

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 647 Session of
2011

INTRODUCED BY BOSCOLA, FONTANA, WAUGH AND EICHELBERGER,
FEBRUARY 25, 2011

REFERRED TO JUDICIARY, FEBRUARY 25, 2011

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 personal injuries, property damage
12 or other damages, losses or claims related to mold or mold
13 damage.

14 (b) Applicability.--Subsection (a) shall not apply to
15 personal injuries, property damage or other damages, losses or
16 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.

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

9 "Structure." Any residential or nonresidential building.

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