

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 126 Session of
1989

INTRODUCED BY LESCOVITZ, RYBAK, KUKOVICH, CAWLEY, TRELLO, DALEY,
COY, COLAIZZO AND VEON, JANUARY 25, 1989

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 25, 1989

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, adding a definition of
3 "Commonwealth agency"; providing for self-insurance for
4 Commonwealth agencies; declaring certain members immune from
5 civil liability; and establishing the Commonwealth Agency
6 Self-Insurance Fund.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 8501 of Title 42 of the Pennsylvania
10 Consolidated Statutes is amended by adding a definition to read:
11 § 8501. Definitions.

12 The following words and phrases when used in this chapter
13 shall have, unless the context clearly indicates otherwise, the
14 meanings given to them in this section:

15 * * *

16 "Commonwealth agency." Includes, but is not limited to:

17 (1) Executive offices.

18 (2) Administrative departments, boards and commissions
19 under the jurisdiction of the Governor.

1 (3) Independent administrative departments, boards and
2 commissions.

3 (4) Advisory boards and commissions.

4 (5) Any other agencies, commissions, departments,
5 boards, authorities or other entities of the Commonwealth
6 government created under State law, including all agencies of
7 the Commonwealth commonly described as housing, finance,
8 economic development or redevelopment agencies, whether or
9 not such agencies have Statewide or local jurisdiction. The
10 term shall include the Pennsylvania Turnpike Commission. The
11 term shall not include municipal authorities created under
12 the act of May 2, 1945 (P.L.382, No.164), known as the
13 Municipality Authorities Act of 1945.

14 * * *

15 Section 2. Chapter 85 of Title 42 is amended by adding a
16 subchapter to read:

17 SUBCHAPTER D

18 SELF-INSURANCE FOR COMMONWEALTH AGENCIES

19 Sec.

20 8571. Self-insurance.

21 8572. Immunity of certain members.

22 8573. Commonwealth Agency Self-Insurance Fund.

23 § 8571. Self-insurance.

24 All Commonwealth agencies shall, where economically feasible,
25 self-insure under this subchapter for civil liability purposes.

26 § 8572. Immunity of certain members.

27 All members of Commonwealth agencies who are not otherwise
28 officials or employees of the Commonwealth are hereby declared
29 to be immune from civil liability for any action taken as
30 members of their respective agencies.

1 § 8573. Commonwealth Agency Self-Insurance Fund.

2 (a) Establishment.--There is hereby established a separate
3 account in the State Treasury to be known as the Commonwealth
4 Agency Self-Insurance Fund.

5 (b) Purpose.--The purpose of the fund shall be to provide
6 moneys to satisfy any civil liability suit or claim brought
7 against any Commonwealth agency which self-insures under this
8 subchapter.

9 (c) Funds.--The fund shall be composed of funds which the
10 General Assembly may, from time to time, appropriate.

11 Section 3. This act shall take effect in 60 days.