
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 571 Session of
2023

INTRODUCED BY ZIMMERMAN, T. DAVIS, GREINER, BURGOS AND M. JONES,
MARCH 20, 2023

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 20, 2023

AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled "An
2 act concerning townships of the second class; and amending,
3 revising, consolidating and changing the law relating
4 thereto," in township engineer, further providing for
5 township engineer, providing for waiver and further providing
6 for engineer's duties and preparation of plans and for
7 certificate of commencement and of completion of municipal
8 improvements.

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

11 Section 1. Section 1201 of the act of May 1, 1933 (P.L.103,
12 No.69), known as The Second Class Township Code, is amended to
13 read:

14 Section 1201. Township [~~Engineer.--The~~] Engineers.--Subject
15 to section 1201.1, the board of supervisors [may appoint and
16 determine the compensation of a township engineer who shall be a
17 registered professional engineer. The township engineer serves]
18 shall appoint, through a competitive bid process, and determine
19 the compensation of at least two township engineers who shall be
20 registered professional engineers. A township engineer shall
21 serve at the pleasure of the board of supervisors.

1 Section 2. The act is amended by adding a section to read:

2 Section 1201.1. Waiver.--(a) If the board of supervisors
3 cannot obtain offers from qualified registered professional
4 engineers to fulfill the requirement under section 1201 to
5 appoint at least two township engineers, the board of
6 supervisors may be relieved from the requirement by completing a
7 certification form, subject to the following:

8 (1) The board of supervisors must complete the certification
9 form before the contract with the selected township engineer is
10 executed and must maintain the form throughout the life of the
11 contract with the township engineer.

12 (2) The certification form must be completed annually.

13 (3) A copy of the certification form must be filed with the
14 department.

15 (4) The department shall furnish the certification form,
16 which must:

17 (i) Require the board of supervisors to disclose the methods
18 and dates of the public solicitation. For purposes of meeting
19 this requirement, the board of supervisors shall advertise
20 requests for proposals and announce the solicitation at a public
21 meeting.

22 (ii) Require the board of supervisors to disclose the number
23 of qualified bids received to the public solicitation.

24 (iii) Contain a statement that the information provided by
25 the board of supervisors is in compliance with 18 Pa.C.S. § 4904
26 (relating to unsworn falsification to authorities).

27 (iv) Contain a statement that the department does not have
28 the discretion to deny waiver requests.

29 (b) As used in this section, the following words and phrases
30 shall have the meanings given to them in this subsection unless

1 the context clearly indicates otherwise:

2 "Department." The Department of Labor and Industry of the
3 Commonwealth.

4 Section 3. Sections 1202 and 1203 of the act are amended to
5 read:

6 Section 1202. Engineer's Duties; Preparation of Plans.--

7 [The] A township engineer shall perform duties as the board of
8 supervisors may direct for the construction, reconstruction,
9 maintenance and repair of streets, roads, pavements, sanitary
10 sewers, bridges, culverts and other engineering work. [The] A
11 township engineer shall prepare plans, specifications and
12 estimates of the work undertaken by the township and furnish the
13 board of supervisors with reports, information or estimates on
14 [any] township engineering work or on questions submitted by the
15 board of supervisors.

16 Section 1203. Certificate of Commencement and of Completion
17 of Municipal Improvements.--[The] A township engineer shall
18 certify to the township secretary the date of commencement and
19 of completion of [all municipal improvements] a municipal
20 improvement, the cost of which, in whole or in part, is to be
21 paid by the owners of the abutting property. The certification
22 shall be made a part of the permanent records of the township.
23 The certified time of commencement and completion is conclusive
24 on all parties. The term "certified time of completion" means
25 the time of the completion of the whole contract for the
26 municipal improvement.

27 Section 4. This act shall take effect in 60 days.