

Assembly Bill No. 701

CHAPTER 348

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

[Approved by Governor September 7, 2000. Filed with Secretary of State September 8, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 701, 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 not preclude a school district from using the plans, record drawings, specifications, or estimates related to a project for the purposes of additions, alignments, or other development on the site. 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.

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

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

17316. (a) Any contract entered into by and between the governing board of any school district and any certified architect or structural engineer pursuant to Section 17302 shall provide that all plans, including, but not limited to, record drawings, specifications, and estimates prepared pursuant thereto, shall be and remain the property of the school district for the purposes of repair, maintenance, renovation, modernization, or other purposes, only as they relate to the project for which the certified architect or structural engineer was retained. Nothing in this subdivision shall



preclude the school district from using the plans, record drawings, specifications, or estimates related to the project for the purposes of additions, alignments, or other development on the site.

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

(c) Notwithstanding subdivision (a), if the school district proposes to reuse the plans prepared by the architect or engineer within the school district, the contract entered into between the school district and the architect or engineer shall specify the terms and conditions for the reuse.

