
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1313 Session of
1989

INTRODUCED BY GEIST, GRUPPO, NAHILL, VAN HORNE, NOYE, GLADECK,
BRANDT, D. W. SNYDER, G. SNYDER, HECKLER, J. L. WRIGHT, VEON,
PHILLIPS, MERRY, FARGO, HERMAN, McVERRY, LASHINGER, JOHNSON,
SERAFINI, LANGTRY, BUNT, BARLEY, BURD, CIVERA, ROBBINS AND
J. H. CLARK, APRIL 25, 1989

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, APRIL 25, 1989

AN ACT

1 Providing for approval by licensees of changes in documents or
2 construction administration materials and for responsibility
3 in connection therewith.

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

6 Section 1. Definitions.

7 The following words and phrases when used in this act shall
8 have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 "Construction administration materials." A shop drawing,
11 model, sample, mock-up or assembly approved by the licensee for
12 use in conjunction with a construction and fabrication document.

13 "Construction and fabrication document." Drawings,
14 specifications, plans, plates, reports and working drawings,
15 addenda or supplements thereto prepared in connection with the
16 design and construction or reconstruction of a structure or
17 group of structures, including public and private buildings, and

1 the utilization of space within and surrounding such structures,
2 and those prepared in connection with the design and manufacture
3 of machines, equipment or for utilization in processes or
4 systems.

5 "Licensee." An architect licensed under the act of December
6 14, 1982 (P.L.1227, No.281), known as the Architects Licensure
7 Law, a professional engineer or professional land surveyor
8 licensed under act of May 23, 1945 (P.L.913, No.367), known as
9 the Professional Engineers Registration Law, or a landscape
10 architect licensed under the act of January 24, 1966 (1965
11 P.L.1527, No.535), known as the Landscape Architects'
12 Registration Law.

13 "Seal." The seal, stamp or facsimile thereof which a
14 licensee is required by law to affix or impress on all documents
15 prepared by the licensee or under the licensee's supervision.
16 Section 2. Subsequent changes.

17 (a) Liability.--Notwithstanding any other provision of law,
18 a licensee who affixes or impresses a seal to documents or
19 approves construction administration materials through use of a
20 seal or written authorization shall not be responsible for
21 damage caused by subsequent changes to or use of those documents
22 or construction administration materials where the subsequent
23 changes or uses, including changes or uses made by the
24 Commonwealth or any political subdivision or agency or authority
25 thereof, are not authorized or approved by the licensee who
26 originally affixed or impressed a seal on the construction and
27 fabrication documents or approved the construction
28 administration materials.

29 (b) Subsequent knowledge.--If a material problem, error or
30 omission is discovered prior to or during construction, that

1 problem, error or omission shall be called to the attention of
2 the licensee, and the licensee shall be given an opportunity to
3 resolve or rectify such problems, error or omission. If this
4 procedure is followed and the licensee does not address the
5 problem, error or omission within a reasonable period of time,
6 such licensee shall be precluded from benefitting from the
7 limitation of liability contained in subsection (a) with regard
8 to damages which result from an unauthorized change.

9 Section 3. Applicability.

10 This act shall apply to any claims made after the effective
11 date with respect to documents to which a seal has been affixed
12 or impressed after the effective date of this act.

13 Section 4. Effective date.

14 This act shall take effect immediately.