
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2661 Session of
2024

INTRODUCED BY COOPER, BERNSTINE, GILLEN, KAUFFMAN, MOUL,
OBERLANDER, ROWE AND SCIALABBA, NOVEMBER 12, 2024

REFERRED TO COMMITTEE ON STATE GOVERNMENT, NOVEMBER 12, 2024

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; providing for judicial administration; and
18 prescribing the manner in which the number and compensation
19 of the deputies and all other assistants and employes of
20 certain departments, boards and commissions shall be
21 determined," providing for permit approval.

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

24 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
25 as The Administrative Code of 1929, is amended by adding an
26 article to read:

27 ARTICLE VI-C

1 PERMIT APPROVAL

2 Section 601-C. Definitions.

3 The following words and phrases when used in this article
4 shall have the meanings given to them in this section unless the
5 context clearly indicates otherwise:

6 "Agency." The term shall have the same meaning as under
7 section 601-A.

8 "Applicant." An agency, person, political subdivision or
9 designee that submits an application.

10 "Application." A submission to an agency by an applicant
11 that seeks any of the following:

- 12 (1) A new permit.
- 13 (2) A permit renewal.
- 14 (3) A permit amendment.
- 15 (4) A permit modification.
- 16 (5) A permit transfer.
- 17 (6) A change of ownership of a permit.

18 "Fee." The term shall have the same meaning as under section
19 601-A.

20 "Law." Commonwealth statutes and regulations promulgated in
21 accordance with either the act of July 31, 1968 (P.L.769,
22 No.240), referred to as the Commonwealth Documents Law, or the
23 act of June 25, 1982 (P.L.633, No.181), known as the Regulatory
24 Review Act. The term includes Federal statutes and regulations
25 to the extent the statute or regulation is administered or
26 enforced by the Commonwealth.

27 "Necessary information." Plans, forms, fees, notifications,
28 receipts, analyses, certifications, reports, drawings, diagrams
29 or letters.

30 "Permit." An authorization issued by an agency which

1 approves the performance of a regulated activity under a law.
2 The term includes authorization permits, certificates of public
3 convenience, plan approvals and registrations under a general
4 permit. The term does not include a certification, license or
5 permit issued to an individual for personal use, including a
6 person holding a license, registration, certificate or permit
7 with a licensing board or licensing commission under the Bureau
8 of Professional and Occupational Affairs.

9 Section 602-C. Filing of application.

10 An application for a permit shall be stamped by the agency
11 with the date of filing. An application shall be deemed to be
12 filed with the agency on the date the application is delivered
13 to the agency. Permissible means of delivery include:

- 14 (1) Personal delivery.
- 15 (2) United States Postal Service mail.
- 16 (3) Conventional commercial practice.
- 17 (4) Electronic transmission.
- 18 (5) Facsimile transmission.

19 Section 603-C. Time period.

20 (a) Action.--

21 (1) Subject to paragraph (2), an agency shall issue,
22 renew, amend, modify, transfer or change the ownership of a
23 permit or refuse to issue, renew, amend, modify, transfer or
24 change the ownership of a permit within 30 days of the date
25 the application was filed under section 602-C.

26 (2) The time requirement under paragraph (1) shall be
27 tolled under section 605-C(c).

28 (b) Failure to act.--If the agency does not comply with
29 subsection (a), section 607-C applies.

30 Section 604-C. Administratively complete application.

1 (a) Contents.--An application is administratively complete
2 if the application contains the necessary information or other
3 information requested in the application, notwithstanding
4 whether the necessary information or other information supplied
5 in the application is sufficient to approve the application.

6 (b) Disagreements.--A disagreement between the agency and
7 the applicant as to the substance or merits of, or professional
8 judgment contained within, the application shall not render the
9 application to be administratively incomplete.

10 (c) Presumption.--An application accompanied by an affidavit
11 executed under penalty of perjury under 18 Pa.C.S. § 4902
12 (relating to perjury) by a licensee under 63 Pa.C.S. (relating
13 to professions and occupations (State licensed)) affirming that
14 the application is administratively complete to the best of the
15 licensee's knowledge, information and belief shall be presumed
16 to be administratively complete. The licensee shall clearly
17 establish in the affidavit how the licensee is qualified to
18 affirm the application and how the qualifications of the
19 licensee are germane to the application.

20 Section 605-C. Administratively incomplete application.

21 (a) Written statement.--An application determined by the
22 agency to be administratively incomplete shall be returned to
23 the applicant within 10 days of the date the application was
24 filed under section 602-C, accompanied by a written statement of
25 the specific necessary information or other information required
26 to complete the application. The application shall be returned
27 to the applicant by the same means of delivery in which the
28 application was initially delivered to the agency, unless the
29 agency declares in writing that doing so would be unreasonable
30 or excessively costly for the agency to bear.

1 (b) Identification.--An omission not identified in the
2 manner provided under subsection (a) shall be deemed to be cured
3 if not contained in the written statement under subsection (a).

4 (c) Tolling.--The time period under section 603-C(a) shall
5 be tolled from the date the application is returned to the
6 applicant until the date the application is refiled with the
7 agency. The refileing of an application is subject to section
8 602-C.

9 Section 606-C. Approval of application.

10 The agency shall approve the application if the laws
11 governing the applicable permit are satisfied.

12 Section 607-C. Application deemed approved.

13 An administratively complete application shall be deemed
14 approved if any of the following paragraphs apply:

15 (1) The agency fails to comply with the time requirement
16 under section 603-C(a).

17 (2) The administratively complete application is
18 accompanied by an affidavit executed under penalty of perjury
19 under 18 Pa.C.S. § 4902 (relating to perjury) by a licensee
20 under 63 Pa.C.S. (relating to professions and occupations
21 (State licensed)) affirming that:

22 (i) the contents of the application are true and
23 correct to the best of the licensee's knowledge,
24 information and belief; and

25 (ii) the requirements for issuance, renewal,
26 amendment, modification, transfer or change of ownership
27 of the permit under all applicable laws have been
28 satisfied.

29 Section 608-C. Jurisdiction over disputes.

30 Commonwealth Court shall have original jurisdiction of all

1 civil actions or proceedings brought under this article.

2 Section 609-C. Construction.

3 If there is a conflict between this article and another
4 statute:

5 (1) Except as provided under paragraph (2), this article
6 shall govern.

7 (2) Paragraph (1) shall not apply if the other statutory
8 provision specifically states that it governs over this
9 article.

10 Section 2. All acts and parts of acts are repealed insofar
11 as they are inconsistent with the addition of Article VI-C of
12 the act.

13 Section 3. Regulations in the Pennsylvania Code are
14 abrogated insofar as they are inconsistent with the addition of
15 Article VI-C of the act.

16 Section 4. This act shall take effect in 60 days.