

ACT 45 EXEMPTION CARVE-OUT

Building Machinery and Equipment

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- HVAC Equipment
- Electrical Systems
- Plumbing Systems
- Communication Systems
- Fire and Security Systems
- Control Systems
- Laboratory Systems
- Cathodic Protection Systems
- Furniture, Cabinetry, and Kitchen Equipment

Building Machinery and Equipment does not Include:

- Wire, Conduit, Receptacles, and Junction Boxes
- Pipes, Valves, Fittings, Pipe Supports, and Hangers
- The Office of Chief Counsel has stated that the intent of Act 45 was to provide an exemption for the “Big Ticket” components of Building Machinery and Equipment.

The Exemption Carve-out:

Building machinery and equipment =
Generation Equipment,
Storage Equipment,
Conditioning Equipment,
Distribution Equipment,
Termination Equipment, which shall be limited to the following:

- 1) Air conditioning limited to heating, cooling, purification, humidification, dehumidification, and ventilation;
- 2) Electrical, but not wire, conduit, receptacles, and junction boxes;
- 3) Plumbing, but not pipes, fittings, pipe supports and hangers, and underground tanks;
- 4) Communications limited to voice, video, data, sound, master clock, and noise abatement;
- 5) Alarms limited to fire, security, and detection;
- 6) Control system limited to energy management, traffic and parking lot, and building access;
- 7) Medical system limited to diagnosis and treatment equipment, medical gas, nurse call, and doctor paging;
- 8) Laboratory system;
- 9) Cathodic protection system;
- 10) Furniture, cabinetry, and kitchen equipment.

The term “Building Machinery and Equipment” also includes (in alphabetical order):

- Actuators
 - Air cleaners
 - Boilers
 - Card access devices
 - Chillers
 - Dampers
 - Fans
 - Floor troughs and grates
 - Grills
 - Guardrails
 - Horns
 - Humidifiers
 - Laundry Equipment
 - Medical Devices
 - Motion detectors
 - Pumps
 - Registers
 - Sensors
 - Speakers
 - Switchgear
 - Telephones
 - Traffic signals
- Together with integral coverings and enclosures,
- Whether or not the item constitutes a fixture or is otherwise affixed to the real estate whether or not damage would be done to the item or its surroundings upon removal or whether or not the items is physically located within a real estate structure.