

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 568 Session of 2015

INTRODUCED BY EVANKOVICH, DIAMOND, HEFFLEY, GROVE, WARNER, SANKEY, ZIMMERMAN, OBERLANDER, HELM, GABLER, CUTLER, READSHAW, ENGLISH, BENNINGHOFF, SIMMONS, GIBBONS, MICCARELLI AND SANTORA, FEBRUARY 23, 2015

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES, SEPTEMBER 27, 2016

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. The definition of "board of appeals" in section
20 103 of the act of November 10, 1999 (P.L.491, No.45), known as
21 the Pennsylvania Construction Code Act, is amended and the
22 section is amended by adding definitions to read:

23 Section 103. Definitions.

1 The following words and phrases when used in this act shall  
2 have the meanings given to them in this section unless the  
3 context clearly indicates otherwise:

4 \* \* \*

5 "Board of appeals." The body created by a municipality or  
6 more than one municipality to hear appeals from decisions of the  
7 code administrator as provided for by [Chapter 1 of the 1999  
8 Building Officials and Code Administrators International, Inc.,  
9 National Building Code, Fourteenth Edition] the department by  
10 regulation.

11 \* \* \*

12 "Collective codes." The term includes:

13 (1) ~~Sections~~ PROVISIONS of the ICC codes specified in 34 <--  
14 Pa. Code § 403.21 (relating to Uniform Construction Code).

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

19 \* \* \*

20 "Existing sections." All sections of the collective codes  
21 that have been incorporated into the Uniform Construction Code  
22 that are currently in effect at the time of review by the  
23 council pursuant to section 108.

24 \* \* \*

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

26 (1) Do not receive a public comment RECOMMENDING <--  
27 MODIFICATION OR REJECTION pursuant to section 108(a)(3)(ii).

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

30 (3) Are not selected for further review by the council

1 pursuant to section 108(a)(3)(ix)(A).  
2 "Updated sections." Any and all sections of the newest  
3 edition EDITIONS of the ICC codes subject to review by the <--  
4 council under section 108(a)(1) that are different from, added  
5 to or deleted from, the immediately preceding sections EDITIONS <--  
6 of the ICC codes. Each updated section shall be referenced by  
7 the section number assigned to such section by the ICC codes.

8 \* \* \*

9 Section 2. Section 107 of the act, amended or added October  
10 9, 2008 (P.L.1386, No.106) and April 25, 2011 (P.L.1, No.1), is  
11 amended to read:

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

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

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

17 (1) Gather information from municipal officers, building  
18 code officials, construction code officials, licensed design  
19 professionals, builders [and], property owners, construction  
20 trades and consumer representatives concerning issues with  
21 the Uniform Construction Code raised by council members or  
22 changes proposed by members of the General Assembly.

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

25 (i) The Governor.

26 (ii) The Secretary of Labor and Industry.

27 (iii) The members of any legislative committee  
28 considering amendments to this act.

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

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

1                   (vi) The [Code Development Councils of the]                   <--  
2                   International Code Council.

3                   (3) With the exception of the ACCESSIBILITY provisions                   <--  
4                   of [Chapter 11 and Appendix E of the International Building                   <--  
5                   Code of 2009, or its successor] THE MOST RECENTLY PUBLISHED                   <--  
6                   EDITIONS OF ICC codes, or any other accessibility  
7                   requirements specified in regulation, contained in or  
8                   referenced by the Uniform Construction Code relating to  
9                   persons with physical disabilities, review the [latest  
10                   triennial code revisions issued by the International Code  
11                   Council, beginning with the 2012 codes] updated sections, as  
12                   provided under [subsection (b.1)] section 108, or other  
13                   sections of the collective codes, as provided under section  
14                   108(a)(1)(iii).

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

16                   (1) Beginning with the 2012 ICC codes, the council shall  
17                   review the latest triennial code revisions upon official  
18                   publication of the codes.

19                   (2) During the review process, the council shall hold at  
20                   least three public hearings. One of the public hearings shall  
21                   be held in Harrisburg, one shall be held in the eastern  
22                   region of this Commonwealth and one shall be held in the  
23                   western region of this Commonwealth.

24                   (3) The council shall submit a report to the secretary  
25                   within the 12-month period following official publication of  
26                   the latest triennial code revisions under paragraph (1) with  
27                   provisions of the codes that are specified for adoption. The  
28                   provisions of the codes that are specified for adoption shall  
29                   be separately designated in the report.

30                   (4) The council shall examine triennial code revisions

1 applying all of the following criteria:

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

4 (ii) The economic and financial impact of the  
5 provision.

6 (iii) The technical feasibility of the provision.

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

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

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

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

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

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

1 administering and enforcing nonresidential codes.

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

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

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

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

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

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

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

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

1 (13) A licensed electrical engineer from an association  
2 representing professional engineers who has recognized  
3 ability and experience in the design and construction of  
4 buildings.

5 (14) An elected official of a township of the second  
6 class who has recognized ability and experience in  
7 construction of buildings.

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

10 (16) An elected official of a third class city who has  
11 recognized ability and experience in the construction of  
12 buildings.

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

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

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

24 be comprised of members selected as follows:

25 (1) One member, appointed by the President pro tempore  
26 of the Senate, who must be a general contractor from an  
27 association representing the residential construction  
28 industry and have a recognized ability and experience in the  
29 construction of new residential dwellings.

30 (2) One member, appointed by the Minority Leader of the

1 Senate, who must be a second or third class city official and  
2 have recognized ability and experience in the construction of  
3 buildings.

4 (3) One member, appointed by the Speaker of the House of  
5 Representatives, who must be a general contractor from an  
6 association representing the nonresidential construction  
7 industry and have recognized ability and experience in the  
8 construction of nonresidential buildings.

9 (4) One member, appointed by the Minority Leader of the  
10 House of Representatives, who must be a township official and <--  
11 have recognized ability and experience in the construction of <--  
12 buildings CONSTRUCTION TRADES SO AS TO REPRESENT EMPLOYEES IN <--  
13 THE INDUSTRY.

14 (5) Seventeen members appointed by the Governor to  
15 include the following:

16 (i) One member who must be a Uniform Construction  
17 Code-certified residential building inspector, possess  
18 all five residential certifications from an association  
19 representing building code official and have experience  
20 administering and enforcing residential codes.

21 (ii) One member who must be a Uniform Construction  
22 Code-certified building inspector, possess all  
23 nonresidential inspection certifications or a certified  
24 plans examiner, hold an accessibility certification from  
25 an association representing building code officials and  
26 have experience administering and enforcing  
27 nonresidential codes. The code-certified building  
28 inspector need not possess a fire inspector  
29 certification.

30 (iii) One member who must be a Uniform Construction



1 Code-certified fire inspector from an association  
2 representing fire code officials.

3 (iv) One member who must be a Uniform Construction  
4 Code-certified building code official from an association  
5 representing building code officials with building code  
6 official certification.

7 (v) One member who must be residential contractor  
8 from an association representing contractors engaged in  
9 remodeling residential buildings and have recognized  
10 ability and experience in remodeling residential and  
11 nonresidential buildings.

12 (vi) One member who must be a licensed architect  
13 from an association representing architects and have  
14 recognized ability and experience in the design and  
15 construction of nonresidential buildings.

16 (vii) One member who must be a licensed architect  
17 from an association representing architects and have  
18 recognized ability and experience in the design and  
19 construction of residential buildings.

20 (viii) One member who must be a licensed structural  
21 engineer from an association representing professional  
22 engineers and have recognized ability and experience in  
23 the design and construction of buildings.

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

29 (x) One member who must be a licensed mechanical  
30 engineer specializing in plumbing and fire protection

1 from an association representing professional engineers  
2 and have recognized ability and experience in the design  
3 and construction of buildings.

4 (xi) One member who must be a licensed electrical  
5 engineer from an association representing professional  
6 engineers and have recognized ability and experience in  
7 the design and construction of buildings.

8 (xii) One member who must be ~~an elected~~ A PUBLIC <--  
9 OFFICIAL OF A borough ~~official~~ and have recognized <--  
10 ability and experience in the construction of buildings.

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

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

17 (xv) One member from an association representing  
18 only modular housing manufacturers who must be  
19 knowledgeable, licensed or certified under the act of May  
20 11, 1982 (P.L.286, No.70), known as the Industrialized  
21 Housing Act, to manufacture and sell modular homes in  
22 this Commonwealth.

23 ~~(xvi) One member who has recognized ability and~~ <--  
24 ~~experience employed in the construction trade to~~  
25 ~~represent employees in the construction industry.~~

26 ~~(xvii) One member to represent the interests of~~  
27 ~~consumers.~~

28 (XVI) ONE MEMBER WHO IS A PUBLIC OFFICIAL OF A <--  
29 TOWNSHIP OF THE SECOND CLASS AND HAS RECOGNIZED ABILITY  
30 AND EXPERIENCE IN THE CONSTRUCTION OF BUILDINGS.

1           (XVII) ONE MEMBER FROM AN ASSOCIATION REPRESENTING  
2           COMMERCIAL BUILDING OWNERS WHO HAS RECOGNIZED ABILITY AND  
3           EXPERIENCE IN THE CONSTRUCTION AND RENOVATION OF  
4           NONRESIDENTIAL BUILDINGS.

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

8       (d) Vacancies.--Vacancies on the council shall be filled in  
9 the [same] manner [in which they were originally designated]  
10 provided under subsection (c) within 30 business days of the  
11 vacancy[. If the Governor fails to act within 30 business days,  
12 the council chairperson shall appoint an individual to fill the  
13 vacancy.] and any new council member appointed shall serve the  
14 remainder of the term of his or her predecessor.

15       (e) Removal.--Council members who miss three or more  
16 consecutive meetings or who miss three or more meetings of a  
17 technical advisory committee to which they have been appointed,  
18 shall MAY be removed from the council and any technical advisory <--  
19 committees to which they have been appointed and a new council  
20 member shall be appointed in accordance with this section.  
21 Notwithstanding any other provision to the contrary, the council  
22 chair shall appoint a council member to serve on a technical  
23 advisory committee and replace a council member removed from  
24 that technical advisory committee pursuant to this subsection. A  
25 council member may also be removed for just cause by the  
26 Governor.

27       (f) Terms.--

28           (1) A member of the council shall serve terms of [two]  
29 three years and until his successor is appointed [beginning  
30 July 1, 2008, except the initial term of members appointed

1 under subsection (c) (1), (3), (4), (5), (8), (11), (13) and  
2 (14) shall be for three years and until their successor is  
3 appointed].

4 (2) The current terms of all council members serving on  
5 the effective date of this paragraph are extended as of the  
6 effective date of this paragraph for one additional year.

7 (g) Chairperson and vice chairperson.--The members shall  
8 elect, by a majority vote, a chairperson and vice chairperson of  
9 the council.

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

11 (i) Meetings.--Meetings shall be conducted as required under  
12 65 Pa.C.S. Ch. 7 (relating to open meetings) as follows:

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

17 (2) All meetings of the council shall be publicly  
18 advertised and shall be open to the public. Members of the  
19 general public shall be given reasonable opportunity to  
20 address the council ~~prior to a vote by the council on a~~ <--  
21 motion.

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

29 (4) Council members may participate in council meetings  
30 in person, via telephone conference, or via video conference.

1 Council members may submit votes in person, telephonically OR <--  
2 by electronic mail to the chair of the council. The  
3 department may approve similar methods of communication for  
4 participation and voting by council members.

5 (j) Administrative support.--The department shall provide a  
6 facility for council meetings under this act, stenographic  
7 services, secretarial services, legal representation and  
8 required notice of the council's meetings. The department [may]  
9 shall provide staff support in drafting any reports required  
10 under this act.

11 (k) Technical support.--The council may solicit and retain,  
12 with or without compensation, individuals who are qualified by  
13 training or experience to provide expert input to the council  
14 ~~and, at the discretion of the council, such individuals may be <--~~  
15 ~~compensated for their services, reimbursed for reasonable travel~~  
16 ~~expenses at a rate established by the secretary or both. [AND, <--~~  
17 AT]. AT THE DISCRETION OF THE [COUNCIL] DEPARTMENT:

18 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), SUCH  
19 INDIVIDUALS MAY BE COMPENSATED FOR THEIR SERVICES OR  
20 REIMBURSED FOR REASONABLE TRAVEL EXPENSES AT A RATE  
21 ESTABLISHED BY THE SECRETARY, OR BOTH.

22 (2) PARAGRAPH (1) DOES NOT APPLY TO A MEMBER OF A  
23 TECHNICAL ADVISORY COMMITTEE APPOINTED UNDER SUBSECTION (M)  
24 (1) (V).

25 (l) Compensation and expenses.--Members of the council shall  
26 not receive a salary or per diem allowance for their service[.]  
27 but shall be reimbursed in amounts and as determined by the  
28 department for reasonable travel, lodging and other necessary  
29 expenses incurred in performing their duties.

30 (m) Technical advisory committees.--

1       (1) The council shall establish a process by which  
2 technical advisory committees will assist the council in the  
3 review of the updated sections. The technical advisory  
4 committee process shall comply with the following  
5 requirements:

6           (i) There shall be a technical advisory committee  
7 for each of the codes included in the Uniform  
8 Construction Code and specified in 34 Pa. Code § 403.21,  
9 and such other technical advisory committees as the  
10 council deems necessary to facilitate its review.  
11 Participation in the technical advisory committees may  
12 not be limited to members of the council and shall be  
13 open to members of industry and to the general public <--  
14 INTEREST GROUPS ASSOCIATED WITH CODE DEVELOPMENT AND <--  
15 ENFORCEMENT.

16           ~~(ii) Each technical advisory committee shall be~~ <--  
17 ~~limited to a total of 20 members. The chair of the (II)~~ <--  
18 EACH TECHNICAL ADVISORY COMMITTEE SHALL BE COMPOSED OF  
19 COUNCIL MEMBERS AND NONVOTING TECHNICAL ADVISORY MEMBERS  
20 AND SHALL BE LIMITED TO A MAXIMUM OF 12 MEMBERS. THE  
21 CHAIR OF THE council shall appoint a council member to  
22 chair each technical advisory committee. Any other  
23 council member may seek appointment to a technical  
24 advisory committee and, if no more than ~~two~~ FOUR <--  
25 additional council members seek appointment to a  
26 specified technical advisory committee, those council  
27 members shall also be appointed to the technical advisory  
28 committee. If more than ~~two~~ FOUR council members seek <--  
29 appointment to a technical advisory committee, the chair  
30 of the council shall appoint ~~two~~ FOUR of the council <--

1 members seeking appointment to serve and the remaining  
2 council members seeking appointment shall serve only if  
3 additional positions on the technical advisory committee  
4 remain after selection of the technical advisory  
5 committee members pursuant to subparagraph (v).

6 ~~Notwithstanding any other provision of this section to~~ <--  
7 ~~the contrary, no council member may serve on more than~~  
8 ~~three technical advisory committees.~~

9 (iii) The department shall publish a notice seeking  
10 participation in the technical advisory committees in the  
11 Pennsylvania Bulletin and on the department's publicly  
12 accessible Internet website or, in the absence of an  
13 Internet website, in such other manner as the secretary  
14 determines will provide substantially similar public  
15 notice.

16 (iv) Interested persons shall submit to the chair of  
17 the council the following information within 30 days  
18 following the publication of the notice:

19 (A) name;

20 (B) the name or subject matter area of the  
21 technical advisory committee to which the individual  
22 seeks to be appointed;

23 (C) contact information;

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

26 (E) summary of experience and expertise.

27 (v) The chair of the council shall seek to ensure  
28 diversity of interests on each technical advisory  
29 committee. After appointment of up to two council members <--  
30 to a technical advisory committee pursuant to

1 subparagraph (ii), technical TECHNICAL advisory committee <--  
2 members shall be selected by the chair of the council  
3 from among the interested persons identified in  
4 subparagraph (iv) so as to ensure that technical advisory  
5 committees represent ADD relevant expertise as well as <--  
6 differing viewpoints, industries, professions and other  
7 interests.

8 (vi) Meetings of the technical advisory committees  
9 may be in person, via telephone conference or via video  
10 conference. The department may approve similar methods of  
11 communication for participation and voting by technical  
12 advisory committee members.

13 (vii) Technical advisory committee members may  
14 submit votes in person, telephonically or by electronic  
15 mail to the chair of the technical advisory committee.  
16 Decisions of a technical advisory committee shall be by  
17 majority of the votes received FROM COUNCIL MEMBERS ON <--  
18 THE TECHNICAL ADVISORY COMMITTEE.

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

22 (a) Code review process.--

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

25 (A) to the 2015 changes to the Uniform  
26 Construction Code adopted by the council; and

27 (B) to the procedure outlined in subparagraph  
28 (iii),

29 the council shall commence its review of the updated  
30 sections 21 months following the publication of a new



1 edition of the ICC codes in accordance with paragraph  
2 (3). Notwithstanding any other provision of this act to  
3 the contrary, the council shall initiate a new review of  
4 the updated sections contained in the 2015 edition of the  
5 ICC codes within thirty days of the effective date of  
6 this section, and this review shall be referred to as the  
7 2015 Code Review. The decisions by the council with  
8 respect to the 2015 edition of the ICC codes previously  
9 provided to the department on May 29, 2015, and the  
10 regulations promulgated by the department as a result,  
11 shall remain in full force and effect until June 1, 2018.  
12 As of June 1, 2018, the decisions of the council as a  
13 result of the 2015 Code Review and the regulations  
14 promulgated by the department as a result, shall  
15 supersede any previous inconsistent council decisions or  
16 departmental regulations.

17 (ii) ~~Notwithstanding the provisions of subparagraph~~ <--  
18 ~~(i), the council may rely on any technical analysis of~~  
19 ~~the 2015 edition of the codes performed by the technical~~  
20 ~~advisory committees during the council's original review.~~  
21 THE 2015 CODE REVIEW SHALL BE CONDUCTED IN ACCORDANCE <--  
22 WITH PROVISIONS OF THIS ACT, EXCEPT THAT PUBLIC COMMENT  
23 PERIOD UNDER SUBPARAGRAPH (3) (I) SHALL BE 30 DAYS, AND  
24 EXCEPT THAT THE COUNCIL SHALL ONLY BE REQUIRED TO HOLD  
25 ONE PUBLIC HEARING, WHICH SHALL BE IN HARRISBURG,  
26 NOTWITHSTANDING THE REQUIREMENTS OF SUBPARAGRAPH (3)  
27 (VIII).

28 (iii) The council shall also review, in accordance  
29 with the procedures outlined in this act, any section of  
30 the collective codes that do not otherwise constitute

1 updated sections but only if two-thirds of the council  
2 MEMBERSHIP so determine. The sections selected for review <--  
3 shall be referred to as "additional sections." The  
4 additional sections shall be treated for purposes of  
5 review and approval or disapproval by the council as  
6 updated sections. The selection of additional sections <--  
7 shall occur during two meetings of the council, the first  
8 to occur between 14 and 16 months following publication  
9 of a new edition of the ICC codes and the last to occur  
10 no later than 18 to 21 months following publication of a  
11 new edition of the ICC codes.

12 (iv) Notwithstanding any other provision of this  
13 paragraph, the selection of additional sections with  
14 respect to the 2015 Code Review shall be made in a  
15 meeting or meetings, the number of meetings to be  
16 determined by the chair of the council, to be held 30 to  
17 90 days after the effective date of this section.

18 (2) Each updated section subject to review under  
19 paragraph (3) (v) shall be examined applying all of the  
20 following criteria:

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

23 (ii) The economic and financial impact and life <--  
24 cycle cost of the section, INCLUDING IMPACT ON THE END <--  
25 CONSUMER.

26 (iii) The technical feasibility of the section.

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

29 (i) A 120-day period to receive comments from  
30 council members and the general public regarding the

1 updated sections shall commence 30 days following the  
2 start of the council's review pursuant to paragraph (1).  
3 The public comment period shall be announced in the  
4 Pennsylvania Bulletin and on the department's publicly  
5 accessible Internet website or, in the absence of an  
6 Internet website, in such other manner as the secretary  
7 determines will provide substantially similar public  
8 notice.

9 (ii) All public comments shall be submitted on a  
10 form created by the council. Each comment shall relate to  
11 a single updated section. The comment shall, at a  
12 minimum, specify the updated section to which the comment  
13 relates, state whether the updated section should be  
14 adopted, rejected or modified, and specify any other <--  
15 updated sections or existing sections that must be  
16 adopted, rejected or modified to implement the recommend-  
17 ation and the rationale for the recommended action based  
18 on the criteria set forth in paragraph (2). Any  
19 modification must SHALL meet or exceed the standards of <--  
20 the section in effect or currently being reviewed. <--  
21 SUCH MODIFICATION SHALL BE WITHIN THE STANDARDS UNDER  
22 REVIEW.

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

1 advisory committee.

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

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

20 (vi) For each updated section that:

21 (A) receives a comment RECOMMENDING MODIFICATION <--  
22 OR REJECTION in accordance with subparagraph (ii); or

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

26 the technical advisory committee shall submit to the  
27 chair of the council a recommendation that the section  
28 and any related section identified in subparagraph (v) be  
29 adopted, rejected or modified. The technical advisory  
30 committee shall submit the rationale for its

1 ~~recommendations and a list of any data or documents~~ <--  
2 ~~relied upon in making its recommendation. Notwithstanding~~  
3 ~~any other provision of this subparagraph, updated~~  
4 ~~sections that do not receive a comment RECOMMENDING~~ <--  
5 ~~MODIFICATION OR REJECTION in accordance with subparagraph~~  
6 ~~(ii) and that a member of the technical advisory~~  
7 ~~committee has not separately selected for individual~~  
8 ~~review by the council shall be noted in the report as~~  
9 ~~unopposed and no recommendation, rationale, data or~~ <--  
10 ~~documents shall be required.~~

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

20 ~~(viii) Within 30 days of the sooner of:~~ <--  
21 ~~(A) expiration of the period for technical~~  
22 ~~advisory committee review; or~~  
23 ~~(B) submission of all recommendations of the~~  
24 ~~technical advisory committees;~~

25 (VIII) AFTER SUBMISSION OF ALL RECOMMENDATIONS OF <--  
26 THE TECHNICAL ADVISORY COMMITTEES, the council shall hold  
27 at least three public hearings. One of the public  
28 hearings shall be held in Harrisburg, one shall be held  
29 in the eastern region of this Commonwealth and one shall  
30 be held in the western region of this Commonwealth.

1           (ix) Upon completion of the hearings, the council  
2 shall hold one or more official meetings of the council  
3 to decide whether to adopt, reject or modify the updated  
4 sections and any related section identified in  
5 subparagraph (v). The following shall apply:

6           (A) The council shall CONSIDER AND vote on the <--  
7 unopposed sections as a group. A two thirds majority <--  
8 of the council is required to reject the unopposed  
9 sections. By a two thirds majority vote of the  
10 council, the council may exclude individual unopposed  
11 sections from the group. PRIOR TO A VOTE ON THE <--  
12 UNOPPOSED SECTIONS AS A GROUP, THE COUNCIL SHALL  
13 FIRST CONSIDER ANY MOTION MADE BY A COUNCIL MEMBER TO  
14 EXCLUDE A SECTION FROM THE UNOPPOSED GROUP. IF THE  
15 MOTION IS SUPPORTED BY A MAJORITY OF THE COUNCIL  
16 MEMBERSHIP, THAT SECTION SHALL BE REMOVED FROM THE  
17 UNOPPOSED GROUP. THERE SHALL BE NO LIMIT TO THE  
18 NUMBER OF MOTIONS THAT THE COUNCIL SHALL CONSIDER  
19 BEFORE CONSIDERATION OF THE UNOPPOSED SECTIONS AS A  
20 GROUP. UNOPPOSED SECTIONS THAT REMAIN AS PART OF THE  
21 GROUP, AFTER CONSIDERATION OF MOTIONS TO EXCLUDE  
22 SECTIONS, MAY BE ADOPTED BY A MAJORITY VOTE OF THE  
23 COUNCIL. All unopposed sections that are rejected as  
24 a group or successfully excluded from the group shall  
25 be subject to the procedure specified in clause (B).  
26 For each unopposed section that the council subjects  
27 to the procedure specified in clause (B), the council  
28 shall provide, in writing, the SPECIFIC rationale for <--  
29 its decision and a list of the data and documents <--  
30 relied upon in making its decision.

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. If the council's decision  
6           on an updated section differs from the recommendation  
7           of the technical advisory committee, the council  
8           shall provide, in writing, the SPECIFIC rationale for <--  
9           its decision and the data and documents relied upon <--  
10           in making its decision.

11        (b) Submission of report.--With the exception of the  
12        council's review of the 2015 ICC codes, the council shall submit  
13        a report to the secretary within the 24-month period following  
14        the commencement of the review process by the council with  
15        sections of the UPDATED CODES AND ADDITIONAL codes that are <--  
16        specified for adoption or modification. The sections of the  
17        codes that are specified for adoption or modification shall be  
18        separately designated in the report. For the council's review of  
19        the 2015 ICC codes only, the council shall submit a report to  
20        the secretary on or before December 31, 2017.

21        Section 4. Section 304 of the act, amended April 25, 2011  
22        (P.L.1, No.1), is amended to read:

23        Section 304. Revised or successor codes.

24        (a) Duties of department.--

25           (1) Subject to sections 105(c) and (d), 301(a)(3), (4),  
26           (5), (6) and (7), (c) and (d) and 302, within [three] nine  
27           months of the receipt of the report under section [107(b.1)] <--  
28           108(B), the department shall promulgate final-omitted  
29           regulations under the act of June 25, 1982 (P.L.633, No.181),  
30           known as the Regulatory Review Act, to adopt the [triennial

1 code revisions made] council's decisions contained in the  
2 report without change. Regulations adopted under this act  
3 shall become effective 33 months after the commencement of  
4 council review as provided for in section 108(a)(1)(i)  
5 provided, however, that the regulations promulgated by the  
6 department as a result of the 2015 Code Review shall be  
7 effective June 1, 2018.

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

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

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

16 (3) [Notwithstanding paragraphs (1) and (2), the] The  
17 department shall promulgate regulations updating  
18 accessibility standards under Chapter 3 by adopting [Chapter <--  
19 11 and Appendix E of the International Building Code of 2012,  
20 or its ~~successor~~, [by SUCCESSOR,] BY December 31 of the year <--  
21 of issuance of [the new code.] THE ACCESSIBILITY PROVISIONS <--  
22 OF THE MOST RECENTLY PUBLISHED EDITION OF THE ICC CODES and  
23 any other accessibility requirements which shall be specified  
24 in the regulations, or contained in or referenced by the  
25 Uniform Construction Code relating to persons with  
26 disabilities. ~~If regulations are required to be promulgated~~ <--  
27 ~~under paragraph (1), the department shall promulgate~~  
28 ~~regulations under this paragraph with the same effective date~~  
29 ~~as regulations promulgated under paragraph (1). If~~  
30 ~~regulations are not required to be promulgated under~~



1 ~~paragraph (1), the department shall promulgate regulations~~  
2 ~~under this paragraph within 33 months after the official~~  
3 ~~publication of the updated sections.~~

4 ~~(4) The department may enter into a contract with the~~ <--  
5 ~~ICC to develop and publish documentation of the existing~~  
6 ~~sections. CONTRACT WITH THE ICC TO ESTABLISH AND PUBLISH CODE~~ <--  
7 ~~MANUALS THAT CONTAIN THE STANDARDS OF THE UNIFORM~~  
8 ~~CONSTRUCTION CODE. The department shall require in any~~  
9 ~~contract under this paragraph that the documentation be made~~  
10 ~~available on the department's publicly accessible Internet~~  
11 ~~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  
15 codes] existing sections shall remain in effect.

16 (c) Prior permits 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

1 subsequent Uniform Construction Code or International Fuel  
2 Gas Code issued under this act and a permit was not required  
3 at that time, construction may be completed without a permit.

4 Section 5. Section 501(c) of the act, amended November 29,  
5 2006 (P.L.1440, No.157) and October 24, 2012 (P.L.1433, No.179),  
6 is amended to read:

7 Section 501. Administration and enforcement.

8 \* \* \*

9 (c) Board of appeals.--

10 (1) A municipality which has adopted an ordinance for  
11 the administration and enforcement of this act or  
12 municipalities which are parties to an agreement for the  
13 joint administration and enforcement of this act shall  
14 establish or designate a board of appeals as provided by  
15 [Chapter 1 of the 1999 BOCA National Building Code,  
16 Fourteenth Edition,] the regulation of the department to hear  
17 appeals from decisions of the code administrator. Members of  
18 the municipality's governing body may not serve as members of  
19 the board of appeals. A municipality may establish a board of  
20 appeals or may establish or designate a joint board of  
21 appeals in accordance with 53 Pa.C.S. Ch. 23 Subch. A  
22 (relating to intergovernmental cooperation).

23 (2) An application for appeal shall be based on a claim  
24 that the true intent of this act or regulations legally  
25 adopted under this act have been incorrectly interpreted, the  
26 provisions of this act do not fully apply or an equivalent  
27 form of construction is to be used.

28 (3) When a municipality cannot find persons to serve on  
29 a board of appeals who meet the minimum qualifications [of  
30 Chapter 1 of the BOCA National Building Code] established by

1 the department, the municipality may fill a position on the  
2 board with a qualified person who resides outside of the  
3 municipality.

4 (4) The fee for an appeal to the Board of Appeals for a  
5 municipality that is administering and enforcing this act  
6 shall not exceed actual costs of the public notice of the  
7 hearing, appearance fee for the court reporter and  
8 administrative fees as necessary.

9 (5) In the case of an appeal or request for variance or  
10 extension of time involving the construction of a one-family  
11 or two-family residential building, the board of appeals  
12 shall convene a hearing within 30 days of the appeal. The  
13 Board of Appeals shall render a written decision to the  
14 parties within five business days, or within ten business  
15 days in cities of the first class, of the last hearing. If  
16 the board of appeals fails to act within the time period  
17 under this paragraph, the appeal shall be deemed granted.

18 \* \* \*

19 Section 6. Section 703 of the act, amended November 29, 2006  
20 (P.L.1440, No.157), is amended to read:

21 Section 703. Education and training programs.

22 (a) Fee.--Municipalities administering and enforcing this  
23 act under section 501(a) and third-party agencies providing  
24 services under section 501(e) shall assess a fee of ~~+\$4~~ ~~-\$5~~ on <--  
25 each construction or building permit issued under the authority  
26 of this act. The fee shall be in addition to any other fee  
27 imposed for the permit.

28 (b) [Training accounts] Accounts.--There [is] are hereby  
29 established within the State Treasury [two] three restricted  
30 accounts which shall be known as the Municipal Code Official

1 Training Account, the Review and Advisory Council Administration  
2 Account and the Construction Contractor Training Account.

3 (c) Deposit.--[Moneys]

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

8 (i) ~~Two dollars~~ FORTY-FIVE PERCENT of the fee shall <--  
9 be deposited in the Municipal Code Official Training  
10 Account.

11 (ii) ~~Two dollars~~ FORTY-FIVE PERCENT of the fee shall <--  
12 be deposited in the Construction Contractor Training  
13 Account.

14 (iii) ~~One dollar~~ TEN PERCENT of the fee shall be <--  
15 deposited in the Review and Advisory Council  
16 Administration Account.

17 (2) [Moneys so] Money deposited [are] under paragraph  
18 (1)(i) and (ii) is hereby [equally] appropriated on approval <--  
19 of the Governor to the Department of Community and Economic  
20 Development for the purpose of education and training  
21 programs [provided by the Pennsylvania Construction Codes <--  
22 Academy] for municipal code officials and individuals <--  
23 employed by third-party agencies under contract to a  
24 municipality and to a Pennsylvania-based housing research  
25 center located at a land grant university for the  
26 construction industry. To assure the programs meet the needs  
27 of the construction industry, the education, training and  
28 other activities provided by such a housing research center  
29 shall be approved by its industry advisory committee.

30 (3) ~~Money~~ ALL MONEY deposited under paragraph (1)(iii) <--

1 shall be transmitted quarterly to the Department of Labor and  
2 Industry for expenses of the council as authorized in section  
3 107(l), for technical assistance as provided for in section  
4 107(k), FOR administrative assistance as provided for in <--  
5 section 107(j), FOR fees associated with ~~developing and~~ <--  
6 ~~publishing documentation of the existing sections~~ CONTRACTING <--  
7 WITH THE ICC TO ESTABLISH AND PUBLISH CODE MANUALS WHICH  
8 CONTAIN THE STANDARDS OF THE UNIFORM CONSTRUCTION CODE as  
9 provided for in section 304(a)(4) and as otherwise determined  
10 necessary by the council as money is available.

11 Section 7. Section 902(c) of the act, amended December 22,  
12 2005 (P.L.478, No.95), is amended to read:

13 Section 902. Applicability to certain buildings.

14 \* \* \*

15 (c) Uncertified buildings over which the department does not  
16 have jurisdiction.--

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

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

30 [(3) A municipality subject to this subsection may

1 utilize the standards of subsection (b) for the issuance of  
2 certificates of occupancy to uncertified buildings by  
3 adopting an ordinance adopting the standards of issuance  
4 pursuant to the procedures delineated in section 503.]

5 \* \* \*

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

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

9 (2) The remainder of this act shall take effect  
10 immediately.