



# Senate Labor and Industry Committee

**Senator John R. Gordner**

Chairman

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**HOUSE BILL 377**  
**SPONSOR: Rep. Everett**

**PRINTER'S NO. 884**

**AMENDMENT A01235**

**SPONSOR: Sen. Gordner**

Amendment A01235 revises the process by which the latest triennial revisions of the Uniform Construction Code (UCC) are reviewed and adopted by the UCC Review and Advisory Council (RAC).

Section 107(b)(3) of the act of November 10, 1999 (P.L. 491, No. 45), known as the Pennsylvania Construction Code Act, is amended to remove provisions related to the current RAC review and adoption process.

Section 107 is amended to insert paragraph (b.1). Section 107(b.1) provides for a new review process that is initiated by the official publication of the latest triennial revisions of the UCC by the International Code Council (ICC). The RAC is required to conduct at least three (3) public hearings – one in Harrisburg and one in the eastern and western regions of the Commonwealth. The RAC must complete its review process within twelve (12) months following the official publication of the codes through the submission of a report to the Secretary of Labor and Industry with provisions of the codes that are specified for adoption. The RAC shall review the triennial revisions to determine:

- (1) The impact that the provision may have upon the health, safety and welfare of the public;
- (2) The economic and financial impact of the provision; and
- (3) The technical feasibility of the provision.

Only triennial code revisions that are adopted by a two-thirds vote of the membership of the RAC shall be included in the report.

Section 107(c)(2) is amended to clarify that a “general” contractor from an association representing the nonresidential construction industry be appointed to the RAC.

Section 107(h) is amended to remove the provision dealing with “consensus” so there is no confusion with the two-thirds vote requirement in section 107(b.1).

Section 107(j) is amended to provide that the department may provide staff support to the RAC to assist in the drafting of reports.

Section 304(a) is amended to remove provisions related to the current process by which the Department promulgates regulations to adopt new code provisions. The department must promulgate final-omitted regulations adopting the latest triennial revisions that are contained in the report submitted by the RAC. The department shall also publish regulations updating accessibility standards set forth in the International Building Code.

Section 304(a.1) provides that the relevant provisions of the prior version of the codes shall remain in effect if a triennial revision is not adopted by the RAC.

Section 304(b) is removed to make the adoption of the International Fuel Gas Code consistent with the adoption process in 304(a) for the other codes that constitute the UCC.

Section 304(d), which provides for the current RAC review and adoption process, is removed.

House Bill 377 is further amended to strike page 3, lines 27-29 and page 4, line 30 through page 5, line 4 to remove the “opt in” provisions inserted by the House. The issue of the applicability of these sections to existing building permits is dealt with by inserting retroactivity provisions in section 4 of the bill.

House Bill 377 is further amended to strike page 5, lines 5-9 and to insert a new paragraph (h). The House inserted language that references the proposed 2012 International Residential Code (IRC). Since that code is in proposed form and has not yet been adopted by the ICC, the new paragraph (h) directly incorporates the provisions of the proposed code.

House Bill 377 is further amended to insert section 901(i) which excludes the wall bracing requirements from the 2009 IRC and reinstates the requirements from the 2006 IRC.

Joshua D. Funk, Esq.  
April 5, 2011

AMENDMENTS TO HOUSE BILL NO. 377

Sponsor:

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1 Amend Bill, page 1, line 5, by inserting after "for"

2 Uniform Construction Code Review and Advisory Council,  
3 for revised or successor codes and for

4 Amend Bill, page 1, lines 9 through 12, by striking out all  
5 of said lines and inserting

6 Section 1. Section 107(b)(3), (c)(2), (h) and (j) of the act  
7 of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania  
8 Construction Code Act, added October 9, 2008 (P.L.1386, No.106),  
9 are amended and the section is amended by adding a subsection to  
10 read:

11 Section 107. Uniform Construction Code Review and Advisory  
12 Council.

13 \* \* \*

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

15 \* \* \*

16 (3) With the exception of the provisions of Chapter 11  
17 and Appendix E of the International Building Code of [2006]  
18 2009, or its successor codes, or any other accessibility  
19 requirements contained in or referenced by the Uniform  
20 Construction Code relating to persons with physical  
21 disabilities, review [new and amended provisions contained in  
22 triennial revisions of the codes issued by the International  
23 Code Council to any of its codes. The council shall inform  
24 the department of any code provisions that should be excluded  
25 from the Uniform Construction Code by May 1 of the year of  
26 issuance of the latest triennial code issued by the  
27 International Code Council.] the latest triennial code  
28 revisions issued by the International Code Council, beginning  
29 with the 2012 codes, as provided under subsection (b.1).

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

31 (1) Beginning with the 2012 ICC codes, the council shall  
32 review the latest triennial code revisions upon official  
33 publication of the codes.

34 (2) During the review process, the council shall hold at  
35 least three public hearings. One of the public hearings shall  
36 be held in Harrisburg, one shall be held in the eastern

1 region of this Commonwealth and one shall be held in the  
2 western region of this Commonwealth.

3 (3) The council shall submit a report to the secretary  
4 within the twelve-month period following official publication  
5 of the latest triennial code revisions under paragraph (1)  
6 with provisions of the codes that are specified for adoption.  
7 The provisions of the codes that are specified for adoption  
8 shall be separately designated in the report.

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

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

13 (ii) The economic and financial impact of the  
14 provision.

15 (iii) The technical feasibility of the provision.

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

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

21 \* \* \*

22 (2) A general contractor from an association  
23 representing the nonresidential construction industry who has  
24 recognized ability and experience in the construction of  
25 nonresidential buildings.

26 \* \* \*

27 (h) Quorum [and consensus].--Ten members shall constitute a  
28 quorum[, and a consensus among at least ten members must be  
29 reached before any determination can be made by the council].

30 \* \* \*

31 (j) Administrative support.--The [secretary] department  
32 shall provide a facility for council meetings under this act,  
33 stenographic services and required notice of the council's  
34 meetings. The department may provide staff support in drafting  
35 any reports required under this act.

36 \* \* \*

37 Section 2. Section 304 of the act, amended October 9, 2008  
38 (P.L.1386, No.106), is amended to read:

39 Section 304. Revised or successor codes.

40 [(a) Building code.--

41 (1) Subject to sections 105(c) and (d), 301(a)(3), (4),  
42 (5), (6) and (7), (c) and (d) and 302, by December 31 of the  
43 year of the issuance of a new triennial ICC International  
44 Building Code, or its successor building code, the department  
45 shall promulgate regulations adopting the new code as the  
46 Uniform Construction Code unless the council informs the  
47 department that it should exclude any provisions of the  
48 triennial code from the Uniform Construction Code. If the  
49 council provides this notification, the department shall  
50 submit regulations adopting the triennial code with  
51 provisions omitted by the council under this section within

1 90 days following council notification.

2 (2) Subject to sections 105(c) and (d), 301(a)(3), (4),  
3 (5), (6) and (7), (c) and (d) and 302, by December 31 of the  
4 year of issuance of a new triennial ICC International  
5 Residential Code, or its successor building code, the  
6 department shall promulgate regulations providing that all  
7 detached one-family and two-family dwellings and one-family  
8 townhouses that are not more than three stories in height and  
9 their accessory structures may be designed in accordance with  
10 that code or the Uniform Construction Code at the option of  
11 the building permit applicant. The department shall  
12 promulgate regulations adopting the new code as the Uniform  
13 Construction Code unless the council informs the department  
14 that it should exclude any provisions of the triennial code  
15 from the Uniform Construction Code. If the council provides  
16 this notification, the department shall submit regulations  
17 adopting the triennial code with provisions omitted by the  
18 council under this section within 90 days following council  
19 notification.]

20 (a) Duties of department.--

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

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

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

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

36 (3) Notwithstanding paragraphs (1) and (2), the  
37 department shall promulgate regulations updating  
38 accessibility standards under Chapter 3 by adopting Chapter  
39 11 and Appendix E of the International Building Code of 2012,  
40 or its successor, by December 31 of the year of issuance of  
41 the new code.

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

45 [(b) International Fuel Gas Code.--By December 31 of the  
46 year of the issuance of a new International Fuel Gas Code, or  
47 its successor code, the department shall promulgate regulations  
48 adopting the new code.]

49 (c) Prior permits and construction.--

50 (1) A construction permit issued under valid  
51 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 [(d) Code revisions.--

17 (1) The council may determine that any new or amended  
18 provision contained in a triennial revision by the ICC to any  
19 of the codes which have been adopted by regulation of the  
20 department as part of the Uniform Construction Code is not,  
21 in the opinion of the council, consistent with the intent and  
22 purpose of this act or is otherwise inappropriate for  
23 inclusion in the Uniform Construction Code. In making a  
24 determination on the new or amended triennial revisions, the  
25 council may consider the provisions of section 102, as well  
26 as other relevant factors, including, but not limited to:

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

29 (ii) The economic reasonableness and financial  
30 impact of the provisions.

31 (iii) The technical feasibility of the provisions.

32 (2) When adopting the latest triennial versions of the  
33 ICC codes, the department shall exclude a specific new or  
34 amended code provision rejected by the council under  
35 paragraph (1) and shall provide that the relevant provisions  
36 of the prior versions of the code shall remain in effect.]

37 Section 3. Section 901(a) of the act, amended July 7, 2006  
38 (P.L.1052, No.108), is amended and the section is amended by  
39 adding subsections to read:

40 Amend Bill, page 3, lines 27 through 29, by striking out all  
41 of said lines

42 Amend Bill, page 4, line 30; page 5, lines 1 through 9, by  
43 striking out all of said lines on said pages and inserting

44 (h) Fire protection of floors.--

45 (1) Except as set forth in paragraph (2), a floor  
46 assembly not required in the International Residential Code,  
47 or its successor building code, to be fire-resistance rated

1 shall be provided with a 1/2-inch gypsum wallboard membrane,  
2 5/8-inch wood structural panel membrane, or equivalent, on  
3 the underside of the floor framing member.

4 (2) Paragraph (1) shall not apply to any of the  
5 following:

6 (i) A floor assembly located directly over a space  
7 protected by an automatic sprinkler system in accordance  
8 with section P2904, NFPA13D or other equivalent sprinkler  
9 system approved by a municipal code official.

10 (ii) A floor assembly located directly over a crawl  
11 space not intended for storage or fuel-fired appliances.

12 (iii) A portion of a floor assembly which complies  
13 with all of the following:

14 (A) The aggregate area of the unprotected  
15 portions shall not exceed 80 square feet per story.

16 (B) Fire blocking in accordance with section  
17 R302.11.1 shall be installed along the perimeter of  
18 the unprotected portion to separate the unprotected  
19 portion from the remainder of the floor assembly.

20 (iv) A wood floor assembly using dimension lumber or  
21 structural composite lumber equal to or greater than two-  
22 inch by ten-inch nominal dimension or a floor assembly  
23 approved by a municipal code official demonstrating  
24 equivalent fire performance.

25 (i) Wall bracing requirements.--Section R602.10 through  
26 section R602.12.1.6 of the 2009 International Residential Code,  
27 or its successor provisions, are excluded from the Uniform  
28 Construction Code. The wall bracing requirements of sections  
29 R602.10 through R602.11.3 of the 2006 International Residential  
30 Code shall be part of the Uniform Construction Code.

31 Section 4. Retroactivity is as follows:

32 (1) The addition of section 901(f) of the act shall  
33 apply retroactively to January 1, 2010.

34 (2) The addition of section 901(g) of the act shall  
35 apply retroactively to January 1, 2011.

36 Amend Bill, page 5, line 10, by striking out "2" and  
37 inserting