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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1477 Session of  
1978

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INTRODUCED BY LEWIS, STAUFFER, ORLANDO, JUBELIRER AND STOUT,  
MAY 22, 1978

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
SEPTEMBER 21, 1978

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AN ACT

1 Providing a comprehensive procedure for the presentation of tort  
2 claims against political subdivisions.

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PRELIMINARY PROVISIONS

Section 101. Short title.

This act shall be known and may be cited as the "Political Subdivision Tort Claims Act."

Section 102. Legislative findings and intent.

(a) The General Assembly hereby finds and declares that exposure of employees and officials of political subdivisions to tort claims and civil law suits for acts or omissions within the scope of their employment has a negative effect upon the

performance of official local governmental duties. Further, it

provides an obstacle to the discharge of the public business. It <—

~~is the declared intention of the General Assembly to relieve~~

~~employees and officials of political subdivisions from all legal~~

~~fees, expenses and judgments arising from such actions, unless~~

~~the tort complained of includes malice or criminal intent.~~

~~(b) The General Assembly further declares that any person~~

~~should be legally entitled to recover damages caused by bodily~~

~~injury or property damage due to a negligent or wrongful act~~

~~committed by either a political subdivision or employees or~~

~~officials thereof except in certain situations as hereinafter~~

~~provided.~~

~~(c)~~ (B) Therefore, the General Assembly, by this act, <—

abolishes all previous judicially created categories of

political subdivision tort liability such as "governmental" or

"proprietary" functions and "discretionary" or "ministerial"

acts. Liability for acts or omissions under this act shall be

based upon the traditional tort concepts of duty and the

reasonably prudent person's standard of care in the performance

of that duty. Determination of the standard of care required in

any particular instance should be made with the knowledge that

1 each political subdivision has financial limitations within  
2 which it must exercise discretion in determining the extent and  
3 nature of its activities.

4 Section 103. Definitions.

5 The following words and phrases when used in this act shall  
6 have, unless the context clearly indicates otherwise, the  
7 meanings given to them in this section:

8 "Agency." Any board, committee, commission, department or  
9 other instrumentality or entity designated to act on behalf of a  
10 political subdivision by law.

11 "Claim." Any written demand against a political subdivision  
12 for monetary damages only to which any person is legally  
13 entitled under the provisions of this act.

14 "Employee." Any person who is acting or who has acted on  
15 behalf of a political subdivision or any agency thereof whether  
16 that person is acting on a permanent or temporary basis, whether  
17 compensated or not and whether performing ~~their~~ lawful duties <—  
18 within or without the territorial boundaries of that person's  
19 employing political subdivision. The definition of employee also  
20 includes all elected or appointed officers, members of governing  
21 bodies and other persons designated to act for an agency or  
22 political subdivision and shall include volunteer firemen. This  
23 definition shall neither include independent contractors nor  
24 their employees or agents under contract to the governmental  
25 entity to which this act applies in the event a claim arises.  
26 This definition shall not apply to any person performing tasks  
27 over which the political subdivision has no legal right of  
28 control.

29 "Loss." Any injury, sickness or death of a person or damage  
30 to real or personal property. No award for damages shall include

1 punitive or exemplary damages nor damages for loss of services  
2 or loss of support.

3 "Political subdivision." Any county, city, borough,  
4 incorporated town, township, school district, vocational school  
5 district, intermediate unit, municipal authority, any authority  
6 created by one or more political subdivisions, home rule,  
7 optional plan or optional ~~charter~~ CHARTER municipality, and any <—  
8 boards, commissions, committees, departments, instrumentalities,  
9 or entities thereof designated to act in behalf of one or more  
10 political subdivisions by law.

11 "Scope of employment." An employee acting in the performance  
12 of the duties of the office or employment imposed by law or  
13 performing tasks lawfully assigned by a competent legal  
14 authority within the political subdivision.

## 15 CHAPTER 2

### 16 LIABILITY OF POLITICAL SUBDIVISIONS

17 ~~Section 201. Liability generally.~~ <—

18 ~~Except as otherwise exempted by statute or the provisions of~~  
19 ~~this act, every political subdivision is subject to the~~  
20 ~~liability for its torts and those of its employees acting within~~  
21 ~~their scope of employment. A political subdivision shall not be~~  
22 ~~liable for any act or omission of any employee because of~~  
23 ~~corruption, fraud, malice or intentional wrongdoing on the part~~  
24 ~~of the employee.~~

25 SECTION 201. LIABILITY GENERALLY. <—

26 (A) EXCEPT AS OTHERWISE PROVIDED BY THIS ACT, A POLITICAL  
27 SUBDIVISION SHALL NOT BE SUBJECT TO LIABILITY FOR ITS TORTS OR  
28 THOSE OF ITS EMPLOYEES OR OFFICIALS ACTING WITHIN THE SCOPE OF  
29 THEIR EMPLOYMENT. A POLITICAL SUBDIVISION SHALL NOT BE LIABLE  
30 FOR ANY ACT OR OMISSION OF ANY EMPLOYEE OR OFFICIAL BECAUSE OF

CORRUPTION, FRAUD, MALICE, INTENTIONAL WRONGDOING OR WANTON AND  
WILLFUL CONDUCT ON THE PART OF THE EMPLOYEE OR OFFICIAL.

(B) ANY DUTIES PLACED UPON A POLITICAL SUBDIVISION UNDER THE  
PROVISIONS OF THIS ACT MAY BE DELEGATED TO AN INDEPENDENT  
CONTRACTOR BY A WRITTEN AGREEMENT.

Section 202. Employee's acts covered.

Action against an employee of a political subdivision for  
injury, property loss, death, any or all such inflictions caused  
by negligence or wrongful act, bad faith, omission, malicious  
action or wanton and willful disregard may be prosecuted subject  
to the limitations prescribed herein.

~~Section 203. Exceptions from liability.~~

<—

~~A political subdivision, or an employee acting within the  
scope of employment, shall not be liable if a loss results from:~~

~~(1) The conduct of a member of the governing body of any  
political subdivision in the determination of legislative  
policy and its formulation and promulgation as a defined and  
binding rule of conduct.~~

~~(2) Judicial or quasi judicial functions.~~

~~(3) Execution of the orders of any court.~~

~~(4) Enactment or enforcement, or failure to enact, any  
law, whether valid or invalid, including but not limited to,  
any charter provision, ordinance, resolution, rule,  
regulation or written policy, unless the act of enforcement  
constitutes false arrest or false imprisonment.~~

~~(5) Performance or failure to perform any act or service  
which is within the exercise of discretion of the political  
subdivision or its employee.~~

~~(6) Civil disobedience, work slowdown or work stoppage  
by employees of the public or private sector, riot,~~

1 ~~insurrection or rebellion.~~

2 ~~(7) Temporary or natural conditions on any public way or~~  
3 ~~other public place, due to weather conditions, unless the~~  
4 ~~condition is affirmatively caused or allowed to remain after~~  
5 ~~actual or constructive notice, by the negligence of the~~  
6 ~~municipality or its employees.~~

7 ~~(8) Assessment or collection of taxes.~~

8 ~~(9) Licensing powers or functions including, but not~~  
9 ~~limited to, the issuance, the denial, suspension or~~  
10 ~~revocation of or failure or refusal to issue, deny, suspend~~  
11 ~~or revoke any permit, license, certificate, approval, order~~  
12 ~~or other similar authority where the authority is~~  
13 ~~discretionary under the law.~~

14 ~~(10) Any claim or claims made under the act of June 2,~~  
15 ~~1915 (P.L.736, No.338), known as "The Pennsylvania Workmen's~~  
16 ~~Compensation Act."~~

17 ~~(11) Any claim or claims made under the act of June 21,~~  
18 ~~1939 (P.L.566, No.284), known as "The Pennsylvania~~  
19 ~~Occupational Disease Act."~~

20 ~~(12) Any claim or claims made under the act of December~~  
21 ~~5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the~~  
22 ~~"Unemployment Compensation Law."~~

23 ~~(13) The absence, condition or malfunction of any~~  
24 ~~traffic or road sign, signal or warning device unless the~~  
25 ~~absence, condition or malfunction is not corrected by the~~  
26 ~~political subdivision responsible for the maintenance of same~~  
27 ~~within a reasonable time after having received actual or~~  
28 ~~constructive notice, or the removal or destruction of such~~  
29 ~~signs, signal or warning devices by third parties, except on~~  
30 ~~failure of the political subdivision to correct such absence,~~

1 ~~condition or malfunction within a reasonable time after~~  
2 ~~having received actual or constructive notice. The signs,~~  
3 ~~signals and warning devices referred to in this clause are~~  
4 ~~those used in connection with hazards normally connected with~~  
5 ~~the use of roadways or public ways and do not apply to the~~  
6 ~~duty to warn of specific defects such as excavations or~~  
7 ~~roadway obstructions. Nothing shall give rise to liability~~  
8 ~~resulting from the failure of any political subdivision to~~  
9 ~~initially place any of the above signs, signals or warning~~  
10 ~~devices when such failure is the result of a discretionary~~  
11 ~~act of the political subdivision or its employees.~~

12 ~~(14) Any paid or volunteer fireman, policeman or medical~~  
13 ~~or paramedical personnel of a political subdivision rendering~~  
14 ~~emergency care, first aid or rescue while in the performance~~  
15 ~~of his duties at the scene of an emergency, or moving the~~  
16 ~~person receiving such care, first aid and rescue to a~~  
17 ~~hospital or other place of medical care, except any acts or~~  
18 ~~omissions intentionally designed to harm or any grossly~~  
19 ~~negligent acts or omissions which result in harm to the~~  
20 ~~person receiving the emergency care, first aid or rescue, or~~  
21 ~~being moved to a hospital or other place of medical care, but~~  
22 ~~nothing herein shall relieve a driver of an emergency vehicle~~  
23 ~~from liability arising from operation or use of such vehicle.~~  
24 ~~In order for any paid or volunteer fireman, policeman,~~  
25 ~~medical or paramedical personnel to receive the benefit of~~  
26 ~~the exemption from civil liability provided for in this~~  
27 ~~clause, he must first have taken and successfully completed a~~  
28 ~~standard first aid course recognized or approved by the~~  
29 ~~American Red Cross and further he shall have a valid~~  
30 ~~certification from the American Red Cross that he has~~



1 ~~successfully completed any necessary training or refresher~~  
2 ~~courses, or shall have successfully completed a first aid~~  
3 ~~course having standards at least equal to a first aid course~~  
4 ~~recognized or approved by the American Red Cross.~~

5 ~~(14) THOSE PERSONS IMMUNE UNDER THE PROVISIONS OF 42~~ <—  
6 ~~PA.C.S. § 8332 (RELATING TO NONMEDICAL GOOD SAMARITAN CIVIL~~  
7 ~~IMMUNITY).~~

8 ~~(15) Any claim which is limited or barred by any other~~  
9 ~~act or which is for injuries or property damage against any~~  
10 ~~officer, employee or agent where the individual is immune~~  
11 ~~from suit.~~

12 ~~(16) Unintentional misrepresentation.~~

13 ~~(17) An act or omission of an individual who is not an~~  
14 ~~employee as defined in section 103.~~

15 SECTION 203. SUBJECTS OF LIABILITY. <—

16 A POLITICAL SUBDIVISION OR AN EMPLOYEE OR OFFICIAL ACTING  
17 WITHIN THE SCOPE OF EMPLOYMENT, SHALL BE LIABLE IF DAMAGES  
18 RESULT FROM:

19 (1) THE NEGLIGENT OPERATION OF MOTOR VEHICLES AS  
20 PROVIDED IN TITLE 75 (VEHICLES) OF THE PENNSYLVANIA  
21 CONSOLIDATED STATUTES.

22 (2) THE NEGLIGENT CARE, CUSTODY OR CONTROL OF PERSONAL  
23 PROPERTY OF OTHERS IN THE POSSESSION OR CONTROL OF THE  
24 POLITICAL SUBDIVISION.

25 (3) THE NEGLIGENCE OF A POLITICAL SUBDIVISION IN THE  
26 OWNERSHIP, POSSESSION OR CONTROL OF TREES PROVIDED THE  
27 POLITICAL SUBDIVISION HAS RECEIVED ACTUAL PRIOR NOTICE.

28 (4) THE NEGLIGENCE OF A POLITICAL SUBDIVISION IN THE  
29 OWNERSHIP, POSSESSION OR CONTROL OF REAL ESTATE, EXCEPT WITH  
30 RESPECT TO STREET SURFACES AND SIDEWALK SURFACES. TRAFFIC

1       SIGNS, LIGHTS AND OTHER TRAFFIC CONTROLS, STREET LIGHTS AND  
2       STREET LIGHTING SYSTEMS, SEWERS, WATER, GAS AND ELECTRIC  
3       LINES SHALL NOT BE CONSIDERED TO BE REAL ESTATE FOR THE  
4       PURPOSES OF THIS SECTION.

5           (5) THE NEGLIGENCE OF A POLITICAL SUBDIVISION IN THE  
6       OWNERSHIP, POSSESSION OR CONTROL OF STREET SURFACES, IF THE  
7       POLITICAL SUBDIVISION HAS RECEIVED ACTUAL NOTICE OF THE  
8       ALLEGED DEFECT. HOWEVER, NO DAMAGES MAY BE RECOVERED FOR ANY  
9       CONDITION RESULTING SOLELY FROM NATURAL WEATHER CONDITIONS.

10          (6) THE NEGLIGENCE OF A POLITICAL SUBDIVISION IN THE  
11       OWNERSHIP, POSSESSION OR CONTROL OF SIDEWALKS. HOWEVER, A  
12       POLITICAL SUBDIVISION WHICH HAS THE POWER AND AUTHORITY TO  
13       REQUIRE INSTALLATION AND REPAIR OF SIDEWALKS OWNED, POSSESSED  
14       OR CONTROLLED BY OTHERS SHALL BE ONLY SECONDARILY LIABLE FOR  
15       DAMAGES CAUSED BY NEGLIGENCE IN THE OWNERSHIP, POSSESSION OR  
16       CONTROL OF SIDEWALKS OWNED, POSSESSED OR CONTROLLED BY  
17       OWNERS, WHO SHALL BE PRIMARILY LIABLE.

18          (7) THE NEGLIGENCE OF A POLITICAL SUBDIVISION IN THE  
19       OWNERSHIP, POSSESSION OR CONTROL OF ANIMALS.

20          (8) THE NEGLIGENCE OF A POLITICAL SUBDIVISION IN THE  
21       REPAIR OF BREAKS IN WATER, STEAM, ELECTRIC OR GAS LINES IN  
22       THE OWNERSHIP, POSSESSION OR CONTROL OF THE POLITICAL  
23       SUBDIVISION IF THE POLITICAL SUBDIVISION HAS RECEIVED ACTUAL  
24       PRIOR NOTICE THEREOF.

25          (9) THE NEGLIGENCE OF THE POLITICAL SUBDIVISION IN THE  
26       MAINTENANCE OF WATER PRESSURE IN WATER LINES OWNED, POSSESSED  
27       OR CONTROLLED BY THE POLITICAL SUBDIVISION WHICH RESULTS IN A  
28       SUBSTANTIAL DECREASE IN WATER AVAILABLE TO FIGHT FIRES.

29       HOWEVER, THERE SHALL BE NO LIABILITY FOR A DECREASE IN WATER  
30       PRESSURE CAUSED BY A WATER LINE BREAK EXCEPT AS SET FORTH IN

1 PARAGRAPH (8) AND ANY DECREASE IN WATER PRESSURE DUE TO A  
2 DEFECTIVE HYDRANT SHALL NOT RESULT IN LIABILITY UNLESS THE  
3 POLITICAL SUBDIVISION HAS RECEIVED ACTUAL PRIOR NOTICE  
4 THEREOF.

5 (10) THE NEGLIGENCE OF A POLITICAL SUBDIVISION IN THE  
6 REPAIR OF BREAKS TO SEWER LINES IN THE OWNERSHIP, POSSESSION  
7 OR CONTROL OF A POLITICAL SUBDIVISION AFTER RECEIPT OF ACTUAL  
8 PRIOR NOTICE THEREOF.

9 Section 204. Surcharges.

10 No elected or appointed official of any political subdivision  
11 shall be surcharged for any act, error or omission in excess of  
12 the actual financial loss sustained by the political subdivision  
13 by reason thereof and by further reason of any action brought  
14 pursuant to the provisions herein. Other provisions of law to  
15 the contrary notwithstanding, the surcharge imposed hereby shall  
16 be the only surcharge imposed with regard to actions brought  
17 pursuant to this act.

18 SECTION 205. LIABILITY LIMITED TO STATUTORY AMOUNT. <—

19 (A) A POLITICAL SUBDIVISION'S LIABILITY SHALL BE LIMITED TO  
20 THE AMOUNTS SET FORTH IN SUBSECTION (B).

21 (B) THE LIABILITY OF A POLITICAL SUBDIVISION FOR CLAIMS  
22 WITHIN THE SCOPE OF THIS ACT SHALL NOT EXCEED:

23 (1) ONE HUNDRED THOUSAND DOLLARS TO ANY CLAIMANT FOR ANY  
24 NUMBER OF CLAIMS FOR PERSONAL INJURY OR DAMAGE TO OR  
25 DESTRUCTION OF PROPERTY, INCLUDING CONSEQUENTIAL DAMAGES  
26 ARISING OUT OF A SINGLE INCIDENT OR OCCURRENCE.

27 (2) THREE HUNDRED THOUSAND DOLLARS FOR ANY NUMBER OF  
28 CLAIMS ARISING OUT OF A SINGLE INCIDENT OR OCCURRENCE.

29 CHAPTER 3

30 JURISDICTION, VENUE AND PROCEDURE

1 Section 301. Jurisdiction.

2 The court of common pleas shall have original jurisdiction in  
3 all causes brought pursuant to the provisions of this act.

4 Section 302. Venue.

5 Venue shall lie in the judicial district in which the cause  
6 of action accrued or where the political subdivision is located,  
7 except where such political subdivision is located in more than  
8 one judicial district, the action shall be brought in the  
9 judicial district where the cause of action accrued or in the  
10 judicial district in which the principal office or place of  
11 business of such political subdivision is located.

12 Section 303. Exclusive procedure for filing claims.

13 No claim or action shall be allowed against a political  
14 subdivision or its employees unless the claim has been filed in  
15 accordance with the provisions of this act.

16 Section 304. Filing procedure.

17 (a) Any person claiming damages of a political subdivision  
18 pursuant to the terms of this act shall, within 180 days of the  
19 date of origin of the claim, notify the clerk or secretary or  
20 other designated officer of such political subdivision in  
21 writing of said claim, stating briefly the facts upon which the  
22 claim is based. The time for giving such written notice of the  
23 claim does not include the time during which the individual  
24 injured is unable, due to incapacitation or disability from the  
25 injury, to give notice, not exceeding 90 days of incapacity. In  
26 the event that the individual's injuries result in death, the  
27 time for giving notice shall commence with such individual's  
28 death.

29 (b) Failure to comply with the notice requirement as  
30 required by subsection (a) shall be a bar to any subsequent

1 action to recover damages unless such failure is reasonably  
2 explained or unless political subdivision otherwise had actual  
3 or constructive notice of the incident or condition giving rise  
4 to an individual's claim.

5 (c) The time periods as otherwise provided by law for  
6 commencement of actions based upon death, personal injury or  
7 property damage shall govern the institution of legal  
8 proceedings for the recovery of monetary damages in suits  
9 brought pursuant to the provisions of this act.

10 Section 305. Settlements out of court.

11 The political subdivision, after conferring with its legal  
12 officer or other legal counsel, may compromise a settlement of a  
13 claim or suit brought against it or its employees under this act  
14 as to the damages or other relief sought, and may appropriate

15 money for the payment of amounts agreed upon. ~~When the amount of~~ <—  
16 ~~any settlement exceeds \$2,500, the settlement shall not be~~  
17 ~~effective until approved by the court of original jurisdiction~~  
18 ~~and entered as a judgment as provided by law.~~ EXCEPT IN <—

19 POLITICAL SUBDIVISIONS WHICH ARE SELF INSURED, NO SETTLEMENT  
20 WHICH EXCEEDS \$2,500 SHALL BE EFFECTIVE UNTIL APPROVED BY THE  
21 COURT OF ORIGINAL JURISDICTION AND ENTERED AS A JUDGMENT AS  
22 PROVIDED BY LAW.

23 Section 306. Appeals.

24 Any party aggrieved by a final determination of the court of  
25 original jurisdiction may appeal therefrom to Commonwealth  
26 Court. The procedure on appeal shall be as otherwise provided by  
27 law.

#### 28 CHAPTER 4

#### 29 JUDGMENTS

30 Section 401. Enforcement of judgments generally.

1       Judgments recovered against political subdivisions under the  
2 provisions of this act shall be enforced in the same manner and  
3 to the same extent as judgments are now enforced against such  
4 political subdivisions under the laws of the Commonwealth,  
5 except as herein provided.

6 Section 402. Judgments against insured political subdivisions.

7       If the judgment is obtained against a political subdivision  
8 that has procured a contract or policy of public liability  
9 insurance protection, the holder of the judgment may use the  
10 methods of collecting the judgment as are provided by the policy  
11 or contract and the laws of the Commonwealth to the extent of  
12 the limits of coverage provided.

13 Section 403. Judgments against self-insured political  
14               subdivision and those not fully insured.

15       For the payment of any judgment obtained under the provisions  
16 of this act against a political subdivision that is a self-  
17 insurer or not fully covered by liability insurance, the manner  
18 of paying a money judgment shall be based upon a proof of  
19 indebtedness or evidence of any estimated tax levy necessary for  
20 payment of the judgment and any other evidence or statements  
21 which the court of original jurisdiction may require. As an  
22 alternative to paying the money judgment in this manner, the  
23 court may provide for the judgment to be paid over a period of  
24 not less than one nor more than ten years. The interest rate on  
25 any judgment where payment is extended more than three years  
26 shall be at the rate prescribed by law for the first three years  
27 and at the rate of 6% for each remaining year.

## 28                               CHAPTER 5

### 29                               LEGAL INDEMNIFICATION

30 Section 501. Indemnification ~~required~~ AUTHORIZED generally.

<—

1 A political subdivision ~~shall~~ MAY provide a defense for its <—  
2 employees and, except where otherwise immune from suit, be  
3 responsible for the payment of any judgment on any claim or  
4 civil law suit against an employee for money damages arising out  
5 of any act or omission within the scope of employment.

6 Section 502. Special provisions.

7 A political subdivision ~~shall~~ MAY provide a defense for its <—  
8 employees irrespective of whether the claim and civil suit is  
9 brought in a court of the Commonwealth or the United States or  
10 under State or Federal law. A political subdivision may, unless  
11 directed otherwise by a court of competent jurisdiction, refuse  
12 to defend or indemnify its employee at any time if it is  
13 determined that the act or omission of the employee was not  
14 within the scope of employment or that the act or omission  
15 included criminal intent. ~~or that such act or omission is~~ <—  
16 ~~within the exceptions enumerated in section 201.~~

17 Section 503. Contribution, indemnification or reimbursement  
18 by employee.

19 A political subdivision shall not be entitled to contribution  
20 or indemnification, or reimbursement of legal fees and expenses  
21 from its employee unless the court shall find that the act or  
22 omission of the employee was outside the scope of employment or  
23 that the act or omission included criminal intent. ~~or that such~~ <—  
24 ~~act or omission is within the exceptions enumerated in section~~  
25 ~~201.~~ Any action by a political subdivision against its employee  
26 and any action by an employee against the political subdivision  
27 for contribution, indemnification, or necessary legal fees and  
28 expenses, shall be brought in the same court in which the tort  
29 claim in question was brought.

30 CHAPTER 6

1 POWERS OF POLITICAL SUBDIVISION

2 Section 601. Purchase of liability insurance authorized.

3 A political subdivision shall have the authority to purchase  
4 insurance on itself or its employees for any liability arising  
5 from the performance of their duties within the scope of their  
6 employment.

7 Section 602. Employment of risk manager authorized.

8 A political subdivision shall have the authority to employ a  
9 professional risk manager whose responsibility it shall be to  
10 administer a public liability insurance program for the  
11 political subdivision and initiate any risk management program  
12 for the political subdivision and its employees.

13 Section 603. Joint action by political subdivision authorized.

14 Any two or more political subdivisions may join together,  
15 enter into any agreements, or jointly contract for the  
16 development of a group risk management program either through  
17 the provisions of the act of July 12, 1972 (P.L.762, No.180),  
18 entitled "An act relating to intergovernmental cooperation" or  
19 any other applicable law in the Commonwealth. Any two or more  
20 political subdivisions may join together, enter into any  
21 agreements, or jointly contract for the purchasing of public  
22 liability insurance. Any two or more political subdivisions may  
23 pool their public liability insurance risks through the  
24 provisions of the act of July 12, 1972 (P.L.762, No.180), or any  
25 other applicable law of the Commonwealth.

26 Section 604. Insurance pooling and coinsurance.

27 The pooling of insurance risks, reserves, claims or losses  
28 shall not be construed to be transacting insurance nor otherwise  
29 subject such political subdivisions to the provisions of the  
30 laws of the Commonwealth regulating insurance or insurance



1 companies. Such political subdivisions may be coinsured under a  
2 master policy and the total premium may be prorated among such  
3 political subdivisions. Any county may undertake a group risk  
4 management program or public liability insurance program on  
5 behalf of itself and any other political subdivisions covered by  
6 this act within the county that wish to voluntarily participate  
7 in such programs.

8 Section 605. Funding of self-insurance.

9 Any political subdivision may self-insure, which must be  
10 funded on an annual basis by appropriations to establish a  
11 reserve for self-insurance purposes.

## 12 CHAPTER 7

### 13 MISCELLANEOUS PROVISIONS

14 Section 701. General laws and rules applicable.

15 The laws of the Commonwealth and the rules of civil procedure  
16 as promulgated and adopted by the Supreme Court of Pennsylvania  
17 insofar as applicable and not inconsistent herewith shall apply  
18 to and govern actions under this act.

19 Section 702. Repeals.

20 (a) The following act or parts of acts are repealed  
21 absolutely:

22 Clause 53.1 of section 2403, act of June 23, 1931 (P.L.932,  
23 No.317), reenacted and amended June 28, 1951 (P.L.662, No.164),  
24 known as "The Third Class City Code."

25 Clause LXVII of section 1502, act of June 24, 1931 (P.L.1206,  
26 No.331), reenacted and amended May 27, 1949 (P.L.1955, No.569),  
27 known as "The First Class Township Code."

28 The third paragraph of clause (q) of subsection B of section  
29 4, act of May 2, 1945 (P.L.382, No.164), known as the  
30 "Municipality Authorities Act of 1945."

1 Act of May 15, 1945 (P.L.538, No.210), entitled "An act  
2 relating to the liabilities of elected and appointed officers of  
3 the various political subdivisions and limiting surcharges to  
4 the actual financial loss sustained."

5 Act of May 20, 1949 (P.L.1642, No.495), entitled "An act  
6 relating to property owned by cities of the second class A,  
7 authorizing special funds for its maintenance, and authorizing  
8 council to insure against liability arising out of the ownership  
9 or control of such property."

10 Subdivision (x) and section 2199.18, act of July 28, 1953  
11 (P.L.723, No.230), known as the "Second Class County Code."

12 Subsection (b) of section 431, act of August 9, 1955  
13 (P.L.323, No.130), known as "The County Code."

14 Clause 37.1 of section 1202, act of February 1, 1966 (1965  
15 P.L.1656, No.581), known as "The Borough Code."

16 Section 1576 and 7723(d) of Title 75 (Vehicles), act of  
17 November 25, 1970 (P.L.707, No.230), known as the Pennsylvania  
18 Consolidated Statutes.

19 Act of July 10, 1975 (P.L.50, No.29), entitled "An act  
20 providing for liability insurance for officers and employees of  
21 incorporated towns."

22 (b) The following acts or parts of acts are repealed to the  
23 extent indicated:

24 Clause XIII of section 702, act of May 1, 1933 (P.L.103,  
25 No.69), reenacted and amended July 10, 1947 (P.L.1481, No.567),  
26 known as "The Second Class Township Code," insofar as  
27 inconsistent.

28 Section 774, act of March 10, 1949 (P.L.30, No.14), known as  
29 the "Public School Code of 1949," insofar as inconsistent.

30 Section 11, act of March 19, 1951 (P.L.28, No.4), entitled

1 "An act relating to the civil defense of this State and its  
2 coordination with national defense; providing for the  
3 establishment of a State Council of Civil Defense, local and  
4 district councils of civil defense, Mobile Support Units;  
5 prescribing the powers, duties and immunities thereof and of  
6 their personnel; authorizing mutual aid compacts and providing  
7 penalties," insofar as it relates to political subdivisions and  
8 their agents, employees and representatives.

9 Section 603, act of October 20, 1966 (3rd Sp.Sess., P.L.96,  
10 No.6), known as the "Mental Health and Mental Retardation Act of  
11 1966," insofar as inconsistent.

12 ~~Sections 5522 and 8832~~ SECTION 5522 of Title 42 (Judiciary <—  
13 and Judicial Procedure), act of November 25, 1970 (P.L.707,  
14 No.230), known as the Pennsylvania Consolidated Statutes,  
15 insofar as inconsistent.

16 (c) All other acts or parts of acts are repealed to the  
17 extent of any inconsistency.

18 Section 703. Effective date and application.

19 This act shall take effect in 60 days and shall apply to all  
20 causes of action arising thereafter. Nothing in this act shall  
21 be construed to apply its provisions to any cause of action,  
22 which arose or which would otherwise have arisen prior to such  
23 effective date had this act been in effect at such time.