

No. 2013-8

AN ACT

HB 124

Amending the act of May 11, 1972 (P.L.286, No.70), entitled "An act regulating the sale of certain structures made, fabricated, formed or assembled in manufacturing facilities and providing penalties," further providing for findings and declarations of policy, for regulations, insignia of certification required, for promulgation of rules and regulations by the department and for recognition of certification of other states or the Federal Government.

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

Section 1. Section 2 of the act of May 11, 1972 (P.L.286, No.70), known as the Industrialized Housing Act, is amended by adding a paragraph to read:

Section 2. Findings and Declarations of Policy.—It is hereby determined and declared as a matter of legislative finding that:

* * *

(8) To facilitate the construction and installation of industrialized/commercial modular buildings and industrialized/commercial building modules for use in this Commonwealth, there is a need for uniform State standards and procedures for the identification, inspection and assembly and certification in a similar manner as industrialized housing.

Section 2. Section 4(j) of the act, added July 6, 2009 (P.L.56, No.13), is amended to read:

Section 4. Regulations, Insignia of Certification Required.—* * *

(j) The department [is authorized to enter into a multistate agreement for the purpose of regulating] ***shall adopt regulations that are consistent with the requirements of the act of November 10, 1999 (P.L.491, No.45), known as the "Pennsylvania Construction Code Act," to administer a certification program as described in this section to regulate the construction, installation standards and inspection of industrialized/commercial modular buildings shipped from the factory and industrialized/commercial building modules shipped from the factory. [The department shall adopt regulations to administer the program.]*** Modules of industrialized/commercial modular buildings that are certified under the program established pursuant to this subsection shall be deemed to meet the requirements of the [act of November 10, 1999 (P.L.491, No.45), known as the] "Pennsylvania Construction Code Act."

Section 3. Sections 5(a) and 6 of the act are amended to read:

Section 5. Promulgation of Rules and Regulations by the Department.—

(a) The department, in consultation with the Industrialized Housing Advisory Commission shall promulgate rules and regulations to interpret and make specific the provisions of this act. Such rules and regulations adopted, amended, repealed and substituted from time to time pursuant to this section shall assure the health, safety and welfare of the people of Pennsylvania by requiring safe and sanitary industrial housing and ***industrialized/commercial modular buildings and industrialized/commercial building modules and***

shall include provisions [**imposing requirements reasonably**] consistent with *the requirements adopted under the act of November 10, 1999 (P.L.491, No.45), known as the "Pennsylvania Construction Code Act," and other* recognized and accepted model codes. The department shall adopt such other rules and regulations as are necessary to carry out the provisions of this act. Such rules and regulations shall be consistent with the act of [June 4, 1945 (P.L.1388), known as the "Administrative Agency Law."] July 31, 1968 (P.L.769, No.240), referred to as the *Commonwealth Documents Law*. No portion of this act or any code, or rules and regulations adopted, amended, repealed or substituted as provided herein, which limits the work to be performed to any type of construction contractor, or labor or mechanic classification shall be adopted or enforceable by the department.

* * *

Section 6. Recognition of Certification of Other States or the Federal Government.—The department may issue insignia of certification to industrialized housing [or], housing components, *industrialized/commercial modular buildings and industrialized/commercial building modules* that have been certified by the United States Department of Housing and Urban Development or competent authority within other states if the department finds that such certification is granted on the basis of standards substantially equivalent to the provisions promulgated under section 5 of this act.

Section 4. This act shall take effect immediately.

APPROVED—The 21st day of May, A.D. 2013

TOM CORBETT