

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1140 Session of
2009

INTRODUCED BY LEACH, FONTANA, WAUGH, FERLO AND WOZNIAK,
NOVEMBER 25, 2009

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
NOVEMBER 25, 2009

AN ACT

1 Amending the act of October 17, 2008 (P.L.1645, No.132),
2 entitled "An act providing for the regulation of home
3 improvement contracts and for the registration of certain
4 contractors; prohibiting certain acts; and providing for
5 penalties," providing for the definition of "time and
6 materials"; and further providing for home improvement
7 contracts.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 2 of the act of October 17, 2008
11 (P.L.1645, No.132), known as the Home Improvement Consumer
12 Protection Act, is amended by adding a definition to read:

13 Section 2. Definitions.

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

17 * * *

18 "Time and materials." A construction practice where the
19 contractor and owner agree that the contractor will perform the
20 home improvement and the owner will pay the contractor under the

1 home improvement contract based on the actual cost of labor at a
2 specified hourly rate and the actual costs of materials and use
3 of equipment, plus an agreed upon percentage of the total costs
4 or a fixed amount to cover the contractor's fee and overhead
5 costs reasonably incurred in the performance of the home
6 improvement.

7 Section 2. Section 7(a)(8) of the act is amended to read:

8 Section 7. Home improvement contracts.

9 (a) Requirements.--No home improvement contract shall be
10 valid or enforceable against an owner unless it:

11 * * *

12 (8) Includes the total sales price due under the
13 contract or includes a time and materials provision wherein
14 contractor and owner agree in writing to the performance of
15 the home improvement by contractor and payment for the home
16 improvement by the owner, based on time and materials, with
17 the contractor's fee, whether a percentage of the total costs
18 or a fixed amount, being listed separately.

19 * * *

20 Section 3. This act shall take effect immediately.