [and], property owners, construction
35 trades and consumer representatives concerning issues with
36 the Uniform Construction Code raised by council members or
37 changes proposed by members of the General Assembly.

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

40 (i) The Governor.

41 (ii) The Secretary of Labor and Industry.

42 (iii) The members of any legislative committee
43 considering amendments to this act.

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

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

46 (vi) The [Code Development Councils of the]
47 International Code Council.

48 (3) With the exception of the accessibility provisions
49 of [Chapter 11 and Appendix E of the International Building
50 Code of 2009, or its successor] the most recently published
51 editions of ICC codes, or any other accessibility

1 requirements specified in regulation, contained in or
2 referenced by the Uniform Construction Code relating to
3 persons with physical disabilities, review the [latest
4 triennial code revisions issued by the International Code
5 Council, beginning with the 2012 codes] updated sections, as
6 provided under [subsection (b.1)] section 108, or other
7 sections of the collective codes, as provided under section
8 108(a)(1)(iii).

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

10 (1) Beginning with the 2012 ICC codes, the council shall
11 review the latest triennial code revisions upon official
12 publication of the codes.

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

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

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

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

28 (ii) The economic and financial impact of the
29 provision.

30 (iii) The technical feasibility of the provision.

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

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

36 (1) A general contractor from an association
37 representing the residential construction industry who has
38 recognized ability and experience in the construction of new
39 residential buildings.

40 (2) A general contractor from an association
41 representing the nonresidential construction industry who has
42 recognized ability and experience in the construction of
43 nonresidential buildings.

44 (3) A Uniform Construction Code-certified residential
45 building inspector who possesses all five residential
46 certifications from an association representing building code
47 officials who has experience administering and enforcing
48 residential codes.

49 (4) A Uniform Construction Code-certified building
50 inspector who possesses all nonresidential inspection
51 certifications, but need not possess a fire inspector

1 certification, or a certified plans examiner who also holds
2 an accessibility certification from an association
3 representing building code officials who has experience
4 administering and enforcing nonresidential codes.

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

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

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

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

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

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

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

30 (12) A licensed mechanical engineer specializing in
31 plumbing and fire protection from an association representing
32 professional engineers who has recognized ability and
33 experience in the design and construction of buildings.

34 (13) A licensed electrical engineer from an association
35 representing professional engineers who has recognized
36 ability and experience in the design and construction of
37 buildings.

38 (14) An elected official of a township of the second
39 class who has recognized ability and experience in
40 construction of buildings.

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

43 (16) An elected official of a third class city who has
44 recognized ability and experience in the construction of
45 buildings.

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

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

1 (19) An individual from an association representing only
2 modular housing manufacturers who is knowledgeable, licensed
3 or certified under the act of May 11, 1972 (P.L.286, No.70),
4 known as the Industrialized Housing Act, to manufacture and
5 sell modular homes in Pennsylvania.] be comprised of members
6 who are legal residents of this Commonwealth selected as
7 follows:

8 (1) One member, appointed by the President pro tempore
9 of the Senate, who must be a general contractor from an
10 association representing the residential construction
11 industry and have a recognized ability and experience in the
12 construction of new residential dwellings.

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

17 (3) One member, appointed by the Speaker of the House of
18 Representatives, who must be a general contractor from an
19 association representing the nonresidential construction
20 industry and have recognized ability and experience in the
21 construction of nonresidential buildings.

22 (4) One member, appointed by the Minority Leader of the
23 House of Representatives, who must have recognized ability
24 and experience in construction trades so as to represent
25 employees in the industry.

26 (5) Seventeen members appointed by the Governor to
27 include the following:

28 (i) One member who must be a Uniform Construction
29 Code-certified residential building inspector, possess
30 all five residential certifications from an association
31 representing building code officials and have experience
32 administering and enforcing residential codes.

33 (ii) One member who must be a Uniform Construction
34 Code-certified building inspector, who possesses all
35 nonresidential inspection certifications but does not
36 need to possess a fire inspector certification, or a
37 certified plans examiner, who holds an accessibility
38 certification from an association representing building
39 code officials and has experience administering and
40 enforcing nonresidential codes.

41 (iii) One member who must be a Uniform Construction
42 Code-certified fire inspector from an association
43 representing fire code officials.

44 (iv) One member who must be a Uniform Construction
45 Code-certified building code official from an association
46 representing building code officials with building code
47 official certification.

48 (v) One member who must be a residential contractor
49 from an association representing contractors engaged in
50 remodeling residential buildings and have recognized
51 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.

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

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

37 (xv) One member from an association representing
38 modular housing manufacturers who must be knowledgeable,
39 licensed or certified under the act of May 11, 1972
40 (P.L.286, No.70), known as the Industrialized Housing
41 Act, to manufacture and sell modular homes in this
42 Commonwealth.

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

46 (xvii) One member from an association representing
47 commercial building owners who has recognized ability and
48 experience in the construction and renovation of
49 nonresidential buildings.

50 At least one of the inspectors appointed to the council shall be
51 a municipal employee, and at least one inspector shall be a

1 third-party private sector inspector. All members shall present
2 documentation to the secretary that they meet the qualifications
3 of the member's appointment and the secretary shall maintain the
4 documentation for public inspection.

5 (d) Vacancies.--Vacancies on the council shall be filled in
6 the [same] manner [in which they were originally designated]
7 provided under subsection (c) within [30] 90 business days of
8 the vacancy. If the [Governor] appointing authority fails to act
9 within [30] 90 business days, the council chairperson shall
10 appoint an individual to fill the vacancy.

11 (e) Removal.--Council members who miss three or more
12 consecutive meetings or who miss three or more meetings of a
13 technical advisory committee to which they have been appointed,
14 may be removed from the council and any technical advisory
15 committees to which they have been appointed and a new council
16 member shall be appointed in accordance with this section.
17 Notwithstanding any other provision to the contrary, the council
18 chair shall appoint a council member to serve on a technical
19 advisory committee and replace a council member removed from
20 that technical advisory committee pursuant to this subsection. A
21 council member may also be removed for just cause by the
22 Governor. A council member who does not meet the qualifications
23 of their appointment shall be removed.

24 (f) Terms.--[A]

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

32 (2) The term of a member appointed under subsection (c)
33 (1), (2), (3), (4) or (5)(xvii) shall commence immediately
34 upon appointment and shall expire June 30, 2020, and until a
35 successor is appointed.

36 (3) A member appointed to the council before the
37 effective date of this section shall serve on the council
38 according to the following:

39 (i) If the member meets the qualifications as
40 specified under subsection (c)(5)(x) or (xiv), the member
41 shall fill the appointment under subsection (c)(5)(x) or
42 (xiv) until June 30, 2017, and until a successor is
43 appointed.

44 (ii) If the member meets the qualifications as
45 specified under subsection (c)(5)(i), (ii), (iv), (vi),
46 (viii), (ix) or (xv), the member shall fill the
47 appointment under subsection (c)(5)(i), (ii), (iv), (vi),
48 (viii), (ix) or (xv) until June 30, 2018, and until a
49 successor is appointed.

50 (iii) If the member meets the qualifications as
51 specified under subsection (c)(5)(iii), (v), (vii), (xi),

1 (xii), (xiii) or (xvi), the member shall fill the
2 appointment under subsection (c)(5)(iii), (v), (vii)
3 (xi), (xii), (xiii) or (xvi) until June 30, 2019, and
4 until a successor is appointed.

5 (4) If a member serving the council under paragraph
6 (3)(i), (ii) or (iii) resigns or is removed in accordance
7 with subsection (e), the member's successor shall serve for
8 the remainder of the member's term and until a successor is
9 appointed.

10 (g) Chairperson and vice chairperson.--The members shall
11 elect, by a majority vote, a chairperson and vice chairperson of
12 the council.

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

14 (i) Meetings.--Meetings shall be conducted as required under
15 65 Pa.C.S. Ch. 7 (relating to open meetings) as follows:

16 (1) The council shall meet at least once every six
17 months. Meeting dates shall be set by majority vote of the
18 council members or by the call of the chair along with at
19 least seven business days' notice to all members.

20 (2) All meetings of the council shall be publicly
21 advertised and shall be open to the public. Members of the
22 general public shall be given reasonable opportunity to
23 address the council.

24 (3) The council shall publish a schedule of its meetings
25 in the Pennsylvania Bulletin and in at least one newspaper of
26 general circulation. The notice shall be published at least
27 five business days in advance of each meeting. The notice
28 shall specify the date, time and place of the meeting and
29 shall state that the meetings of the council are open to the
30 general public.

31 (4) Council members may participate in council meetings
32 in person, via telephone conference, or via video conference.
33 Council members may submit votes in person, telephonically or
34 by electronic mail to the chair of the council. The
35 department may approve similar methods of communication for
36 participation and voting by council members.

37 (j) Administrative support.--The department shall provide a
38 facility for council meetings under this act, stenographic
39 services, secretarial services, legal representation and
40 required notice of the council's meetings. The department [may]
41 shall provide staff support in drafting any reports required
42 under this act.

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

47 (1) Except as set forth in paragraph (2), such
48 individuals may be compensated for their services or
49 reimbursed for reasonable travel expenses at a reasonable
50 rate established by the secretary, or both.

51 (2) Paragraph (1) does not apply to a member of a

1 technical advisory committee appointed under subsection (m)
2 (1)(v).

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

8 (m) Technical advisory committees.--

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

14 (i) There shall be a technical advisory committee
15 for each of the codes included in the Uniform
16 Construction Code and specified in 34 Pa. Code § 403.21
17 (relating to Uniform Construction Code), and such other
18 technical advisory committees as the council deems
19 necessary to facilitate its review. Members of industry
20 and interest groups associated with code development and
21 enforcement shall be permitted to participate in the
22 technical advisory committee.

23 (ii) Each technical advisory committee shall be
24 limited to a maximum of 12 members. The chair of the
25 council shall appoint a council member to chair each
26 technical advisory committee. Any other council member
27 may seek appointment to a technical advisory committee
28 and, if no more than four additional council members seek
29 appointment to a specified technical advisory committee,
30 those council members shall also be appointed to the
31 technical advisory committee. If more than four council
32 members seek appointment to a technical advisory
33 committee, the chair of the council shall appoint four of
34 the council members seeking appointment to serve and the
35 remaining council members seeking appointment shall serve
36 only if additional positions on the technical advisory
37 committee remain after selection of the technical
38 advisory committee members pursuant to subparagraph (v).

39 (iii) The department shall publish a notice seeking
40 participation in the technical advisory committees in the
41 Pennsylvania Bulletin and on the department's publicly
42 accessible Internet website or, in the absence of an
43 Internet website, in such other manner as the secretary
44 determines will provide substantially similar public
45 notice.

46 (iv) Interested persons shall submit to the chair of
47 the council the following information within 30 days
48 following the publication of the notice:

49 (A) name;

50 (B) the name or subject matter area of the
51 technical advisory committee to which the individual

1 seeks to be appointed;

2 (C) contact information;

3 (D) industry sector, interest group or area of
4 construction industry expertise, if applicable; and

5 (E) summary of experience and expertise.

6 (v) The chair of the council shall seek to ensure
7 diversity of interests on each technical advisory
8 committee. Technical advisory committee members shall be
9 selected by the chair of the council from among the
10 interested persons identified in subparagraph (iv) so as
11 to ensure that the technical advisory committee as a
12 whole has, at minimum, representation from affected
13 contractor associations, affected building trade
14 organizations, the code enforcement community, the design
15 professional community 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 Recommendations of a technical advisory committee shall
25 be by majority of the votes received from council members
26 on the technical advisory committee and shall be
27 nonbinding.

28 Section 3. The act is amended by adding a section to read:
29 Section 108. Review of updated sections and adoption of updated
30 sections into Uniform Construction Code.

31 (a) Code review process.--

32 (1) (i) Except as specifically provided in this act
33 with respect to the 2015 changes to the Uniform
34 Construction Code adopted by the council and to the
35 procedure outlined in subparagraph (iii), the council
36 shall commence its review of the updated sections 21
37 months following the publication of a new edition of the
38 ICC codes in accordance with paragraph (3).
39 Notwithstanding any other provision of this act to the
40 contrary, the council shall initiate a new review of the
41 updated sections contained in the 2015 edition of the ICC
42 codes within 30 days of the effective date of this
43 section, and this review shall be referred to as the 2015
44 Code Review. The decisions by the council with respect to
45 the 2015 edition of the ICC codes previously provided to
46 the department on May 29, 2015, and the regulations
47 promulgated by the department as a result, shall remain
48 in full force and effect until September 30, 2018. As of
49 October 1, 2018, the decisions of the council as a result
50 of the 2015 Code Review and the regulations promulgated
51 by the department as a result, shall supersede any

1 previous inconsistent council decisions or departmental
2 regulations.

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

5 (A) the public comment period under paragraph
6 (3)(i) shall be 30 days;

7 (B) notwithstanding the requirements under
8 paragraph (3)(viii), the council shall only be
9 required to conduct one public hearing which shall be
10 held within 30 days after the end of the public
11 comment period and shall be held in Harrisburg;

12 (C) the council shall not be required to
13 establish technical subcommittees as required by
14 section 107(m) and may establish a committee
15 composition based on past practices of the council
16 provided that the committees shall follow the process
17 as specified under this act to the furthest extent
18 practicable; and

19 (D) the council may rely on the technical
20 analysis of the 2015 edition of the triennial codes
21 performed by the council during the council's
22 previous review.

23 (iii) The council shall also review, in accordance
24 with the procedures outlined in this act, any section of
25 the collective codes that do not otherwise constitute
26 updated sections but only if two-thirds of the council
27 membership so determine. The sections selected for review
28 shall be referred to as "additional sections." The
29 additional sections shall be treated for purposes of
30 review and approval or disapproval by the council as
31 updated sections. The selection of additional sections
32 shall occur prior to commencement of the review process.

33 (2) Each updated section subject to review under
34 paragraph (3)(v) shall be examined applying all of the
35 following criteria:

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

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

40 (iii) The technical feasibility of the section.

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

43 (i) A 120-day period to receive comments from
44 council members and the general public regarding the
45 updated sections shall commence 30 days following the
46 start of the council's review pursuant to paragraph (1).
47 The public comment period shall be announced in the
48 Pennsylvania Bulletin and on the department's publicly
49 accessible Internet website or, in the absence of an
50 Internet website, in such other manner as the secretary
51 determines will provide substantially similar public

1 notice.

2 (ii) All public comments shall be submitted on a
3 form created by the council. Each comment shall relate to
4 a single updated section. The comment shall, at a
5 minimum, specify the updated section to which the comment
6 relates, state whether the updated section should be
7 adopted, rejected or modified, and specify the rationale
8 for the recommended action based on the criteria set
9 forth in paragraph (2). A proposed modification shall
10 meet or exceed the standards of the section in effect or
11 being reviewed and the proposed modification shall be
12 within the standards under review.

13 (iii) All public comments submitted in accordance
14 with subparagraph (ii) shall be provided to all council
15 members, posted on the department's publicly accessible
16 Internet website or, in the absence of an Internet
17 website, in such other manner as the secretary determines
18 will provide substantially similar public notice. All
19 public comments submitted in accordance with subparagraph
20 (ii) shall be reviewed individually by a technical
21 advisory committee.

22 (iv) After the expiration of the public comment
23 period, the chair shall assign each updated section,
24 regardless of whether a public comment has been received,
25 to the technical advisory committee for the code that
26 contains the updated section.

27 (v) The technical advisory committee shall review
28 all of the updated sections it has been assigned as
29 provided in this section. The technical advisory
30 committee may also review any related updated section,
31 any existing section or any related collective code
32 section as needed to ensure consistency and effectiveness
33 of the Uniform Construction Code. Even if an updated
34 section has not received a public comment in accordance
35 with subparagraph (ii), a technical advisory committee
36 member may select one or more of the updated sections
37 assigned to the technical advisory committee for
38 individual consideration by the council pursuant to
39 subparagraph (ix) (b).

40 (vi) For each updated section that:

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

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

46 the technical advisory committee shall submit to the
47 chair of the council a recommendation that the section
48 and any related section identified in subparagraph (v) be
49 adopted, rejected or modified. The technical advisory
50 committee shall submit the rationale for its
51 recommendations. Notwithstanding any other provision of

1 this subparagraph, updated sections that do not receive a
2 comment recommending modification or rejection in
3 accordance with subparagraph (ii) and that a member of
4 the technical advisory committee has not separately
5 selected for individual review by the council shall be
6 noted in the report as unopposed.

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

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

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

27 (A) The council shall consider and vote on the
28 unopposed sections as a group. Prior to a vote on the
29 unopposed sections as a group, the council shall
30 first consider any motion made by a council member to
31 exclude a section from the unopposed group. A motion
32 to exclude shall only be in order if it is supported
33 by written explanation, made available to the
34 council, describing new information not considered by
35 the technical advisory committees and the underlying
36 rationale for the motion. If the motion is supported
37 by a two-thirds majority of the council membership,
38 that section shall be removed from the unopposed
39 group. Unopposed sections that remain as part of the
40 group, after consideration of motions to exclude
41 sections, shall be adopted by a majority vote of the
42 council members. If the unopposed sections fail to be
43 adopted by a majority vote, the council shall conduct
44 a subsequent vote to reject the unopposed sections by
45 a two-thirds majority vote of the council members. If
46 the council fails to reject the unopposed sections by
47 a two-thirds majority vote, the unopposed sections
48 shall be adopted. All unopposed sections that are
49 rejected as a group or successfully excluded from the
50 group shall be subject to the procedure specified in
51 clause (B).

1 (B) Except for the unopposed sections, a two-
2 thirds majority of the council members is required
3 for adoption or modification of the updated sections.
4 The council may vote on the updated sections
5 individually or in groups. A modification shall meet
6 or exceed the standards of the section in effect or
7 being reviewed and shall be within the standards
8 under review.

9 (b) Submission of report.--With the exception of the
10 council's review of the 2015 ICC codes, the council shall submit
11 a report to the secretary within the 24-month period following
12 the commencement of the review process by the council with
13 sections of the updated codes and additional codes that are
14 specified for adoption or modification. The sections of the
15 codes that are specified for adoption or modification shall be
16 separately designated in the report. For the council's review of
17 the 2015 ICC codes only, the council shall submit a report to
18 the secretary on or before May 1, 2018.

19 Section 4. Sections 304 and 501(c)(1) and (3) of the act are
20 amended to read:

21 Section 304. Revised or successor codes.

22 (a) Duties of department.--

23 (1) Subject to sections 105(c) and (d), 301(a)(3), (4),
24 (5), (6) and (7), (c) and (d) and 302, within [three] nine
25 months of the receipt of the report under section [107(b.1)]
26 108(b), the department shall promulgate final-omitted
27 regulations under the act of June 25, 1982 (P.L.633, No.181),
28 known as the Regulatory Review Act, to adopt the [triennial
29 code revisions made] council's decisions contained in the
30 report without change. The regulations shall take effect as
31 follows:

32 (i) Except as provided in subparagraph (ii),
33 regulations adopted under this act shall become effective
34 33 months after the commencement of council review as
35 provided for in section 108(a)(1)(i).

36 (ii) Regulations promulgated by the department as a
37 result of the 2015 Code Review shall take effect October
38 1, 2018.

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

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

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

47 (3) [Notwithstanding paragraphs (1) and (2), the] The
48 department shall promulgate regulations updating
49 accessibility standards under Chapter 3 by adopting [Chapter
50 11 and Appendix E of the International Building Code of 2012,
51 or its successor,] by December 31 of the year of issuance of

1 [the new code.] the accessibility provisions of the most
2 recently published edition of the ICC codes and any other
3 accessibility requirements which shall be specified in the
4 regulations, or contained in or referenced by the Uniform
5 Construction Code relating to persons with disabilities.

6 (4) The department may contract with the ICC to
7 establish and publish code manuals that contain the standards
8 of the Uniform Construction Code. The department shall
9 require in any contract under this paragraph that the
10 documentation be made available on the department's publicly
11 accessible Internet website.

12 (a.1) Continuity.--If [a triennial revision] an updated
13 section is not adopted or modified under section [107(b.1)(5)]
14 108, the relevant provisions of the [prior version of the codes]
15 existing sections shall remain in effect.

16 (c) Prior permits, contracts and construction.--

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

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

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

34 (4) Where a design or construction contract was signed
35 before the effective date of regulations for a subsequent
36 Uniform Construction Code or International Fuel Gas Code
37 issued under this act, the permit may be issued under the
38 Uniform Construction Code or International Fuel Gas Code in
39 effect at the time the design or construction contract was
40 signed, if the permit is applied for within six months of the
41 effective date of the regulation or the period specified by a
42 municipal ordinance, whichever is less.

43 Section 501. Administration and enforcement.

44 * * *

45 (c) Board of appeals.--

46 (1) A municipality which has adopted an ordinance for
47 the administration and enforcement of this act or
48 municipalities which are parties to an agreement for the
49 joint administration and enforcement of this act shall
50 establish or designate a board of appeals as provided by
51 [Chapter 1 of the 1999 BOCA National Building Code,

1 Fourteenth Edition,] regulations promulgated by the
2 department to hear appeals from decisions of the code
3 administrator. Members of the municipality's governing body
4 may not serve as members of the board of appeals. A
5 municipality may establish a board of appeals or may
6 establish or designate a joint board of appeals in accordance
7 with 53 Pa.C.S. Ch. 23 Subch. A (relating to
8 intergovernmental cooperation).

9 * * *

10 (3) When a municipality cannot find persons to serve on
11 a board of appeals who meet the minimum qualifications [of
12 Chapter 1 of the BOCA National Building Code] established by
13 the department, the municipality may fill a position on the
14 board with a qualified person who resides outside of the
15 municipality.

16 * * *

17 Section 5. Section 503(b) of the act is amended and the
18 section is amended by adding a subsection to read:

19 Section 503. Changes in Uniform Construction Code.

20 * * *

21 (b) Minimum requirement.--Subject to the provisions of this
22 act, no municipality may propose or enact any ordinance which is
23 less than the minimum requirement of the Uniform Construction
24 Code[.], except as provided in subsection (b.1).

25 (b.1) Cities of the first class.--

26 (1) A city of the first class may enact an ordinance
27 that adopts provisions of the 2018 ICC triennial codes for
28 the purpose of regulating the constructions, alteration,
29 repair and use of buildings that do not meet the definition
30 of residential building under section 103.

31 (2) The scope of the provisions that may be adopted
32 under paragraph (1) shall be limited to the scope of what the
33 council is authorized to review and adopt under section
34 108(a)(1).

35 (3) The adoption of an ordinance under this subsection
36 shall be in accordance with subsections (d), (e), (f), (g)
37 and (h).

38 (4) If an ordinance is adopted under this subsection,
39 the provisions adopted in the ordinance shall remain in
40 effect until the effective date of the regulations
41 promulgated under section 304(a)(1) implementing the findings
42 of the 2021 triennial code review.

43 (5) All statutory exclusions and exemptions shall remain
44 in effect.

45 * * *

46 Section 6. Section 701 of the act is amended by adding a
47 subsection to read:

48 Amend Bill, page 2, line 19, by striking out all of said line
49 and inserting

1 Section 7. Sections 703 and 902(c) of the act are amended to
2 read:

3 Section 703. Education and training programs.

4 (a) Fee.--Municipalities administering and enforcing this
5 act under section 501(a) and third-party agencies providing
6 services under section 501(e) shall assess a fee of [\$4] \$4.50
7 on each construction or building permit issued under the
8 authority of this act. The fee shall be in addition to any other
9 fee imposed for the permit.

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

15 (c) Deposit.--[Moneys]

16 (1) The fee collected as authorized under subsection (a)
17 shall be transmitted quarterly to the State Treasury and
18 shall be [equally] divided and deposited in the accounts
19 established in subsection (b)[.] as follows:

20 (i) Forty-three and one-half percent of the fee
21 shall be deposited in the Municipal Code Official
22 Training Account for the purpose of education and
23 training programs for municipal code officials and
24 individuals employed by third-party agencies under
25 contract with a municipality.

26 (ii) Forty-three and one-half percent of the fee
27 shall be deposited in the Construction Contractor
28 Training Account for a Pennsylvania-based housing
29 research center located at a land grant university for
30 the construction industry. To assure the programs meet
31 the needs of the construction industry, the education,
32 training and other activities provided by the housing
33 research center must be approved by its industry advisory
34 committee.

35 (iii) Thirteen percent of the fee shall be deposited
36 in the Review and Advisory Council Administration Account
37 for expenses of the council as authorized under section
38 107(l), for technical assistance as provided for under
39 section 107(k), for administrative assistance as provided
40 under section 107(j), for fees associated with the ICC to
41 establish and publish code manuals which contain the
42 standards of the Uniform Construction Code as provided
43 under section 304(a)(4) and as otherwise determined
44 necessary by the department as funds are available.

45 (2) [Moneys so] Money deposited [are] under paragraph
46 (1)(i) and (ii) is hereby [equally] appropriated on approval
47 of the Governor to the Department of Community and Economic
48 Development [for the purpose of education and training
49 programs provided by the Pennsylvania Construction Codes
50 Academy for municipal code officials and individuals employed
51 by third-party agencies under contract to a municipality and

1 to a Pennsylvania-based housing research center located at a
2 land grant university for the construction industry. To
3 assure the programs meet the needs of the construction
4 industry, the education, training and other activities
5 provided by such a housing research center shall be approved
6 by its industry advisory committee.]. The Department of
7 Community and Economic Development may utilize up to 3% of
8 the funds allocated to the account under paragraph (1)(i) and
9 up to 3% of the funds allocated to the account under
10 paragraph (1)(ii) for administrative and program expenses.
11 Notwithstanding any other provision of this paragraph to the
12 contrary, the Department of Community and Economic
13 Development may continue to abide by the provisions of an
14 agreement permitting the retention or collection of a greater
15 percentage for administrative and program expenses, but only
16 for a period of one year from the effective date of this
17 paragraph.

18 (3) All money deposited under paragraph (1)(iii) shall
19 be transmitted quarterly to the department. The department
20 shall not be required to utilize other sources of funding to
21 carry out activities under this act if the funds provided
22 under this section are insufficient.

23 (d) Reports.--

24 (1) No later than November 1 of each calendar year, the
25 Department of Community and Economic Development shall
26 provide a report to the chairperson and minority chairperson
27 of the Labor and Industry Committee of the Senate and the
28 chairperson and minority chairperson of the Labor and
29 Industry Committee of the House of Representatives. The
30 report shall detail expenditures for the most recent fiscal
31 year. The report shall include:

32 (i) The number of construction and building permits
33 issued and the total fees collected.

34 (ii) A separate accounting of revenue and
35 expenditures for each account under subsection (c)(1)(i)
36 and (ii). The separate accounting shall include, to the
37 extent available, revenue and expenditures by a
38 contractor, vendor or other party engaged to perform the
39 services under subsection (c)(1)(i) and (ii). All
40 contracts entered into after the effective date of this
41 paragraph by the Department of Community and Economic
42 Development with a contractor, vendor or other party
43 shall require the contractor, vendor or other party to
44 provide the information required under this paragraph.

45 (iii) The amount utilized by the Department of
46 Community and Economic Development for personnel,
47 including the position title, hours charged, amount paid
48 and description of the duties and responsibilities, of
49 each individual paid in whole or in part from the
50 account.

51 (iv) The amount utilized by the Department of

1 Community and Economic Development for operational costs
2 and a description of each expenditure.

3 (v) The amount utilized by the Department of
4 Community and Economic Development for other program
5 purposes and a description of each expenditure.

6 (2) No later than November 1 of each calendar year, the
7 department shall provide a report to the chairperson and
8 minority chairperson of the Labor and Industry Committee of
9 the Senate and the chairperson and minority chairperson of
10 the Labor and Industry Committee of the House of
11 Representatives. The report shall detail expenditures for the
12 most recent fiscal year. The report shall include:

13 (i) A separate accounting of revenue and
14 expenditures for the account under subsection (c) (1)
15 (iii). The separate accounting provided under this
16 paragraph shall include, to the extent available, revenue
17 and expenditures by a contractor, vendor or other party
18 engaged to perform the services under subsection (c) (1)
19 (iii). All contracts entered into after the effective
20 date of this paragraph by the department with a
21 contractor, vendor or other party shall require the
22 contractor, vendor or other party to provide the
23 information required under this paragraph.

24 (ii) The amount utilized by the Uniform Construction
25 Code Review and Advisory Council for reimbursement of
26 travel expenses.

27 (iii) The amount utilized by the Uniform
28 Construction Code Review and Advisory Council for other
29 purposes and a description of each expenditure.

30 (iv) The amount utilized by the department for
31 personnel, including the position title, hours charged,
32 amount and description of the duties and responsibilities
33 of each individual paid in whole or in part from the
34 account.

35 (v) The amount utilized by the department for
36 operational costs and a description of each expenditure.

37 (vi) The amount utilized by the department for other
38 program purposes and a description of each expenditure.

39 Section 902. Applicability to certain buildings.

40 * * *

41 (c) Uncertified buildings over which the department does not
42 have jurisdiction.--

43 (1) A construction code official shall issue a
44 certificate of occupancy to an uncertified building if it
45 meets the requirements of subsection (b), the latest adopted
46 version of the International Existing Building Code or
47 Chapter 34 of the International Building Code, and the
48 construction code official shall utilize the code [for the
49 municipality which] that, in his professional judgment, he
50 deems to best apply.

51 (2) A construction code official may deny the issuance

1 of a certificate of occupancy if the official deems that a
2 building is unsafe because of inadequate means of egress,
3 inadequate lighting and ventilation, fire hazards or other
4 dangers to human life or to public welfare.

5 [(3) A municipality subject to this subsection may
6 utilize the standards of subsection (b) for the issuance of
7 certificates of occupancy to uncertified buildings by
8 adopting an ordinance adopting the standards of issuance
9 pursuant to the procedures delineated in section 503.]

10 * * *

11 Section 8. This act shall take effect as follows:

12 (1) The amendment of sections 701 and 902(c) of the act
13 shall take effect in 60 days.

14 (2) The remainder of this act shall take effect
15 immediately.