

**PART XIV. UNIFORM CONSTRUCTION CODE**

Chap.		Sec.
<b>401.</b>	<b>UNIFORM CONSTRUCTION CODE TRAINING AND CERTIFICATION OF CODE ADMINISTRATORS .....</b>	<b>401.1</b>
<b>403.</b>	<b>ADMINISTRATION .....</b>	<b>403.1</b>
<b>405.</b>	<b>ELEVATORS AND OTHER LIFTING DEVICES .....</b>	<b>405.1</b>

**CHAPTER 401. UNIFORM CONSTRUCTION CODE TRAINING AND CERTIFICATION OF CODE ADMINISTRATORS**

- Sec.
- 401.1. Definitions.
- 401.2. Department fees.
- 401.3. Certification required.
- 401.4. Application and identification.
- 401.5. Waivers.
- 401.6. Certification categories and testing.
- 401.7. Certification category specifications.
- 401.8. Certification renewal.
- 401.9. Continuing education.
- 401.10. Department-approved providers.
- 401.11. Certification of third-party agency.
- 401.12. Liability insurance.
- 401.13. List of code administrators.
- 401.14. Decertification or refusal to certify.
- 401.15. Registration of current code administrators.
- 401.16. Change of address or employer.

**Authority**

The provisions of this Chapter 401 issued under section 701(a) of the Pennsylvania Construction Code Act (35 P. S. §§ 7210.701—7210.1103), unless otherwise noted.

**Source**

The provisions of this Chapter 401 adopted April 12, 2002, effective July 12, 2002, 32 Pa.B. 1849, unless otherwise noted.

**§ 401.1. Definitions.**

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

*ALI*—The Automatic Lift Institute, Post Office Box 33116, Indialantic, Florida, 32903-3116.

*ANSI*—American National Standards Institute, 11 West 42nd Street, New York, New York 10036.

*APSP*—The Association of Pool and Spa Professionals, 2111 Eisenhower Avenue, Alexandria, Virginia 22314-4695.

*ASME*—The American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016-5990.

*Accessibility Advisory Board*—The Department’s Accessibility Advisory Board created under section 106 of the act (35 P. S. § 7210.106).

*Accredited academic institution*—A high school, technical or vocational school, private school licensed or registered with the Department of Education, junior college, community college or university.

*Act*—The Pennsylvania Construction Code Act (35 P. S. §§ 7210.101—7210.1103).

*Addition*—An extension or increase in floor area or height of a building or structure.

*Agricultural building*—

(i) 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.

(ii) 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.

(iii) The term does not include habitable space or spaces in which agricultural products are processed, treated or packaged and may 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.

*Board of appeals*—A body established by a municipality or municipalities which are parties to an agreement for the joint administration and enforcement of the act to hear requests for variances or extensions of time, and appeals from code administrator decisions.

*Building*—A structure used or intended for supporting or sheltering any occupancy.

*Building code official*—A construction code official, or the building code official's designee, who manages, supervises and administers building code enforcement activities under § 401.7(a)(18) (relating to certification category specifications). Duties include, but are not limited to: management of building code enforcement activities; supervision of building inspectors or plan examiners; authorizing issuance of certificates of occupancy; issuance of building permits, violation notices and orders to vacate; and the initiation of prosecutions.

*Certificate of occupancy*—A certificate issued by a building code official allowing occupancy of a building or structure under the Uniform Construction Code.

*Certified building official*—A classification administered by the International Code Council or its predecessor organization.

*Chapter 11*—Chapter 11 of the International Building Code relating to accessibility requirements adopted as part of the Uniform Construction Code.

*Code administrator*—A municipal code official, construction code official or third-party agency certified with the Department under the act or the Department under section 103 of the act (35 P. S. § 7210.103). The term includes an individual certified in a category established under this chapter to perform plan

review of construction documents or administer and enforce codes and regulations in that category under the act or related acts.

*Commercial construction*—A building, structure or facility that is not a residential building.

*Construction code official*—An individual certified by the Department in an appropriate category established under section 701(b) of the act (35 P. S. § 7210.701(b)) to perform plan review of construction documents, inspect construction or administer and enforce codes and regulations in that category under the act or related acts under section 103 of the act.

*Conveyor*—A horizontal, inclined or vertical device for moving or transporting bulk material, packages or objects in a path predetermined by the design of the device and having points of loading and discharge, fixed or selected, and related equipment and devices described in and governed by the ASME standards adopted in this chapter.

*Current code administrator*—An individual who performed plan review of construction documents, inspections of one-family or two-family residential property or other buildings, structures and equipment or administered and enforced a construction code program, and who was employed by or under contract with the Commonwealth or a municipality prior to the effective date of adoption of the final-form regulations for the Uniform Construction Code. The term includes an individual who performed these duties as an employee, contractor or agent of a person employed by or under contract with the Commonwealth or a municipality of this Commonwealth prior to April 9, 2004.

*Department*—The Department of Labor and Industry of the Commonwealth.

*Elevator*—Hoisting and lowering devices governed by ASME standards adopted by the Department under the Uniform Construction Code and other lifting devices subject to the requirements of the Uniform Construction Code.

*Facility*—All or any portion of buildings, structures, site improvements, elements and pedestrian or vehicular routes located on sites where the buildings or structures are located.

*Filing date*—The date that the Department or building code official receives the completed permit application.

*Fire and Panic Act*—The act of April 27, 1927 (P. L. 465, No. 299) (35 P. S. §§ 1221—1235), known as the Fire and Panic Act.

*Health care facility*—A facility licensed under the Health Care Facilities Act.

*Health Care Facilities Act*—The Health Care Facilities Act (35 P. S. §§ 448.101—448.904b).

*ICC*—International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401.

*ICC Electrical Code*—The “ICC Electrical Code-Administrative Provisions 2006” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

*ICC Evaluation Services, Inc.*—The ICC Evaluation Services, Inc., 5360 Workman Mill Road, Whittier, California 90601.

*ISO*—The International Organization for Standardization, 1, Rue de Varembé, Case Postale 56 CH 1211, Geneva 20, Switzerland.

*Industrial Board*—The Department’s Industrial Board established under sections 445 and 2214 of The Administrative Code of 1929 (71 P. S. §§ 155 and 574), which hears requests for variances and extensions of time and appeals of decisions of the Department under the Uniform Construction Code.

*Industrialized housing*—Under section 3 of the Industrialized Housing Act (35 P. S. § 1651.3), a structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation, or assembly and installation, on the building site. The term does not include housing units defined as mobile homes.

*International Building Code*—Chapters 2—29 and 31—35 of the “International Building Code 2006” (first printing), issued by the ICC. The term includes all errata issued by the ICC.

*International Energy Conservation Code*—The “International Energy Conservation Code 2006” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

*International Accreditation Service, Inc.*—The International Accreditation Service, Inc., 5360 Workman Mill Road, Whittier, California 90601.

*International Existing Building Code*—The “International Existing Building Code for Buildings and Facilities 2006 (first printing) issued by the International Code Council. The term includes all errata issued by the ICC.

*International Fire Code*—The “International Fire Code 2006” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

*International Fuel Gas Code*—The “International Fuel Gas Code 2006” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

*International Mechanical Code*—The “International Mechanical Code 2006” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

*International Performance Code*—The “International Performance Code for Buildings and Facilities 2006” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

*International Plumbing Code*—The “International Plumbing Code 2006” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

*International Residential Code*—The “International Residential Code for One- and Two-Family Dwellings 2006” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

*International Wildland-Urban Interface Code*—The “International Wildland-Urban Interface Code 2006” issued by the ICC. The term includes all errata issued by the ICC.

*Legally occupied*—Use or habitation of a building or facility that was occupied in accordance with all valid construction statutes and ordinances in effect before April 9, 2004.

*Manufactured housing*—Under section 901(a) of the act (35 P. S. § 7210.901(a)), housing which bears a label as required by and referenced in the Manufactured Housing Act (35 P. S. §§ 1656.1—1656.9), certifying that it conforms to Federal construction and safety standards adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401—5426).

*Occupancy*—Approved use of a building or a structure under the Uniform Construction Code.

*PHRC*—The Pennsylvania Housing Research Center, 219 Sackett Building, University Park, Pennsylvania 16802.

*Passenger ropeway*—An aerial tramway, aerial lift, surface lift, tow, conveyor or other lifting device which carries, pulls or pushes passengers along a level or inclined path by means of a haul rope or other flexible element which is driven by a power unit remaining essentially at a single location.

*Pennsylvania's Alternative Residential Energy Provisions*—The “Pennsylvania Alternative Residential Energy Provisions” issued in 2006 by the PHRC.

*Permit*—A document issued by a building code official authorizing the construction, alteration, repair, demolition, location, maintenance or installation relating to a building, structure, elevator or equipment under the Uniform Construction Code.

*Person*—Includes a corporation, partnership, business trust, other association, estate, trust, foundation or natural person. The term also includes the governing authority for a county or municipality, and a government entity other than the Commonwealth.

*Personal delivery*—The date that the appeal or request for a variance or extension of time under §§ 403.122 and 403.142 (relating to appeals, variances and extensions of time; and Accessibility Advisory Board) was delivered to a common carrier, or was received by facsimile transmission or hand-delivery at the office of the building code official.

*Postmark*—The date of the official United States Postal Service postmark on the envelope containing an appeal or request for variance or extension of time under §§ 403.122 and 403.142 or the date of a private postage meter mark on the envelope containing the appeal or request.

*Recreational cabin*—A structure where all of the following apply:

- (i) The cabin is utilized principally for recreational activity.
- (ii) The cabin is not utilized as a domicile or residence for any individual for any time period.
- (iii) The cabin is not utilized for commercial purposes.
- (iv) The cabin is not greater than two stories in height, excluding basement.

(v) The cabin is not utilized by the owner or any other person as a place of employment.

(vi) The cabin is not a mailing address for bills and correspondence.

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

*Repair*—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.

*Secretary*—The Secretary of the Department.

*State-owned building*—A building owned by or to be constructed for Commonwealth entities consisting of the General Assembly, the Unified Judicial System, the Pennsylvania Higher Education Assistance Agency, an executive agency, independent agency, and a State-affiliated entity or State-related institution as defined in 62 Pa.C.S. § 103 (relating to definitions).

*Structure*—A combination of materials that are built or constructed with a permanent location or attached to something that has a permanent location.

*Third-party agency*—A person, firm or corporation certified by the Department as a construction code official and contracted to perform plan review of construction documents, inspect construction or administer and enforce codes and regulations under the act.

*Uncertified building*—

(i) An existing building which was not approved for use and occupancy by the Department or a municipality which was enforcing a building code before April 9, 2004.

(ii) The term does not include a residential building.

*Uniform Construction Code*—This chapter; “The International Building Code First Edition 2006” and the “International Residential Code for One- and Two-Family Dwellings 2006,” available from the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795, 1 (800) 786-4452; and any standards adopted by the Department in this chapter under section 301 of the act (35 P. S. § 7210.301).

*Utility and miscellaneous use structures*—

(i) Buildings or structures of an accessory character and miscellaneous structures not classified by the ICC in any specific use group.

(ii) The term includes carports, detached private garages, greenhouses and sheds having a building area less than 1,000 square feet.

(iii) The term does not include swimming pools or spas.

*Variance*—A modification of a Uniform Construction Code standard approved by a board of appeals or the Industrial Board and by the Secretary for accessibility requirements.

**Authority**

The provisions of this 401.1 amended under sections 105, 301 and 304 of the Pennsylvania Construction Code Act (35 P. S. §§ 7210.105, 7210.301 and 7210.304).

**Source**

The provisions of this § 401.1 amended January 9, 2004, effective April 9, 2004, 34 Pa.B. 319; amended December 15, 2006, effective December 31, 2006, 36 Pa.B. 7548. Immediately preceding text appears at serial pages (302313) to (302318).

**Cross References**

This section cited in 31 Pa. Code § 403.1 (relating to scope).

**§ 401.2. Department fees.**

(a) The following fees apply to the certification of code officials. The Department will charge one fee per certification application. An individual may apply for certification for multiple categories on a single application form. Fees are nonrefundable.

- (1) Initial certification and registration—\$50.
- (2) Certification renewal—\$50.
- (3) Third-party agency certification and renewal—\$250.
- (4) Identification card replacement—\$10.

(b) The following fees shall apply to the Department's issuance of a permit for the construction, alteration or demolition of a building or structure:

## (1) New construction

- |   |  |
|---|--|
| (i) New buildings and additions   | \$100 plus 20¢ per square foot of floor area or each fraction of floor area.   |
| (ii) New structures and facilities other than buildings                           | \$300  |
| (2) Alterations, renovations or modifications of existing buildings or structures | \$100 plus \$20 for each \$1,000 of estimated cost of alterations, renovations or modification certified by the permit applicant |
| (3) Revisions of approved plans and accelerated approval                          | \$300  |

## 401-4.3

- |  |       |
|--|-------|
| (4) Department accessibility plan review and inspection under § 403.141(b) (relating to enforcement by the Department) | \$200 |
| (5) Building or structure demolition   | \$100 |
| (6) Annual permit  | \$100 |

(c) The following fees apply to plan review and application for a permit for installation:

- |   |  |
|---|--|
| (1) Passenger, freight and combination passenger/freight elevators (not hydraulic elevators):       |  |
| (i) 1—7 floors  | \$363  |
| (ii) 8—20 floors  | \$436  |
| (iii) More than 20 floors   | \$508  |
| (2) Hydraulic passenger, freight, combination passenger/freight elevators and other lifting devices | \$290  |
| (3) Ski lifts   | \$508  |
| (4) Escalator and moving walks  | \$290  |
| (5) Wheelchair lift and inclined stairway chairlift   | \$150  |
| (6) Orchestra lift, belt manlift, stage lift, organ lift and other lifting devices                  | \$300  |
| (7) Permit for alterations and major repairs  | \$145  |
| (8) Reinspection following failed major repair inspection (per inspection)                          | \$100 paid before reinspection                     |
| (9) Reinspection following failed acceptance inspection (to a maximum of \$300 per inspection)      | 50% of initial permit fee paid before reinspection |
| (10) Revision of plans  | 50% of initial permit fee                          |

(d) The following fees apply to periodic elevator and other lifting device inspections under § 405.7 (relating to periodic inspections):

- |   |       |
|---|-------|
| (1) Passenger, freight and combination passenger/freight elevators (not hydraulic): |       |
| (i) 1—7 floors  | \$94  |
| (ii) 8—20 floors  | \$116 |

(iii) More than 20 floors	\$145
(2) Hydraulic passenger, freight, combination passenger/freight elevators and other lifting devices	\$73
(3) Ski lifts	\$145
(4) Wheelchair lift and inclined stairway chairlift	\$75
(5) Escalator and moving walk	\$94
(6) Orchestra lift, belt manlift, stage lift, organ lift and other lifting devices	\$75

(e) The following fees apply to witnessing periodic tests under § 405.8 (relating to periodic testing):

(1) Electric elevators with one to ten openings	\$125
(2) Electric elevators with 11-20 openings	\$150
(3) Electric elevators with more than 20 openings	\$175
(4) Roped hydraulic elevator and roped/chained vertical reciprocal conveyor	\$110
(5) Hydraulic elevator, limited use/limited application elevator and direct hydraulic vertical reciprocating conveyor	\$85
(6) Escalator and moving walks	\$85
(7) Wheelchair lift and inclined stairway chairlift	\$75
(8) Orchestra lift, stage lift and organ lift	\$125
(9) Other equipment	\$85

(f) The following fees apply to the witnessing of periodic dynamic testing required under § 405.9 (relating to periodic dynamic testing):

(1) Aerial tramways	\$300
(2) Detachable aerial grips	\$300
(3) Fixed grip aerial lifts	\$200

(g) The following fees apply to a certificate of operation:

(1) Annual renewal	\$36
(2) Duplicate	\$25

## 401-4.5

- (h) The following fees shall apply to a variance request:
- (1) Industrial Board variance request appeal or extension of time \$100
- (2) Accessibility Advisory Board variance request application \$100

**Authority**

The provisions of this § 401.2 amended under sections 105, 301, and 304 of the Pennsylvania Construction Code Act (35 P. S. §§ 7210.105, 7210.301 and 7210.304).

**Source**

The provisions of this § 401.2 amended January 9, 2004, effective April 9, 2004, 34 Pa.B. 319; amended December 15, 2006, effective December 31, 2006, 36 Pa.B. 7548. Immediately preceding text appears at serial pages (302318) to (302321).

**Cross References**

This section cited in 34 Pa. Code § 401.5 (relating to waivers); 34 Pa. Code § 401.8 (relating to certification renewal); 34 Pa. Code § 401.11 (relating to certification of third-party agency); 34 Pa. Code § 401.15 (relating to registration of current code administrators); 34 Pa. Code § 403.43 (relating to grant, denial and effect of permits); 34 Pa. Code § 405.3 (relating to permit application); and 34 Pa. Code § 405.6 (relating to certificate of operation).

**§ 401.2a. Municipal and third-party agency fees.**

- (a) A municipality or third-party agency that enforces the Uniform Construction Code may establish fees for its administration and enforcement and time periods for payment of the fees. The municipality or third-party agency may establish a required time period for payment of the fees and fees for plan review, inspections and other activities related to the Uniform Construction Code.
- (b) The building code official for the municipality and a third-party agency shall make the fee schedule available to the public.
- (c) A municipality or third-party agency may establish a fee refund policy.
- (d) A municipality or third-party agency may withhold issuance of a certificate or permit until a required fee is paid.
- (e) A municipality may establish other fees authorized by law.

**Authority**

The provisions of this § 401.2a issued under sections 301 and 304 of the Pennsylvania Construction Code (35 P. S. §§ 7210.301 and 7210.304).

**Cross References**

This section cited in 34 Pa. Code § 403.43 (relating to grant, denial and effect of permits); 34 Pa. Code § 403.63 (relating to grant, denial and effect of permits); and 34 Pa. Code § 403.102 (relating to municipalities electing to enforce the Uniform Construction Code).

**§ 401.3. Certification required.**

- (a) A person may not perform a plan review of construction documents, inspect construction or equipment, or administer and enforce the Uniform Construction Code without being currently certified or registered by the Department in the category applicable to the work that is to be performed.

(b) A person may not approve plans or perform inspections relating to accessibility requirements without being certified by the Department as an accessibility inspector/plans examiner.

**§ 401.4. Application and identification.**

(a) An applicant for certification shall submit a Department-provided application, pay the required fee and submit verification of meeting the requirements of this chapter and passing all of the certification examinations for a specific certification category in § 401.6 (relating to certification categories and testing) on or after July 12, 1996.

(b) The Department will issue an identification card to an applicant who meets the certification requirements.

(c) A certification holder shall notify the Department in writing if the identification card is lost or destroyed. The Department will charge a required fee for issuance of a new identification card.

(d) Certification and certification renewal will not be valid until the Department receives the required fee.

(e) The period of certification shall be 3 years from the issuance date of a certification under § 401.8(a) (relating to certification renewal).

(f) The Department may refuse to issue certification for just cause in accordance with § 401.14 (relating to decertification or refusal). The Department will provide written notification of the reasons for the refusal to issue certification.

**Source**

The provisions of this 401.4 corrected April 26, 2002, effective July 12, 2002, 32 Pa.B. 2114.

**Cross References**

This section cited in 34 Pa. Code § 401.5 (relating to waivers); 34 Pa. Code § 401.8 (relating to certification renewal); and 34 Pa. Code § 401.14 (relating to decertification or refusal to certify).

**§ 401.5. Waivers.**

(a) The Department may grant a request for waiver of the testing requirements of § 401.6 (relating to certification categories and testing) if the applicant meets any of the following criteria:

(1) Passed a test substantially similar to the testing categories in § 401.6 within the 6 years prior to July 12, 2002.

(2) Passed a test substantially similar to the testing categories in § 401.6 before July 12, 1996, so long as the applicant submits any of the following to the Department:

(i) Evidence of continued employment as a code administrator in the related field.

(ii) Current certification issued by a model code organization.

(iii) Evidence of completion of 30 hours of continuing education or a college degree program in associated fields.

(3) Passed a certified building official examination. An applicant who passed the examination may be eligible to receive certification in the following categories:

401-4.7

- (i) Residential building inspector.
- (ii) Building inspector.
- (iii) Building plans examiner.

(b) An applicant for waiver shall complete a Department-provided application form and pay the required initial certification fee under § 401.2 (relating to Department fees). If the Department approves the waiver, the applicant shall comply with § 401.4 (relating to application and identification).

(c) A code administrator may act in place of a lumber grading or inspection agency to satisfy the requirement under section 2303.1.1 of the International Building Code or its successor code or sections R404.2.1, R502.1, R602.1, R802.1 of the “International Residential Code” or its successor code under section 701(b)(2) of the act (35 P. S. § 7210.701(b)(2)).

**Authority**

The provisions of this § 401.5 amended under section 301 of the Pennsylvania Construction Code (35 P. S. § 7210.301).

**Source**

The provisions of this § 401.5 corrected April 26, 2002, effective July 12, 2002, 32 Pa.B. 2114; amended December 15, 2006, effective December 31, 2006, 36 Pa.B. 7548. Immediately preceding text appears at serial page (302323).

**§ 401.6. Certification categories and testing.**

The Department will issue a certification for a specific category to an applicant who receives a passing grade in all of the examinations required for that category. The Department will accept the following category examinations or successor examinations administered by the Department, the National Certification Program

for Construction Code Inspectors, Assessment Services, Incorporated, the National Association of Elevator Safety Authorities or other Nationally-recognized testing program approved by the Department. The Department will list the approved providers on its Internet website.

<i>Certification Categories</i>	<i>Examination Number and Name</i>
Residential building inspector	1A Building 1 & 2 family dwelling
Residential electrical inspector	2A Electrical 1 & 2 family dwelling
Residential mechanical inspector	4A Mechanical 1 & 2 family dwelling
Residential plumbing inspector	5A Plumbing 1 & 2 family dwelling
Residential energy inspector	E1 Residential energy plan review & inspection
Building inspector	1B Building general 3B Fire protection general
Fire inspector	F1 Fire prevention inspection general I
Electrical inspector	2B Electrical general
Mechanical inspector	4B Mechanical general
Plumbing inspector	5B Plumbing general
Energy inspector	E2 Commercial energy inspection
Accessibility inspector/plan examiner	A1 accessibility inspector/ plan examiner
Building plans examiner	1B Building general 1C Building plan review 3B Fire protection general 3C Fire protection plan review
Electrical plans examiner	2B Electrical general 2C Electrical plan review
Mechanical plans examiner	4B Mechanical general 4C Mechanical plan review
Plumbing plans examiner	5B Plumbing general 5C Plumbing plan review
Energy plans examiner	E3 Commercial energy plan review
Building code official (code administrator)	Department-administered test on State law and application

<i>Certification Categories</i>	<i>Examination Number and Name</i>
Elevator inspector	Qualified elevator inspector test or its equivalent
Passenger ropeway inspector	Department administered test on ANSI B77.1-1999 edition

#### **Cross References**

This section cited in 34 Pa. Code § 401.4 (relating to application and identification); 34 Pa. Code § 401.5 (relating to waivers); 34 Pa. Code § 401.8 (relating to certification renewal); 34 Pa. Code § 401.9 (relating to continuing education); and 34 Pa. Code § 401.10 (relating to Department-approved providers).

#### **§ 401.7. Certification category specifications.**

An individual certified by the Department in the following categories may perform the duties described in the specific category as a construction code official:

(1) *Residential building inspector.*

(i) Inspects one-family and two-family dwellings and jurisdictional accessory structures to ensure that these structures are free from hazardous structural conditions and comply with the Uniform Construction Code.

(ii) Duties include inspection of footings and foundations, concrete slabs, wood decay and termite protection, floor and ceiling framing, wall framing, roof framing, masonry walls, sheathing, roof covering, interior and exterior wall coverings, means of egress system and safety glazing.

(2) *Residential electrical inspector.*

(i) Inspects one-family and two-family dwellings and jurisdictional accessory structures to ensure that these structures are free from hazardous electrical installations and comply with the Uniform Construction Code.

(ii) Duties include determining compliance of electrical service, electrical distribution systems, wiring methods, panel boards, control devices, conductors and electrical fixture installation.

(3) *Residential mechanical inspector.*

(i) Inspects one-family and two-family dwellings and jurisdictional accessory structures to ensure that these structures are free from hazardous mechanical installations and comply with the Uniform Construction Code.

(ii) Duties include determining compliance of mechanical equipment, gas fuel supply systems, venting of appliances, air ducts, combustion air and comfort cooling.

(4) *Residential plumbing inspector.*

(i) Inspects one-family and two-family dwellings and jurisdictional accessory structures to ensure that these structures are free from hazardous plumbing installations and comply with the Uniform Construction Code.

(ii) Duties include determining compliance of water service, building sewer, water distribution, drainage, waste and vents and fixtures.

(5) *Residential energy inspector.*

(i) Inspects one-family and two-family dwellings and jurisdictional accessory structures to ensure that energy installations are made in the manner specified in the Uniform Construction Code.

(ii) Duties include determining compliance of conditioned or unconditioned spaces, R-values for roof/ceiling, floor and wall assemblies and insulation placement, installation of materials for the building envelope and its components, moisture control methods such as caulking, sealing and weather-stripping, duct and dipping insulation and sealing criteria, thermostats for each heating and cooling system, electrical metering, lighting installation and controls and piping insulation, circulation pump controls, heat traps, shower heads and pool cover installations.

(6) *Building inspector.*

(i) Ensures that buildings and structures are constructed in accordance with the Uniform Construction Code.

(ii) Duties include inspection of construction site and building location, footings and foundations, wood and steel framing and connections, masonry construction, precast and cast-in-place concrete, exterior weather boarding, fire-stopping and draft-stopping, building components related to life safety and fire protection systems and building components related to size, installation and workmanship.

(iii) May perform residential inspector duties listed in paragraph (1).

(7) *Electrical inspector.*

(i) Ensures that electrical installations are made in accordance with the Uniform Construction Code regardless of the size or components used in the installation.

(ii) Duties include determining compliance of raceways (installations, size), cables, panel boards and boxes, conductors, control devices, motors and generators, electrical equipment and special occupancies.

(iii) May perform residential electrical inspector duties listed in paragraph (2).

(8) *Mechanical inspector.*

(i) Ensures that mechanical installations are made in the manner specified in the Uniform Construction Code.

(ii) Duties include determining compliance of fuel piping systems, heating, cooling and ventilation, fuel-fired equipment venting, steam and hot water heating systems and piping and energy conservation.

(iii) May perform residential mechanical inspector duties listed in paragraph (3).

(9) *Plumbing inspector.*

(i) Ensures that plumbing installations are made in accordance with the Uniform Construction Code.

(ii) Duties include determining compliance of underground piping installation, rough-in inspections, drain-waste-venting (DWV) systems, pressure testing, water distribution systems, observation and elimination of cross connections, system pumps, tanks and pressure vessels and fixtures, traps and valves and their connections.

(iii) May perform residential plumbing inspector duties listed in paragraph (4).

(10) *Energy inspector.*

(i) Ensures that the building envelope, mechanical systems, electrical power and lighting systems and building service systems and equipment comply with the approved construction documents and the Uniform Construction Code.

(ii) Duties include verifying that building envelope and components meet minimum requirements for installation of materials and that building envelope penetrations are caulked, sealed and weather-stripped, determining compliance of moisture control methods, installation of and types of mechanical equipment and efficiencies, heating, ventilation and air conditioning (HVAC) equipment, ducts and piping, insulation and sealing, lighting installation and lighting controls for building interiors and exteriors, permanently wired poly-phase motors and their efficiencies, piping insulation, circulation pump controls, heat traps, point-of-use controls and pool cover installations.

(iii) May perform residential energy inspector duties listed in paragraph (5).

(11) *Accessibility inspector/plans examiner.*

(i) Ensures that buildings and structures are constructed in accordance with the accessibility provisions of the Uniform Construction Code and that construction documents submitted as part of a permit application comply with the accessibility provisions of the Uniform Construction Code.

(ii) Duties include inspection of building sites and all interior building components to verify compliance with the accessibility standards or review of construction documents to verify that the design of building sites and all interior components comply with the accessibility standards.

(12) *Building plans examiner.*

(i) Determines that the construction documents submitted as part of a permit application comply with the Uniform Construction Code.

(ii) Duties include determining the degree of compliance necessary for new construction projects, alterations or repairs, proper use group/type of construction classification, determining height and area requirements, minimum means of egress requirements, minimum light and ventilation requirements, minimum design structural loads, adequacy of soils investigations,

adequacy of footing and foundation designs, minimum fire-resistance requirements, adequacy of barrier-free designs, minimum energy conservation requirements and adequacy of fire-protection systems.

(13) *Fire inspector.*

(i) Conducts basic fire prevention inspections and has a general knowledge of applicable codes and standards.

(ii) Duties include field inspections, preparation of correspondence and inspection reports, handling complaints, and maintaining files related to inspections that were conducted.

(14) *Electrical plans examiner.*

(i) Determines that the construction documents submitted as part of a permit application comply with the Uniform Construction Code.

(ii) Duties include determining proper number of services, proper location of services, adequacy of emergency systems, proper service size, proper over-current protection, special use applications and proper conductor size and application.

(15) *Mechanical plans examiner.*

(i) Determines that the construction documents submitted as part of a permit application comply with the Uniform Construction Code.

(ii) Duties include determining compliance of fuel piping systems, fuel-burning appliances, mechanical refrigeration systems, incinerators, energy conservation equipment and controls, boilers and pressure vessels, venting systems, hydronic and steam-piping systems and ventilation air systems.

(16) *Plumbing plans examiner.*

(i) Determines that the construction documents submitted as part of a permit application comply with the Uniform Construction Code.

(ii) Duties include determining that water service, building sewer/storm sewer and other underground piping are properly sized and located, determining that proper drainage fixture units, fixture locations and clearances are used, determining the adequacy of drain-waste-venting (DWV) riser diagrams and water distribution systems and determining the proper number of fixtures and proper materials as proposed.

(17) *Energy plans examiner.*

(i) Ensures that the design criteria specified for a building are correct and in accordance with the Uniform Construction Code and that alterations, additions and change of use or occupancy are in compliance with the Uniform Construction Code.

(ii) Duties include determining compliance of the design conditions specified, conditioned or unconditioned spaces, R values for roof/ceiling, floor and wall assemblies and insulation placement, insulation of materials for the building envelope and its components, moisture control methods such as caulking, sealing and weather-stripping, duct and dipping insulation and sealing criteria, thermostats for each heating and cooling system, electrical

metering, lighting installation and controls, piping insulation, circulation pump controls, heat raps, shower heads and pool cover installations.

(18) *Building code official.*

(i) Manages, supervises and administers building code enforcement activities. The Department, municipality or a third-party agency that operates an enforcement program under the act will employ at least one person certified or registered as a building code official.

(ii) Duties include management of building code enforcement activities, supervision of building inspectors or plans examiners, issuing building permits, occupancy permits, notice of violations and orders to vacate, and initiation of prosecutions.

(19) *Elevator inspector.*

(i) Inspects electric and hydraulic elevators, conveying systems and other lifting devices to ensure that these installations are free from conditions that would present a life safety or fire hazard to persons using the installations.

(ii) Duties include determining compliance with the Uniform Construction Code regarding door closers, interlocks, car safeties, over-speed governors, safety tests, reshackling, ropes, fireman's recall, brakes and other related elevator equipment and the investigation of accidents.

(20) *Passenger ropeway inspector.*

(i) Inspects passenger ropeways to ensure that the installation is free from conditions that would present a life safety or fire hazard to a person using the installation.

(ii) Duties include investigation of accidents and determining compliances of power units, auxiliary power units, carriers, cabins, cars, location, vertical and horizontal clearances, haul rope sleeves, guides, haul rope condition and splice, structures and foundations, capacity, speed, acceleration/deceleration, loading and unloading areas, required stopping devices, brakes and rollback devices, tension systems, manual and automatic control devices, haul rope grips, operation and maintenance of equipment, electrical components, emergency shut down circuits, bypass circuits, speed regulating devices, and other related ropeway equipment with the Uniform Construction Code.

#### Cross References

This section cited in 34 Pa. Code § 401.1 (relating to definitions); and 34 Pa. Code § 403.45 (relating to inspection).

### § 401.8. Certification renewal.

(a) A certification holder shall renew a certification every 3 years from date of issuance to continue to act as a code administrator. If a certification holder receives certification in an additional category, the expiration date of all his certifications shall be the date of expiration of the certification that was last issued to the certification holder.

(b) To renew a certification, an applicant shall submit a completed Department-provided renewal form, acceptable proof of completion of continuing

education and the required certification fee under § 401.2 (relating to Department fees). The Department will post this form on its Internet website ([www.dli.state.pa.us](http://www.dli.state.pa.us)) and provide it upon request.

(c) An applicant for renewal shall obtain identification in accordance with § 401.4 (relating to application and identification).

(d) The Department will not renew a certification that is expired for more than 1 year unless the applicant submits a certification application under § 401.4 and passes the required examinations under § 401.6 (relating to certification categories and testing).

(e) An applicant for certification renewal shall submit proof of completion of each continuing education course. The proof of completion shall be completed by the course provider and contain the following information:

- (1) The name and address of the training provider.
- (2) The dates attended.
- (3) The credit hours claimed.
- (4) The title of the course.
- (5) The subject matter of the course.

(f) The Department will not renew the certification of a person who was decertified in accordance with § 401.14 (relating to decertification or refusal to certify) during the period that the Department ordered the decertification.

#### Cross References

This section cited in 34 Pa. Code § 401.4 (relating to application and identification).

### § 401.9. Continuing education.

(a) Prior to certification renewal, an applicant shall complete 15 credit hours of continuing education in courses relating to the professional competency of code administrators. An applicant with multiple certification areas shall complete 15 credit hours of continuing education for each category after the issuance of the certification or most recent renewal of certification. The applicant is not required to complete more than 45 credit hours for renewal. At least 1/3 of the applicant's continuing education requirement shall be in approved courses relating to the applicant's certification categories.

(b) The Department will approve credit as follows:

- (1) One credit hour for each 60 minutes actually spent at one course except as otherwise listed in this subsection.
- (2) One credit hour for each 60-minutes of completion time for a self-study course calculated by the sponsor. The Department may modify credit hours for a self-study course to comply with this section.
- (3) Five credit hours for successful completion of an examination for an additional certification category under subsection (c)(5).
- (4) One credit hour for each 60 minutes actually spent in attendance at a model code organization code change hearing under subsection (c)(6).

(c) The Department approves the following as acceptable courses of study for continuing education credits:

- (1) Attendance at a seminar or technical presentation by an approved provider.
- (2) Completion of a self-study course offered by an approved provider.
- (3) Completion of a classroom course offered by an accredited academic institution.
- (4) Instruction at a continuing education seminar or technical presentation for an approved provider.
- (5) Successful completion of an examination for an additional certification category listed in § 401.6 (relating to certification categories and testing).
- (6) Attendance at a model code organization code change hearing.

#### Cross References

This section cited in 34 Pa. Code § 401.10 (relating to Department-approved providers).

### § 401.10. Department-approved providers.

(a) The following providers are approved to offer instruction for continuing education credit hours:

- (1) The National Conference of States on Building Codes and Standards.
- (2) A Federal, Commonwealth or state agency.
- (3) An accredited academic institution.
- (4) A model code organization or its accredited local chapter.
- (5) A trade association representing design professionals or the construction industry.
- (6) A National standards writing organization.
- (7) An association serving or representing Commonwealth municipalities.
- (8) Approved testing providers under § 401.6 (relating to certification categories and testing) for credit hours under § 401.9(c)(5) (relating to continuing education).

(b) The Department will approve additional providers who demonstrate the competency to provide approved continuing education programs. An applicant for approval as a provider shall submit a completed Department-provided application and appropriate documentation that it meets the requirements of § 401.9. The Department will post a list of approved providers on its Internet website ([www.dli.state.pa.us](http://www.dli.state.pa.us)) and provide the list upon request.

(c) The Department may revoke approval of any provider that does not comply with § 401.9 or this section. Actions will be taken subject to the right of notice, hearing and adjudication in accordance with 2 Pa.C.S. (relating to administrative law and procedure).

**§ 401.11. Certification of third-party agency.**

(a) Current certification as a third-party agency is required to act as a construction code official, perform plan review of construction documents, inspect construction or administer and enforce codes and regulations in accordance with the act under contract with a person, firm, corporation or the Commonwealth.

(b) An applicant for certification as a third-party agency shall submit a completed Department-provided application to the Department and pay the required fee.

(c) An applicant for certification as a third-party agency shall submit documentation that its employees or agents who act as construction code officials and perform plan review of construction documents, inspect construction or administer or enforce codes and regulations under the act are currently registered or certified in the specific categories applicable to the work performed.

(d) An applicant for certification under this section shall submit acceptable documentation of insurance coverage required under § 401.12 (relating to liability insurance).

(e) A third-party agency shall provide written notification to the Department within 60 days of the hiring or change of employment status of an employee or agent who acts as a construction code official and performs plan review of construction documents, inspects construction or administers or enforces codes and regulations under the act.

(f) A certification expires 3 years after date of issuance. The Department will renew a third-party agency certification when the applicant meets all of the following:

- (1) Submits a completed Department-provided renewal form.
- (2) Pays the required fee under § 401.2 (relating to Department fees).
- (3) Submits proof of liability insurance coverage under § 401.12.
- (4) Not decertified under § 401.14 (relating to decertification or refusal to certify).

**§ 401.12. Liability insurance.**

(a) A third-party agency shall carry errors and omissions liability insurance in at least the amount of \$1 million for each person and each occurrence to satisfy claims or judgments for property damage or personal injury, or both.

(b) As a condition for obtaining and renewing certification, a third-party agency shall submit to the Department satisfactory evidence that it has obtained errors and omissions liability insurance as required by this section. A certification or renewal will not be issued unless the third-party agency provides proof of insurance which shall consist of a certificate of insurance or copy of the declaration page from the insurance policy setting forth the effective date, expiration date and policy coverage in the amounts required.

(c) A third-party agency shall notify the Department immediately of the cancellation of its errors and omissions liability insurance, the failure or refusal to renew its errors and omissions liability insurance, change of insurance carrier, change of policy dates or changes of coverage amounts. Upon notice of loss or cancellation of insurance coverage, the Department will immediately initiate action to decertify the third party agency under § 401.14 (relating to decertification or refusal to certify).

#### Cross References

This section cited in 34 Pa. Code § 401.11 (relating to certification of a third-party agency); and 34 Pa. Code § 401.14 (relating to decertification or refusal to certify).

### § 401.13. List of code administrators.

The Department will maintain a list of code administrators indicating their categories of certifications on its Internet website ([www.dli.state.pa.us](http://www.dli.state.pa.us)). The Department will also make the list available to municipalities and, upon request, the public.

### § 401.14. Decertification or refusal to certify.

(a) *Decertification or refusal to certify.* The Department may initiate action against a code administrator or refuse to issue certification for just cause. Just cause includes the following:

- (1) Failure to remedy an error or omission specified in a formal warning or to comply with an order issued by the Department under this section.
- (2) Fraud or deceit or making untrue representations in obtaining a certification.
- (3) Failure to remit the required certification fee.
- (4) Violation of the act or this chapter.
- (5) Incompetence or gross negligence.
- (6) Acting in a manner presenting a danger to the public health and safety.
- (7) Pleading guilty, entering a plea of nolo contendere, being found guilty, receiving probation without verdict, disposition in lieu of trial or an Accelerated Rehabilitative Disposition to a felony or any crime relating to the business of code administrator in the courts of this Commonwealth, a Federal court or a court of any other state, territory or insular possession of the United States.
- (8) Having a certification or any authorization to engage in the business of code administrator revoked or suspended or having other disciplinary action taken, or an application for certification or authorization to engage in the business of code administrator refused or denied by the proper authority of another state or Federal district, territory or insular possession of the United States, the Federal government or Canada.

(9) Failing to complete continuing education requirements of the act or engaging in deceit or misrepresentation in the reporting of continuing education requirements.

(10) Engaging in fraud, deceit or an act of moral turpitude while acting as code administrator.

(11) Failing to enforce the act or Uniform Construction Code.

(12) Knowingly aiding and abetting a person engaging in code administrator activity who is not currently certified or registered.

(13) Being a third-party agency that does not comply with § 401.12 (relating to liability insurance).

(14) Engaging in the activities of a code administrator or advertising as a code administrator without a current certification required for the work performed, or registration issued by the Department.

(b) *Notice and hearing.* Actions of the Department relating to decertification under this section will be taken subject to the right of notice, hearing and adjudication in accordance with 2 Pa.C.S. (relating to administrative law and procedure). Decertification proceedings shall be conducted under 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

(c) *Procedure for decertification.*

(1) The Department will serve the code administrator with an order to show cause under 1 Pa. Code § 35.14 (relating to orders to show cause). The order to show cause shall contain notification that the certification may be subject to action and the grounds for the action. The order to show cause shall contain notification that the code administrator is to respond in writing within 30 days after the date of service of the order. The Department will also serve a copy of the order to show cause upon the supervising official in the municipality where the alleged incidents occurred and upon the code administrator's current employer.

(2) The code administrator may respond in writing to the allegations in the order to show cause in accordance with 1 Pa. Code § 35.37 (relating to answers to orders to show cause). If made, the answer shall be filed with the Department within 30 days after the date of service of the order to show cause.

(3) At the request of the code administrator, the Department will hold a hearing on the matter. The Secretary will designate a presiding officer to conduct the hearing and to issue a proposed report under 1 Pa. Code §§ 35.201—35.207 (relating to proposed reports generally).

(4) The presiding officer shall have the power to conduct hearings under 1 Pa. Code §§ 35.185—35.190 (relating to presiding officers). The presiding officer shall issue a proposed report that shall be served upon counsel of record or to the parties in the hearing. The presiding officer shall transmit the proposed report and the certified record to the Secretary within 15-days after issuance of the proposed report.

- (5) A participant desiring to appeal to the Secretary shall, within 30 days after the service of a copy of the proposed report, file exceptions to the proposed report under 1 Pa. Code § 35.211 (relating to procedure to except to proposed report). A response may be filed within 20 days to the exceptions.
- (6) The Secretary or a designee will issue a final order under 1 Pa. Code § 35.226 (relating to final orders).
- (d) *Types of corrective action.* When the Department is authorized to take action against a code administrator, the Department may:
- (1) Administer a formal warning.
  - (2) Require the code administrator to take remedial educational courses.
  - (3) Decertify the code administrator for a period set by the Department. The Department will order the code administrator to surrender his certificate after decertification.
  - (4) Deny the application for certification.
- (e) *Conditions for reinstatement.* Unless ordered to do so by a court of competent jurisdiction, the Department will not reinstate certification to a person who was decertified until the following conditions are met:
- (1) The full period of decertification ordered by the Department has elapsed.
  - (2) The person has complied with conditions imposed by the Department's order of decertification and recertification would not be detrimental to the public health and safety.
  - (3) The person complies with § 401.4 (relating to application and identification).
- (f) Subsection (c) supplements 1 Pa. Code §§ 35.14, 35.37, 35.201—35.207, 35.185—35.190, 35.211 and 35.226.

#### Cross References

This section cited in 34 Pa. Code § 401.4 (relating to application and identification); 34 Pa. Code § 401.8 (relating to certification renewal); 34 Pa. Code § 401.11 (relating to certification of third-party agency); and 34 Pa. Code § 403.104 (relating to Department review).

#### § 401.15. Registration of current code administrators.

(a) A current code administrator engaged in plan review or inspection of one-family or two-family residential property may continue to engage in these activities without meeting the training and certification requirements of this chapter until 3 years from effective date of the adoption of the final-form regulations for the Uniform Construction Code. To engage in plan review or inspection of one-family or two-family dwelling units after 3 years from effective date of adoption of the final-form regulations for the Uniform Construction Code, a current code administrator shall meet the certification and training requirements of this chapter.

(b) A current code administrator engaged in plan review or inspection of other buildings and structures that are not one-family or two-family residential structures may continue to engage in these activities without meeting the training and certification requirements of this chapter until 5 years from effective date of adoption of the final-form regulations for the Uniform Construction Code. To engage in plan review and inspection of other buildings and structures after 5 years from the effective date of adoption of the final-form regulations for the Uniform Construction Code, a current code administrator shall meet the training and certification requirements of this chapter.

(c) A current code administrator shall register with the Department by submitting a completed Department-provided form and furnishing required documentation. Documentation is to consist of an affidavit completed by the employer responsible for oversight of the current code administrator's activities and an affidavit completed by the current code administrator containing a description of the current code administrator's duties, employment and length of employment.

(d) The Department will issue an identification card to a current code administrator who meets the requirements of this section, completes a Department-provided form and pays the required fee under § 401.2 (relating to Department fees).

(e) The identification card will expire as registration on the date that the current code administrator must meet the training and certification requirements of this chapter.

(f) A current code administrator shall notify the Department in writing if the identification card is lost or destroyed. The Department will charge a required fee for issuance of a new identification card under § 401.2.

(g) A current code administrator is not required to obtain a new registration for a change of employer.

(h) A current code administrator may not approve plans or perform inspections relating to accessibility requirements without being currently certified by the Department as an accessibility inspector/plans examiner.

**§ 401.16. Change of address or employer.**

A certification or registration holder shall notify the Department of any change of mailing address or employer within 30 days.

[Next page is 403-1.]

401-18

(302394) No. 352 Mar. 04

*Copyright © 2004 Commonwealth of Pennsylvania*