

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 793 Session of 2009

INTRODUCED BY BOSCOLA AND FONTANA, APRIL 23, 2009

REFERRED TO JUDICIARY, APRIL 23, 2009

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 § 8340.2. 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) Applicability.--Subsection (a) shall not apply to
 15 personal injuries, property damage or any other damages, losses
 16 or claims related to mold or mold damage caused by one or more
 17 defects in workmanship by a contractor relating to the
 18 installation of an HVAC system.

19 (c) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this
2 subsection:

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

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

8 "Structure." Any residential or nonresidential building.

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