

## No. 2004-230

## AN ACT

## HB 2749

Amending the act of November 10, 1999 (P.L.491, No.45), entitled "An act establishing a uniform construction code; imposing powers and duties on municipalities and the Department of Labor and Industry; providing for enforcement; imposing penalties; and making repeals," further providing for referenced standards; and abrogating regulations.

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

Section 1. Section 302 of the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, is amended to read:

Section 302. Referenced standards.

(a) General rule.—[The]

*(1) Subject to paragraph (2), the standards referenced in Chapters 30 and 35 relating to elevators and conveying systems and referenced standards, respectively, or the applicable chapter, of the 1999 BOCA National Building Code, Fourteenth Edition, and the American National Standards for Passenger Tramways, Aerial Tramways, Aerial Lifts, Surface Lifts and Tows, ASME/ANSI B77.1, shall be considered part of the requirements of the Uniform Construction Code to the prescribed extent of each such reference except that BNPNC-96 BOCA National Property Maintenance Code and ASME/ANSI A17.3 (safety code for existing elevators and escalators) shall be excluded.*

*(2) The standards under paragraph (1) shall include the latest ANSI standards applicable to the operation of ski lifts.*

(b) No preemption.—Nothing contained in this act shall be construed to preempt the ability of a municipality to adopt or enforce the codes referred to in this section to the extent not referenced, in whole or in part, in Chapter 35 relating to referenced standards or applicable chapter of the 1999 BOCA National Building Code, Fourteenth Edition.

Section 2. The act is amended by adding a section to read:

*Section 305. Existing municipality or municipal authority standards for lateral connections.*

*(a) General rule.—Municipality or municipal authority standards for lateral connections located on private property and connecting to public infrastructure owned by a municipality or municipal authority that were in effect on January 1, 2005, and contain provisions that equal or exceed the requirements of the regulations promulgated under this act, the Internal Residential Code or under the International Plumbing Code shall remain in effect until such time as any such provisions fail to equal or exceed the minimum requirements of the regulations promulgated under this act, at*

*which time the standards shall be amended to equal or exceed the minimum requirements of the regulations promulgated under this act.*

***(b) Filing requirement.—Municipality or municipal authority standards qualifying under subsection (a) shall be filed with the department and any local governments served by the municipality or municipal authority with such standards.***

Section 3. The following shall apply:

(1) The provisions of 34 Pa. Code § 405.2(a)(4) (relating to standards) are abrogated insofar as they relate to ski lifts.

(2) The provisions of 34 Pa. Code § 405.11(e) (relating to accident report) are abrogated insofar as they relate to ski lifts.

(3) All other regulations are abrogated to the extent of any inconsistency with this act.

Section 4. This act shall take effect immediately.

APPROVED—The 1st day of December, A.D. 2004.

EDWARD G. RENDELL