
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1209 Session of
2013

INTRODUCED BY HARKINS, CALTAGIRONE, KOTIK, FABRIZIO, MCGEEHAN,
SONNEY, COHEN, W. KELLER, CARROLL, NEILSON, PARKER, HARHAI,
GOODMAN, KAVULICH, READSHAW, O'BRIEN, B. BOYLE, SABATINA,
NEUMAN, K. BOYLE, DONATUCCI, P. COSTA, WHITE, SNYDER, WATERS,
GALLOWAY AND FLYNN, APRIL 16, 2013

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, APRIL 16, 2013

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," further providing for
6 definitions, for Uniform Construction Code Review and
7 Advisory Council and for revised or successor codes.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 103 of the act of November 10, 1999
11 (P.L.491, No.45), known as the Pennsylvania Construction Code
12 Act, is amended by adding a definition to read:

13 Section 103. Definitions.

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

17 * * *

18 "Commercial building." A building, structure or facility
19 that is not a residential building.

1 * * *

2 Section 2. Section 107(b)(3) and (b.1) of the act, amended
3 or added April 25, 2011 (P.L.1, No.1), are amended and the
4 section is amended by adding a subsection to read:

5 Section 107. Uniform Construction Code Review and Advisory
6 Council.

7 * * *

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

9 * * *

10 (3) With the exception of the provisions of Chapter 11
11 and Appendix E of the International Building Code of 2009, or
12 its successor codes, or any other accessibility requirements
13 contained in or referenced by the Uniform Construction Code
14 relating to persons with physical disabilities, review the
15 latest triennial code revisions issued by the International
16 Code Council, beginning with the 2012 codes, as provided
17 under [subsection] subsections (b.1) and (b.2).

18 (b.1) [Code] Residential construction code review process.--

19 (1) Beginning with the 2012 ICC codes, the council shall
20 review the latest triennial code revisions for residential
21 buildings upon official publication of the codes.

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

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

1 provisions of the codes that are specified for adoption shall
2 be separately designated in the report.

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

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

7 (ii) The economic and financial impact of the
8 provision.

9 (iii) The technical feasibility of the provision.

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

13 (b.2) Commercial construction code review process.--

14 (1) Within 90 days of the effective date of this
15 paragraph, the council shall review the triennial code
16 revisions for the 2012 ICC codes for commercial buildings and
17 advise the department in writing of any provisions the
18 council recommends to be excluded from the Uniform
19 Construction Code as well as the reasons for the
20 recommendation as provided in paragraph (5).

21 (2) Beginning with the 2015 ICC codes, the council shall
22 review the latest triennial code revisions for commercial
23 buildings upon official publication of the codes.

24 (3) During the review process, the council shall solicit
25 public input and may hold public hearings.

26 (4) The council shall advise the department in writing
27 by September 1 of the year of issuance of any provisions of
28 the triennial code revisions for commercial buildings that
29 the council recommends to be excluded from the Uniform
30 Construction Code as well as the reasons for the

1 recommendation as provided in paragraph (5), or that the
2 council does not recommend the exclusion of any provision of
3 the triennial code revisions for commercial buildings.

4 (5) The council may recommend that a new or amended
5 provision contained in a triennial code is not, in the
6 opinion of the council, consistent with the intent and
7 purpose of this act or is otherwise inappropriate for
8 inclusion in the Uniform Construction Code. In making a
9 recommendation, the council shall examine all triennial code
10 revisions 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 * * *

17 Section 3. Section 304 of the act, amended April 25, 2011
18 (P.L.1, No.1), is amended to read:

19 Section 304. Revised or successor codes.

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 for residential buildings 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

1 (P.L.769, No.240), referred to as the Commonwealth
2 Documents Law; and

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

6 (3) Notwithstanding paragraphs (1) and (2), the
7 department shall promulgate regulations updating
8 accessibility standards under Chapter 3 by adopting Chapter
9 11 and Appendix E of the International Building Code of 2012,
10 or its successor, by December 31 of the year of issuance of
11 the new code.

12 (4) Subject to sections 105(c) and (d), 301(a)(3), (4),
13 (5), (6) and (7), (c) and (d) and 302, the department shall
14 promulgate final-omitted regulations under the act of June
15 25, 1982 (P.L.633, No.181), known as the Regulatory Review
16 Act, to adopt the ICC triennial code revisions for commercial
17 buildings within three months of the receipt of the written
18 recommendation by the council under section 107(b.2)(1) or by
19 December 31 of the year of issuance of the new code. If the
20 council's written recommendation advises the department to
21 exclude one or more provisions, the department's regulation
22 may exclude any or all of the provisions recommended to be
23 omitted by the council.

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

27 (c) Prior permits and construction.--

28 (1) A construction permit issued under valid
29 construction regulations prior to the effective date of
30 regulations for a subsequent Uniform Construction Code or

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

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

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

15 Section 4. With regard to the 2012 codes, where commercial
16 construction plans have been designed by a licensed architect or
17 licensed professional engineer under a contract in effect prior
18 to the effective date of this section, a construction permit may
19 be issued under the prior code and the construction of any
20 building or structure may be completed in accordance with the
21 permit. The authority to issue permits under the prior code
22 shall expire within one year of the effective date of this
23 section.

24 Section 5. This act shall take effect immediately.