

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2057 Session of
1987

INTRODUCED BY WOZNIAK, DECEMBER 9, 1987

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 9, 1987

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 governmental immunity.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 8542(b)(3) of Title 42 of the
7 Pennsylvania Consolidated Statutes is amended to read:

8 § 8542. Exceptions to governmental immunity.

9 * * *

10 (b) Acts which may impose liability.--The following acts by
11 a local agency or any of its employees may result in the
12 imposition of liability on a local agency:

13 * * *

14 (3) Real property.--The care, custody or control of real
15 property in the possession of the local agency, except that
16 the local agency shall not be liable for damages on account
17 of any injury sustained by a person intentionally trespassing
18 on real property in the possession of the local agency, nor

1 shall the local agency be liable for damages on account of
2 any injury sustained by a person voluntarily performing
3 services of any type, without remuneration and with the
4 permission of the local agency, on real property in the
5 possession of the local agency. As used in this paragraph,
6 "real property" shall not include:

7 (i) trees, traffic signs, lights and other traffic
8 controls, street lights and street lighting systems;

9 (ii) facilities of steam, sewer, water, gas and
10 electric systems owned by the local agency and located
11 within rights-of-way;

12 (iii) streets; or

13 (iv) sidewalks.

14 * * *

15 Section 2. This act shall take effect immediately.