

AMENDED IN SENATE AUGUST 7, 2000  
AMENDED IN SENATE JUNE 21, 2000  
AMENDED IN SENATE JUNE 29, 1999  
AMENDED IN ASSEMBLY MAY 28, 1999  
AMENDED IN ASSEMBLY MAY 19, 1999  
AMENDED IN ASSEMBLY MAY 3, 1999  
AMENDED IN ASSEMBLY APRIL 26, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 701**

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**Introduced by Assembly Member Lempert**

February 24, 1999

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An act to amend Section 17316 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 701, as amended, Lempert. School facilities: certified architect or structural engineer.

Under existing law, contracts entered into by and between a school governing board and any certified architect or structural engineer are required to provide that plans, specifications, and estimates are property of the school district.

This bill would make the plans, including, but not limited to, record drawings, specifications, and estimates the property

of the school district only as they relate to the project for which the certified architect or structural engineer was retained. The bill would preclude the contract from transferring or waiving the certified architect’s or structural engineer’s copyrights, including all common-law and other reserved rights in the documents, unless expressly transferred or waived.

*The bill would provide that a school district that proposes to reuse the plans within the school district would be required to specify the terms and conditions for the reuse in the contract entered into between the school district and the architect or engineer.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 17316 of the Education Code is  
2 amended to read:

3 17316. (a) Any contract entered into by and between  
4 the governing board of any school district and any  
5 certified architect or structural engineer pursuant to  
6 Section 17302 shall provide that all plans, including, but  
7 not limited to, record drawings, specifications, and  
8 estimates prepared pursuant thereto, shall be and remain  
9 the property of the school district for the purposes of  
10 repair, maintenance, renovation, modernization, or  
11 other purposes, only as they relate to the project for  
12 which the certified architect or structural engineer was  
13 retained.

14 (b) The contract set forth in subdivision (a) shall not  
15 be construed to transfer or waive the certified architect’s  
16 or structural engineer’s copyrights over these documents,  
17 including, but not limited to, all common law, statutory,  
18 and other reserved rights, unless the certified architect or  
19 structural engineer expressly transfers or waives these  
20 rights through the written contract, including, but not  
21 limited to, a written addendum or amendment.

22 (c) *If the school district proposes to reuse the plans*  
23 *prepared by the architect or engineer within the school*



1 *district, the contract entered into between the school*  
2 *district and the architect or engineer shall specify the*  
3 *terms and conditions for the reuse.*

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