THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL
No. 1139 Session of 2004

INTRODUCED BY SCARNATI, BRIGHTBILL, ROBBINS, PICCOLA, EARLL, CORMAN, KASUNIC, WONDERLING, PUNT, D. WHITE, PIPPY, M. WHITE, WOZNIAK, ARMSTRONG, WENGER, KUKOVICH, THOMPSON, LEMMOND AND GORDNER, MAY 26, 2004

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, JULY 1, 2004

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 application of act, for adoption of
7 regulations, for administration and enforcement, for changes
8 in Uniform Construction Code and for exemptions.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. The definitions of "agricultural building" and "utility and miscellaneous use structures" in section 103 of the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, are amended and the section is amended by adding definitions to read:

12 Section 103. Definitions.

13 The following words and phrases when used in this act shall have the meanings given to them in this section unless the
"Addition." An extension or increase in floor area or height of a building or structure.

* * *

"Agricultural building." A structure utilized to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals[.] and a milk house. The term includes a carriage house owned and used by members of a recognized religious sect for the purposes of housing horses and storing buggies. The term shall not include habitable space or spaces in which agricultural products are processed, treated or packaged and shall not be construed to mean a place of occupancy by the general public.

"Alteration." Any construction or renovation to an existing structure other than repair or addition.

* * *

"Recreational cabin." A structure which is:

(1) utilized principally for recreational activity;

(2) not utilized as a domicile or residence for any individual for any time period;

(3) not utilized for commercial purposes;

(4) not greater than two stories in height, excluding basement;

(5) not utilized by the owner or any other person as a place of employment;

(6) not a mailing address for bills and correspondence; and

(7) not listed as an individual's place of residence on a tax return, driver's license, car registration or voter
registration.

"Repair." The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

"Residential building." Detached one-family and two-family dwellings and multiple single-family dwellings which are not more than three stories in height with a separate means of egress which includes accessory structures.

* * *

"Utility and miscellaneous use structures." Buildings or structures of an accessory character and miscellaneous structures not classified by the Building Officials and Code Administrators International, Inc., in any specific use group. The term includes carports, detached private garages, greenhouses and sheds having a building area less than 1,000 square feet, except in a city of the first class, a county of the second class where the building area is established by local ordinance and a county of the second class A. The term does not include swimming pools or spas.

Section 2. Section 104(b) of the act is amended and the section is amended by adding a subsection to read:

Section 104. Application.

* * *

(b) Exclusions.—This act shall not apply to:

(1) new buildings or renovations to existing buildings for which an application for a building permit has been made to the municipality prior to the effective date of the regulations promulgated under this act; and

(2) new buildings or renovations to existing buildings on which a contract for design or construction has been signed prior to the effective date of the regulations.
promulgated under this act on projects requiring department approval;

(3) utility and miscellaneous use structures that are accessory to detached one-family dwellings; [or]

(4) any agricultural building;

(5) alterations to residential buildings which do not make structural changes or changes to means of egress, except as might be required by ordinances in effect pursuant to section 303(b)(1) or adopted pursuant to section 503; 503. <

FOR PURPOSES OF THIS PARAGRAPH, A STRUCTURAL CHANGE DOES NOT INCLUDE A MINOR FRAMING CHANGE NEEDED TO REPLACE EXISTING WINDOWS OR DOORS;

(6) repairs to residential buildings, except as might be required by ordinances IN EFFECT PURSUANT TO SECTION 303(B)(1) OR adopted pursuant to section 503; or

(7) any recreational cabin if:

(i) the cabin is equipped with at least one smoke detector, one fire extinguisher and one carbon monoxide detector in both the kitchen and sleeping quarters; and

(ii) the owner of the cabin files with the municipality either:

(A) an affidavit on a form prescribed by the department attesting to the fact that the cabin meets the definition of a "recreational cabin" in section 103; or

(B) a valid proof of insurance for the recreational cabin, written and issued by an insurer authorized to do business in this Commonwealth, stating that the structure meets the definition of a "recreational cabin" as defined in section 103.
Continuity of exclusion.—

(1) If a recreational cabin is subject to exclusion under subsection (b)(7), upon transfer of ownership of the recreational cabin, written notice must be provided in the sales agreement and the deed that the recreational cabin:

(i) is exempt from this act;

(ii) may not be in conformance with the Uniform Construction Code; and

(iii) is not subject to municipal regulation.

(2) Failure to comply with the notice requirement under paragraph (1) shall render the sale voidable at the option of the purchaser.

Section 3. Section 301(a) of the act is amended by adding a paragraph to read:

Section 301. Adoption by regulations.

(a) Regulations.—

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(8) The regulations shall exclude section R313.1.1 of the 2003 International Residential Code for One- and Two-Family Dwellings or its successor code from applying to existing one-family and two-family unit dwellings undergoing alterations, repairs or additions.

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Section 4. Section 501 of the act is amended by adding subsections to read:

Section 501. Administration and enforcement.

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(a.1) COUNTIES OF THE SECOND CLASS.—Notwithstanding the provisions of subsection (a), a municipality located within a
county of the second class shall not administer and enforce
plumbing code provisions of an ordinance adopting the Uniform
Construction Code and incorporated codes for the purposes of
section 302(a). A county of the second class that has adopted a
plumbing code and accompanying rules and regulations, pursuant
to the act of August 24, 1951 (P.L.1304, No.315), known as the
Local Health Administration Law, shall retain the authority to
promulgate and enforce such plumbing code and to make such
changes as it deems necessary, provided that such changes meet
the minimum requirements as defined in the Uniform Construction
Code.

* * *

(g) Technical assistance to municipalities.--The Governor's
Center for Local Government Services in the Department of
Community and Economic Development shall be the principal agency
for developing and providing technical assistance to
municipalities for implementing, administrating and enforcing
the provisions of this act.

Section 5. Sections 503(a) AND (C) and 701(b) and (d) of the act are amended to read:

Section 503. Changes in Uniform Construction Code.

(a) Administration.--Municipalities may enact ordinances
which equal or exceed the minimum requirements of Chapter 1 of
the 1999 BOCA National Building Code, Fourteenth Edition, or
successor codes, relating to administration consistent with the
provisions of section 501(c). Municipalities may enact ordinances pursuant to this section which adopt additional code
requirements for alterations or repairs to residential
buildings.

* * *
(C) MODIFICATION OF MINIMUM REQUIREMENT.—SUBJECT TO THE
PROVISIONS OF THIS ACT, THE MUNICIPAL GOVERNING BODY MAY PROPOSE
AND ENACT AN ORDINANCE TO EQUAL OR EXCEED THE MINIMUM
REQUIREMENTS OF THE UNIFORM CONSTRUCTION CODE UNDER THE LAW
GOVERNING THE ADOPTION OF ORDINANCES IN THAT JURISDICTION.
MUNICIPALITIES MAY ENACT ORDINANCES PURSUANT TO THIS SECTION
WHICH ADOPT ADDITIONAL CODE REQUIREMENTS FOR ALTERATIONS OR
REPAIRS TO RESIDENTIAL BUILDINGS.

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Section 701. Training of inspectors.

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(b) Categories of inspectors.—

(1) The department, in consultation with BOCA and other
interested parties, shall establish appropriate categories of
code administrators.

(2) A code administrator may act in place of a lumber
grading or inspection agency to satisfy the requirement set
forth under section 2303.1.1 of the 2000 2003 International
Building Code OR ITS SUCCESSOR CODE.

***

(d) Waiver.—The department shall by regulation establish a
procedure for the consideration of requests for waivers of the
initial training and certification requirements for individuals
who present documentation that they have previously satisfied
substantially similar training, testing and certification
requirements. The department shall MAY also consider past work
experience as an inspector when deciding a request for a waiver.
Any waiver shall not apply to continuing education requirements.

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Section 6. Section 901 of the act, amended June 22, 2001

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(P.L.585, No.43), is amended to read:

Section 901. Exemptions.

(a) Manufactured housing.--This act shall not apply to manufactured housing which bears a label, as required by and referred to in the act of November 17, 1982 (P.L.676, No.192), known as the Manufactured Housing Construction and Safety Standards Authorization Act, which certifies that it conforms to Federal construction and safety standards adopted under the Housing and Community Development Act of 1974 (Public Law 93-383, 88 Stat. 633), nor shall it apply to industrialized housing, as defined in the act of May 11, 1972 (P.L.286, No.70), known as the Industrialized Housing Act.

(b) Religious beliefs.--

(1) An applicant for a construction permit for a dwelling unit or one-room schoolhouse utilized by a member or members of a recognized religious sect may file an application with a code administrator to be exempted from an electrical provision of the Uniform Construction Code which conflicts with the applicant's religious beliefs. The application shall state the manner in which the provision conflicts with the applicant's religious beliefs and shall include an affidavit by the applicant stating that:

(i) the applicant is a member of a recognized religious sect;

(ii) the religious sect has established tenets or teachings which conflict with an electrical provision of the Uniform Construction Code;

(iii) the applicant adheres to the established tenets or teachings of the sect; [and]

(iv) in the case of a dwelling unit, the dwelling
unit will be used solely as a residence for the applicant and the applicant's household.; and

(v) in the case of a one-room schoolhouse, the one-room schoolhouse will be used solely by members of the religious sect.

(2) A code administrator shall grant an application for an exemption if made in accordance with paragraph (1).

(3) If an applicant receives an exemption for a dwelling unit, any building under this subsection and the applicant subsequently sells or leases the dwelling unit building, the applicant shall bring the dwelling unit building into compliance with the provision of the Uniform Construction Code from which it was exempted under this subsection prior to the sale or lease of the building unless the prospective subsequent owner or lessee files an affidavit in compliance with paragraph (1)(i) through (iv).

(c) Natural cut trees.—Section 804.1.1 (relating to natural cut trees) of the International Fire Code (2003) and any successor provision is excluded from this act. A municipality that elects to adopt an ordinance for the administration and enforcement of this act may, by ordinance, restrict the placement of natural cut trees in an occupancy group. The ordinance restricting the placement shall not be subject to section 503(b) through (k).

Section 7. The amendment of section 901(a) and (b) of the act shall apply to permits applied for on or after the effective date of this act.

Section 8. This act shall take effect as follows:

(1) The amendment of section 901(a) and (b) of the act
shall take effect in 60 days.

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

SECTION 8. THIS ACT SHALL TAKE EFFECT IMMEDIATELY. <__>

SECTION 1. THE DEFINITIONS OF "AGRICULTURAL BUILDING" AND <__>

"UTILITY AND MISCELLANEOUS USE STRUCTURES" IN SECTION 103 OF THE

ACT OF NOVEMBER 10, 1999 (P.L.491, NO.45), KNOWN AS THE

PENNSYLVANIA CONSTRUCTION CODE ACT, ARE AMENDED AND THE SECTION

IS AMENDED BY ADDING DEFINITIONS TO READ:

SECTION 103. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL

HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE

CONTEXT CLEARLY INDICATES OTHERWISE:

"ADDITION." AN EXTENSION OR INCREASE IN FLOOR AREA OR HEIGHT

OF A BUILDING OR STRUCTURE.

* * *

"AGRICULTURAL BUILDING." A STRUCTURE UTILIZED TO STORE FARM

IMPLEMENTS, HAY, FEED, GRAIN OR OTHER AGRICULTURAL OR

HORTICULTURAL PRODUCTS OR TO HOUSE POULTRY, LIVESTOCK OR OTHER

FARM ANIMALS[.] AND A MILK HOUSE. THE TERM INCLUDES A CARRIAGE

HOUSE OWNED AND USED BY MEMBERS OF A RECOGNIZED RELIGIOUS SECT

FOR THE PURPOSES OF HOUSING HORSES AND STORING BUGGIES. THE TERM

SHALL NOT INCLUDE HABITABLE SPACE OR SPACES IN WHICH

AGRICULTURAL PRODUCTS ARE PROCESSED, TREATED OR PACKAGED AND

SHALL NOT BE CONSTRUED TO MEAN A PLACE OF OCCUPANCY BY THE

GENERAL PUBLIC.

"ALTERATION." ANY CONSTRUCTION OR RENOVATION TO AN EXISTING

STRUCTURE OTHER THAN REPAIR OR ADDITION.

* * *

"RECREATIONAL CABIN." A STRUCTURE WHICH IS:
(1) UTILIZED PRINCIPALLY FOR RECREATIONAL ACTIVITY;
(2) NOT UTILIZED AS A DOMICILE OR RESIDENCE FOR ANY
INDIVIDUAL FOR ANY TIME PERIOD;
(3) NOT UTILIZED FOR COMMERCIAL PURPOSES;
(4) NOT GREATER THAN TWO STORIES IN HEIGHT, EXCLUDING
BASEMENT;
(5) NOT UTILIZED BY THE OWNER OR ANY OTHER PERSON AS A
PLACE OF EMPLOYMENT;
(6) NOT A MAILING ADDRESS FOR BILLS AND CORRESPONDENCE;

AND

(7) NOT LISTED AS AN INDIVIDUAL'S PLACE OF RESIDENCE ON
A TAX RETURN, DRIVER'S LICENSE, CAR REGISTRATION OR VOTER
REGISTRATION.

"REPAIR." THE RECONSTRUCTION OR RENEWAL OF ANY PART OF AN
EXISTING BUILDING FOR THE PURPOSE OF ITS MAINTENANCE.

"RESIDENTIAL BUILDING." DETACHED ONE-FAMILY AND TWO-FAMILY
DWELLINGS AND MULTIPLE SINGLE-FAMILY DWELLINGS WHICH ARE NOT
MORE THAN THREE STORIES IN HEIGHT WITH A SEPARATE MEANS OF
EGRESS WHICH INCLUDES ACCESSORY STRUCTURES.

* * *

"UTILITY AND MISCELLANEOUS USE STRUCTURES." BUILDINGS OR
STRUCTURES OF AN ACCESSORY CHARACTER AND MISCELLANEOUS
STRUCTURES NOT CLASSIFIED BY THE BUILDING OFFICIALS AND CODE
ADMINISTRATORS INTERNATIONAL, INC., IN ANY SPECIFIC USE GROUP.
THE TERM INCLUDES CARPORTS, DETACHED PRIVATE GARAGES,
GREENHOUSES AND SHEDS HAVING A BUILDING AREA LESS THAN [500]
1,000 SQUARE FEET. THE TERM DOES NOT INCLUDE SWIMMING POOLS OR
SPAS.

SECTION 2. SECTION 104(B) OF THE ACT IS AMENDED AND THE
SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:
SECTION 104. APPLICATION.

* * *

(B) EXCLUSIONS.--THIS ACT SHALL NOT APPLY TO:

(1) NEW BUILDINGS OR RENOVATIONS TO EXISTING BUILDINGS
FOR WHICH AN APPLICATION FOR A BUILDING PERMIT HAS BEEN MADE
TO THE MUNICIPALITY PRIOR TO THE EFFECTIVE DATE OF THE
REGULATIONS PROMULGATED UNDER THIS ACT;

(2) NEW BUILDINGS OR RENOVATIONS TO EXISTING BUILDINGS
ON WHICH A CONTRACT FOR DESIGN OR CONSTRUCTION HAS BEEN
SIGNED PRIOR TO THE EFFECTIVE DATE OF THE REGULATIONS
PROMULGATED UNDER THIS ACT ON PROJECTS REQUIRING DEPARTMENT
APPROVAL;

(3) UTILITY AND MISCELLANEOUS USE STRUCTURES THAT ARE
ACCESSORY TO DETACHED ONE-FAMILY DWELLINGS; [OR]

(4) ANY AGRICULTURAL BUILDING;

(5) ALTERATIONS TO RESIDENTIAL BUILDINGS WHICH DO NOT
MAKE STRUCTURAL CHANGES OR CHANGES TO MEANS OF EGRESS, EXCEPT
AS MIGHT BE REQUIRED BY ORDINANCES IN EFFECT PURSUANT TO
SECTION 303(B)(1) OR ADOPTED PURSUANT TO SECTION 503. FOR
PURPOSES OF THIS PARAGRAPH, A STRUCTURAL CHANGE DOES NOT
INCLUDE A MINOR FRAMING CHANGE NEEDED TO REPLACE EXISTING
WINDOWS OR DOORS;

(6) REPAIRS TO RESIDENTIAL BUILDINGS, EXCEPT AS MIGHT BE
REQUIRED BY ORDINANCES IN EFFECT PURSUANT TO SECTION
303(B)(1) OR ADOPTED PURSUANT TO SECTION 503;

(7) ANY RECREATIONAL CABIN IF:

(I) THE CABIN IS EQUIPPED WITH AT LEAST ONE SMOKE
DETECTOR, ONE FIRE EXTINGUISHER AND ONE CARBON MONOXIDE
DETECTOR IN BOTH THE KITCHEN AND SLEEPING QUARTERS; AND

(II) THE OWNER OF THE CABIN FILES WITH THE
MUNICIPALITY EITHER:

(A) AN AFFIDAVIT ON A FORM PRESCRIBED BY THE
DEPARTMENT ATTESTING TO THE FACT THAT THE CABIN MEETS
THE DEFINITION OF A "RECREATIONAL CABIN" IN SECTION
103; OR

(B) A VALID PROOF OF INSURANCE FOR THE
RECREATIONAL CABIN, WRITTEN AND ISSUED BY AN INSURER
AUTHORIZED TO DO BUSINESS IN THIS COMMONWEALTH,
STATING THAT THE STRUCTURE MEETS THE DEFINITION OF A
"RECREATIONAL CABIN" AS DEFINED IN SECTION 103.

(B.1) CONTINUITY OF EXCLUSION.--

(1) IF A RECREATIONAL CABIN IS SUBJECT TO EXCLUSION
UNDER SUBSECTION (B)(7), UPON TRANSFER OF OWNERSHIP OF THE
RECREATIONAL CABIN, WRITTEN NOTICE MUST BE PROVIDED IN THE
SALES AGREEMENT AND THE DEED THAT THE RECREATIONAL CABIN:

(I) IS EXEMPT FROM THIS ACT;

(II) MAY NOT BE IN CONFORMANCE WITH THE UNIFORM
CONSTRUCTION CODE; AND

(III) IS NOT SUBJECT TO MUNICIPAL REGULATION.

(2) FAILURE TO COMPLY WITH THE NOTICE REQUIREMENT UNDER
PARAGRAPH (1) SHALL RENDER THE SALE VOIDABLE AT THE OPTION OF
THE PURCHASER.

* * *

SECTION 3. SECTION 301(A) OF THE ACT IS AMENDED BY ADDING A
PARAGRAPH TO READ:

SECTION 301. ADOPTION BY REGULATIONS.

(A) REGULATIONS.--

* * *

(8) THE REGULATIONS SHALL EXCLUDE SECTION R313.1.1 OF
THE 2003 INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-
FAMILY DWELLINGS OR ITS SUCCESSOR CODE FROM APPLYING TO
EXISTING ONE-FAMILY AND TWO-FAMILY UNIT DWELLINGS UNDERGOING
ALTERATIONS, REPAIRS OR ADDITIONS BUT SHALL INCLUDE
PROVISIONS REQUIRING NON-INTERCONNECTED BATTERY-OPERATED
SMOKE ALARMS IN ONE-FAMILY AND TWO-FAMILY DWELLINGS IN
ACCORDANCE WITH SECTION R313.1.1 OF THE 2003 INTERNATIONAL
RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS.

* * *

SECTION 4. SECTION 501 OF THE ACT IS AMENDED BY ADDING
SUBSECTIONS TO READ:

SECTION 501. ADMINISTRATION AND ENFORCEMENT.

* * *

(A.1) COUNTIES OF THE SECOND CLASS.--NOTWITHSTANDING THE
PROVISIONS OF SUBSECTION (A), A MUNICIPALITY LOCATED WITHIN A
COUNTY OF THE SECOND CLASS SHALL NOT ADMINISTER AND ENFORCE
PLUMBING CODE PROVISIONS OF AN ORDINANCE ADOPTING THE UNIFORM
CONSTRUCTION CODE AND INCORPORATED CODES FOR THE PURPOSES OF
SECTION 302(A). A COUNTY OF THE SECOND CLASS THAT HAS ADOPTED A
PLUMBING CODE AND ACCOMPANYING RULES AND REGULATIONS, PURSUANT
TO THE ACT OF AUGUST 24, 1951 (P.L.1304, NO.315), KNOWN AS THE
LOCAL HEALTH ADMINISTRATION LAW, SHALL RETAIN THE AUTHORITY TO
PROMULGATE AND ENFORCE SUCH PLUMBING CODE AND TO MAKE SUCH
CHANGES AS IT DEEMS NECESSARY, PROVIDED THAT SUCH CHANGES MEET
THE MINIMUM REQUIREMENTS AS DEFINED IN THE UNIFORM CONSTRUCTION
CODE.

* * *

(G) TECHNICAL ASSISTANCE TO MUNICIPALITIES.--THE GOVERNOR'S
CENTER FOR LOCAL GOVERNMENT SERVICES IN THE DEPARTMENT OF
COMMUNITY AND ECONOMIC DEVELOPMENT SHALL BE THE PRINCIPAL AGENCY
FOR DEVELOPING AND PROVIDING TECHNICAL ASSISTANCE TO
MUNICIPALITIES FOR IMPLEMENTING, ADMINISTRATING AND ENFORCING
THE PROVISIONS OF THIS ACT.

SECTION 5. SECTIONS 503(A) AND (C) AND 701(B) AND (D) OF THE
ACT ARE AMENDED TO READ:

SECTION 503. CHANGES IN UNIFORM CONSTRUCTION CODE.

(A) ADMINISTRATION.—MUNICIPALITIES MAY ENACT ORDINANCES
WHICH EQUAL OR EXCEED THE MINIMUM REQUIREMENTS OF CHAPTER 1 OF
THE 1999 BOCA NATIONAL BUILDING CODE, FOURTEENTH EDITION, OR
SUCCESSOR CODES, RELATING TO ADMINISTRATION CONSISTENT WITH THE
PROVISIONS OF SECTION 501(C).

* * *

(C) MODIFICATION OF MINIMUM REQUIREMENT.—SUBJECT TO THE
PROVISIONS OF THIS ACT, THE MUNICIPAL GOVERNING BODY MAY PROPOSE
AND ENACT AN ORDINANCE TO EQUAL OR EXCEED THE MINIMUM
REQUIREMENTS OF THE UNIFORM CONSTRUCTION CODE UNDER THE LAW
GOVERNING THE ADOPTION OF ORDINANCES IN THAT JURISDICTION.

MUNICIPALITIES MAY ENACT ORDINANCES PURSUANT TO THIS SECTION
WHICH ADOPT ADDITIONAL CODE REQUIREMENTS FOR ALTERATIONS OR
REPAIRS TO RESIDENTIAL BUILDINGS. MUNICIPALITIES MAY ENACT
ORDINANCES PURSUANT TO THIS SECTION WHICH ADOPT STRICTER CODE
REQUIREMENTS THAN REQUIRED BY THIS ACT FOR THE REGULATION OF
UTILITY AND MISCELLANEOUS USE STRUCTURES.

* * *

SECTION 701. TRAINING OF INSPECTORS.

* * *

(B) CATEGORIES OF INSPECTORS.—

(1) THE DEPARTMENT, IN CONSULTATION WITH BOCA AND OTHER
INTERESTED PARTIES, SHALL ESTABLISH APPROPRIATE CATEGORIES OF
CODE ADMINISTRATORS.

(2) A CODE ADMINISTRATOR MAY ACT IN PLACE OF A LUMBER
1 GRADING OR INSPECTION AGENCY TO SATISFY THE REQUIREMENT SET
2 FORTH UNDER SECTION 2303.1.1 OF THE 2003 INTERNATIONAL
3 BUILDING CODE OR ITS SUCCESSOR CODE.
4 * * *
5 (D) WAIVER.--THE DEPARTMENT SHALL BY REGULATION ESTABLISH A
6 PROCEDURE FOR THE CONSIDERATION OF REQUESTS FOR WAIVERS OF THE
7 INITIAL TRAINING AND CERTIFICATION REQUIREMENTS FOR INDIVIDUALS
8 WHO PRESENT DOCUMENTATION THAT THEY HAVE PREVIOUSLY SATISFIED
9 SUBSTANTIALLY SIMILAR TRAINING, TESTING AND CERTIFICATION
10 REQUIREMENTS. THE DEPARTMENT MAY ALSO CONSIDER PAST WORK
11 EXPERIENCE AS AN INSPECTOR WHEN DECIDING A REQUEST FOR A WAIVER.
12 ANY WAIVER SHALL NOT APPLY TO CONTINUING EDUCATION REQUIREMENTS.
13 * * *
14 SECTION 6. SECTION 901 OF THE ACT, AMENDED JUNE 22, 2001
15 (P.L.585, NO.43), IS AMENDED TO READ:
16 SECTION 901. EXEMPTIONS.
17 (A) MANUFACTURED HOUSING.--THIS ACT SHALL NOT APPLY TO
18 MANUFACTURED HOUSING WHICH BEARS A LABEL, AS REQUIRED BY AND
19 REFERRED TO IN THE ACT OF NOVEMBER 17, 1982 (P.L.676, NO.192),
20 KNOWN AS THE MANUFACTURED HOUSING CONSTRUCTION AND SAFETY
21 STANDARDS AUTHORIZATION ACT, WHICH CERTIFIES THAT IT CONFORMS TO
22 FEDERAL CONSTRUCTION AND SAFETY STANDARDS ADOPTED UNDER THE
23 HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 (PUBLIC LAW 93-
24 383, 88 STAT. 633), NOR SHALL IT APPLY TO INDUSTRIALIZED
25 HOUSING, AS DEFINED IN THE ACT OF MAY 11, 1972 (P.L.286, NO.70),
26 KNOWN AS THE INDUSTRIALIZED HOUSING ACT.
27 (B) RELIGIOUS BELIEFS.--
28 (1) AN APPLICANT FOR A CONSTRUCTION PERMIT FOR A
29 DWELLING UNIT OR ONE-ROOM SCHOOLHOUSE UTILIZED BY A MEMBER OR
30 MEMBERS OF A RECOGNIZED RELIGIOUS SECT MAY FILE AN
31 20040S1139B1784 - 16 -
APPLICATION WITH A CODE ADMINISTRATOR TO BE EXEMPTED FROM AN
ELECTRICAL PROVISION OF THE UNIFORM CONSTRUCTION CODE WHICH
CONFLICTS WITH THE APPLICANT'S RELIGIOUS BELIEFS. THE
APPLICATION SHALL STATE THE MANNER IN WHICH THE PROVISION
CONFLICTS WITH THE APPLICANT'S RELIGIOUS BELIEFS AND SHALL
INCLUDE AN AFFIDAVIT BY THE APPLICANT STATING THAT:

(I) THE APPLICANT IS A MEMBER OF A RECOGNIZED
RELIGIOUS SECT;

(II) THE RELIGIOUS SECT HAS ESTABLISHED TENETS OR
TEACHINGS WHICH CONFLICT WITH AN ELECTRICAL PROVISION OF
THE UNIFORM CONSTRUCTION CODE;

(III) THE APPLICANT ADHERES TO THE ESTABLISHED
TENETS OR TEACHINGS OF THE SECT; [AND]

(IV) IN THE CASE OF A DWELLING UNIT, THE DWELLING
UNIT WILL BE USED SOLELY AS A RESIDENCE FOR THE APPLICANT
AND THE APPLICANT'S HOUSEHOLD[.]; AND

(V) IN THE CASE OF A ONE-ROOM SCHOOLHOUSE, THE ONE-
ROOM SCHOOLHOUSE WILL BE USED SOLELY BY MEMBERS OF THE
RELIGIOUS SECT.

(2) A CODE ADMINISTRATOR SHALL GRANT AN APPLICATION FOR
AN EXEMPTION IF MADE IN ACCORDANCE WITH PARAGRAPH (1).

(3) IF AN APPLICANT RECEIVES AN EXEMPTION FOR [A
DWELLING UNIT] ANY BUILDING UNDER THIS SUBSECTION AND THE
APPLICANT SUBSEQUENTLY SELLS OR LEASES THE [DWELLING UNIT]
BUILDING, THE APPLICANT SHALL BRING THE [DWELLING UNIT]
BUILDING INTO COMPLIANCE WITH THE PROVISION OF THE UNIFORM
CONSTRUCTION CODE FROM WHICH IT WAS EXEMPTED UNDER THIS
SUBSECTION PRIOR TO THE [DWELLING UNIT BEING SOLD OR LEASED]
SALE OR LEASE OF THE BUILDING UNLESS THE PROSPECTIVE
SUBSEQUENT OWNER OR LESSEE FILES AN AFFIDAVIT IN COMPLIANCE
WITH PARAGRAPH (1)(I) THROUGH (IV).

(C) NATURAL CUT TREES.--SECTION 804.1.1 (RELATING TO NATURAL 
SUCCESSOR PROVISION IS EXCLUDED FROM THIS ACT. A MUNICIPALITY 
THAT ELECTS TO ADOPT AN ORDINANCE FOR THE ADMINISTRATION AND 
ENFORCEMENT OF THIS ACT MAY, BY ORDINANCE, RESTRICT THE 
PLACEMENT OF NATURAL CUT TREES IN AN OCCUPANCY GROUP. THE 
ORDINANCE RESTRICTING THE PLACEMENT SHALL NOT BE SUBJECT TO 
SECTION 503(B) THROUGH (K).

SECTION 7. THE AMENDMENT OF SECTION 901(B) OF THE ACT SHALL 
APPLY TO PERMITS APPLIED FOR ON OR AFTER THE EFFECTIVE DATE OF 
THIS ACT.

SECTION 8. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.