

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 900 Session of
2005

INTRODUCED BY BOSCOLA, OCTOBER 5, 2005

REFERRED TO JUDICIARY, OCTOBER 5, 2005

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for limitation
3 of liability for mold and mold damage.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 8340.1. Limitation of liability for mold and mold damage.

9 (a) General rule.--Unless the parties otherwise agree in
10 writing, no contractor who installs an HVAC system in a
11 structure shall be liable for any personal injuries, property
12 damage or any other damages, losses or claims related to mold or
13 mold damage.

14 (b) Exception.--Subsection (a) shall not apply to personal
15 injuries, property damage or any other damages, losses or claims
16 related to mold or mold damage caused by one or more defects in
17 workmanship by a contractor relating to the installation of an
18 HVAC system.

1 (c) Definitions.--As used in this section, the following
2 words and phrases shall have the meanings given to them in this
3 subsection:

4 "HVAC system." A heating, ventilation and air conditioning
5 system.

6 "Mold." Any type or form of fungus, including mildew, and
7 any toxins, spores, scents or by-products produced or released
8 by a fungus.

9 "Structure." Any residential or nonresidential building.

10 Section 2. This act shall take effect in 60 days.