

**MCA**  
**Summary of Legislation**  
**May 2007**

**Building Code Draws Attention**

In the past month, both the Senate and House labor committees have held public hearings on the Uniform Construction Code (UCC). The Senate hearing focused particularly on the idea of repealing the law entirely. While that is not likely to occur, there are plenty of complaints. Both committees are flooded with bills to alter various requirements of the UCC. Problems with issuing permits and inspection delays along with the associated costs were highlighted by more than one group providing testimony. Inconsistent enforcement at the local level was repeatedly cited as well. Our lobbyists anticipate that the Department of Labor and Industry may end up with a greater role in some areas. The timetable for change is still to be determined, but changes to the UCC are almost a certainty according to Capitol insiders.

**Home Improvement Contractor Bill on the Move**

A bill that stalled in the final days of session last year is again working its way through the legislature. **Senate Bill 100** (Senate Bill 1000 of last session) establishes a statewide registration for home improvement contractors. For years Pennsylvania has attempted to get a handle on home improvement scams, but no legislation has been enacted. That is despite the fact that complaints of this nature are at the top of the Attorney General's complaint list. Senate Bill 100 requires basic registration for all construction contractors that perform work on homes. If the registration is revoked for any of the violations listed in the bill, the contractor can no longer work in Pennsylvania. The bill features an arbitration procedure for disputes between homeowners and contractors. The bill also preempts local contractor registration ordinances unless the ordinance requires a written test as part of the licensure requirement. Senate Bill 100 has passed through two Senate committees and is poised for a vote by the full Senate in the coming weeks. A similar bill, House Bill 507, is on the move in the House.

**Legislative Activity**

**HB 507 RE: Home Improvement Consumer Protection Act (by Rep. Keith McCall, et al)**

Provides that no person may hold himself out as a contractor nor would a person perform any home improvement without first registering with the Bureau of Consumer Protection. The bureau would maintain a toll-free telephone number from which a caller can obtain information as to whether a contractor is registered with the bureau. The bill provides for procedures for registration as a contractor. Each application for a certificate for a home improvement contractor or renewal of that certificate would include a fee of \$50. The bill also provides for home improvement contracts, stating that no contract would be valid or enforceable unless it contains required information. The bill creates that Home Improvement Guaranty Fund, from which an owner may be compensated for an actual loss that results from an act or omission or a violation of this act by a registered contractor.

**Reported as amended from House Consumer Affairs Committee, read first time, and Laid on the table, 5/22/2007**

**Removed from the table, 5/24/2007**

**HB 647 RE: Crane Operator Licensure Act (by Rep. Mario Civera, et al)**

Establishes the State Board of Crane Operators within the Department of State. Composition of the Board, its operation and powers and duties are further provided for in the legislation. The bill states that **an individual may not operate a crane, offer himself for employment as an individual who may operate a crane or hold himself out as a crane operator unless licensed by the board.** For purposes of acquiring the experience necessary to obtain certification, a trainee who has passed a written examination of the national commission for the certification of crane operators or of a national association deemed equivalent by the board may operate a crane when under the immediate supervision of a crane operator. A license would only be valid in conjunction with certification and only in the specialty for which the crane operator is certified. A license would be issued on a biennial basis. The bill provides for fines and penalties for violations and for revocation and suspensions of licenses. The \$85,000 would be given to the department for the administration of this act. Within 18 months of the effective date of the bill, the board would have to promulgate regulations to carry out the act.

**Public hearing held in House Professional Licensure Committee, 5/3/2007**

**Reported as amended from House Professional Licensure Committee, read first time, and Laid on the table, 5/8/2007**

**Removed from the table, 5/21/2007**

**HB 868 RE:** Swimming Pool Barriers (by Rep. Rob Kauffman, et al)

Amends the PA Construction Code Act by adding that a swimming pool or spa may not be filled with water until the barrier requirements of the law are met. It further provides that during construction of a swimming pool, temporary barriers would have to be erected.

**Reported from House Local Government Committee, with request to re-refer to House Labor Relations Committee, and Rereferred to House Labor Relations Committee, 5/22/2007**

**House Labor Relations Meeting set for 1:00 p.m., Room G-50, Irvis, 5/29/2007**

**House Labor Relations Meeting set for 11:00 a.m., Room G-50, Irvis, 5/30/2007**

**HB 990 RE:** Pennsylvania Elevator Act (By Rep. Ron Raymond, et al)

Provides that no person would erect, construct, alter, replace, maintain, remove or dismantle any conveyance contained within buildings or structures in PA unless an elevator mechanic license has been issued and is working under the direct supervision of a sole proprietor, firm or corporation that is an elevator contractor. The bill states that no license would be granted to any person who has not demonstrated the qualifications and abilities. Applicants for a mechanic license must demonstrate an acceptable combination of documented experience and education credits. The bill also creates that Elevator Safety Review Board and provides for its powers and duties. The bill also provides for new installations, annual inspections, registrations, liability, hazardous conditions and penalties.

**Reported from House Commerce Committee, with request to re-refer to House Labor Relations Committee, and Rereferred to House Labor Relations Committee, 5/21/2007**

**HB 1096 RE:** Uniform Construction Code Advisory Council (by Rep. Ron Buxton, et al)

Amends the PA Construction Code Act to create the Uniform Construction Code Advisory Council which would be charged with gathering information from municipal officers, building code officials, construction code officials, **licensed design professionals**, builders and property owners concerning issues with the Uniform Construction Code and evaluating this information in order to give recommendations to the Governor, Labor and Industry Committees in the Senate and House and the Code Development Councils of the International Code Council. The composition of the Council and meeting requirements are further provided for in the legislation.

**Referred to House Labor Relations Committee, 4/18/2007**

**House Labor Relations Meeting set for 1:00 p.m., Room G-50, Irvis, 5/29/2007**

**House Labor Relations Meeting set for 11:00 a.m., Room G-50, Irvis, 5/30/2007**

**HB 1286 RE:** 2007-08 Budget (by Rep. Dwight Evans)

As introduced, this is the Governor's spending proposal, unveiled in February. It does not fund several traditional programs that Rendell has not funded, and the legislature usually has restored. Many are expected to be added as the process goes on.

**Passed House, 5/23/2007 (102-97)**

**SB 726 RE:** Mechanics' Lien Law (by Sen. Pat Browne, et al)

Amends the Mechanics' Lien Law by stating that a contractor or subcontractor may waive his right to file a claim against residential property by a written instrument signed by him or by any conduct which operates equitably to stop such contractor from filing a claim. The bill defines "residential property".

**Reported as amended from Senate Labor and Industry Committee, and read first time, 4/24/2007**

**SB 798 RE: 2007-08 Capital Budget (by Sen. Gibson Armstrong)**

An act providing for the capital budget for the fiscal year 2007-2008, which provides \$752,000,000 for capital projects. The bill also authorizes the Department of General Services to pay for the settlement or award of claims arising from construction contracts for public improvement projects from available funds in accounts within the Capital Facilities Fund that include funds no longer required for the design, acquisition or construction of any approved capital project.

**Reported as amended from Senate Appropriations Committee, and read first time, 4/30/2007**

**Second consideration, 5/1/2007**

**Third consideration and final passage, 5/2/2007 (49-0)**  
**Referred to House Appropriations Committee, 5/7/2007**

### **New Bills Introduced**

**HB 1218 RE:** Mechanics Lien Definitions (by Rep. Doug Reichley, et al)  
Amends the Mechanics' Lien Law changing the term "residential building" to "residential property" and adding that it includes property on which there is or will be constructed at least one residential building not more than three stories in height, not including a basement level regardless of whether a portion of the basement is at grade level. The legislation removes certain language regarding the ability of a contract to waive his right to file a claim and adds language regarding maximum liens (i.e. removes the so called "double jeopardy" issue).  
**Referred to House Judiciary Committee, 5/4/2007**

**HB 1238 RE:** Prevailing Wage Public Work Definition (by Rep. Ron Marsico, et al)  
Amends the PA Prevailing Wage Act to raise the threshold for applicability by amending the definition of "public work" to include when the estimated cost of the total project is in excess of \$500,000 (increased from \$25,000).  
**Referred to House Labor Relations Committee, 5/18/2007**

**HB 1266 RE:** Hazardous Painting Certification Act (by Rep. Tony DeLuca, et al)  
Prohibits employers from employing or contracting with an individual to perform hazardous painting for compensation unless the individual holds a current valid hazardous painting certificate issued by the Department. The Department of Labor and Industry has powers and duties under the bill. **Introduced last session as HB 674.**  
**Referred to House Labor Relations Committee, 5/18/2007**

**HB 1268 RE:** Home Improvement Consumer Protection Act (By Rep. Tony DeLuca, et al)  
Provides for the registration of contractors and salespersons. No contractor would employ or use the services of any salesperson to procure business from an owner unless the salesperson is registered. The bill provides the procedures for registration, and states that a home improvement contractor would pay a \$50 fee for a certificate and a salesperson would pay \$25 for a certificate. The bill also defines the offense of home improvement fraud. A violation of this act would be deemed a violation of the Unfair Trade Practices and Consumer Protection Law. The bill also outlines home improvement contracts. Lastly, the bill creates the Home Improvement Guaranty Fund from which a homeowner may be compensated for an actual loss that results from a violation of this act by a registered contractor or salesperson.  
**Referred to House Consumer Affairs Committee, 5/18/2007**

**HB 1338 RE:** Prototypical School Facility Design Clearinghouse (by Rep. Bev Mackereth, et al)  
Amends the Public School Code requiring the Department of Education to establish a prototypical school facility design clearinghouse for access by any school entity. The Department would establish a grading system to review and evaluate plans in the clearinghouse. The Legislative Budget and Finance Committee would conduct a study of the Department of Education's clearinghouse and determine the savings incurred by school entities that have sought access to the clearinghouse. Additionally, the legislation provides for approved reimbursable rental for certain leases and approved reimbursable sinking fund charges on indebtedness.  
**Referred to House Education Committee, 5/24/2007**

**SB 832 RE:** Repeal of PA Construction Act (by Sen. Bob Regola, et al)  
An act repealing the PA Construction Code Act.  
**Referred to Senate Labor and Industry Committee, 5/3/2007**  
**Discussed in public hearing on the Uniform Construction Code, Senate Local Government Committee, 5/8/2007**

**Remaining 2007 House Spring Session Schedule**  
**June 4, 5, 6, 11, 12, 13, 18, 19, 20, 25, 26, 27, 28, 29, 30**

**Remaining 2007 Senate Spring Session Schedule**  
**June 4, 5, 6, 11, 12, 13, 18, 19, 20, 25, 26, 27, 28, 29**

Copies of all bills of interest can be accessed via the Internet at:  
<http://www.legis.state.pa.us/WU01/LI/BI/billroom.htm>.