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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 686 Session of  
2013

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INTRODUCED BY ERICKSON, ALLOWAY, LEACH, PILEGGI, YUDICHAK,  
SCARNATI AND FERLO, MARCH 14, 2013

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
MARCH 14, 2013

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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 the contractor and payment for the  
16 home improvement by the owner, based on time and materials,  
17 with the contractor's fee, whether a percentage of the total  
18 costs or a fixed amount, being listed separately.

19 \* \* \*

20 Section 3. This act shall take effect immediately.