

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1063 Session of
1991

INTRODUCED BY HAGARTY, RITTER, JADLOWIEC, BLAUM, TRICH, JAROLIN,
KOSINSKI, VEON, PICCOLA, JOSEPHS, KRUSZEWSKI, HECKLER, RUDY,
HAYDEN, STURLA, CAPPABIANCA, LAUGHLIN, CORRIGAN, DeLUCA,
MELIO, MUNDY, PESCI, ITKIN, DeWEESE, ROEBUCK, NAHILL, HUGHES,
TANGRETTI, FARMER, HERMAN, SCRIMENTI, LUCYK, PERZEL,
GODSHALL, BELARDI, E. Z. TAYLOR, D. W. SNYDER, ARGALL,
HALUSKA, BUNT, GIGLIOTTI, FREEMAN, PISTELLA, SEMMEL, FOX,
CIVERA, HANNA, TELEK, HARPER, BELFANTI, VAN HORNE, BATTISTO,
RICHARDSON, TRELLO, STEELMAN, COWELL, DEMPSEY, FAIRCHILD,
VROON, ULIANA, ANGSTADT, HARLEY, WOZNIAC AND NOYE,
APRIL 9, 1991

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 9, 1991

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, extending the limitations
3 period in certain civil actions where the cause of action
4 accrues during an individual's minority.

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

7 Section 1. Section 5533 of Title 42 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 5533. Infancy, insanity or imprisonment.

10 (a) General rule.--Except as otherwise provided by statute,
11 insanity or imprisonment does not extend the time limited by
12 this subchapter for the commencement of a matter.

13 (b) Infancy.--[If] Except as provided in subsection (c), if
14 an individual entitled to bring a civil action is an

1 unemancipated minor at the time the cause of action accrues, the
2 period of minority shall not be deemed a portion of the time
3 period within which the action must be commenced. Such person
4 shall have the same time for commencing an action after
5 attaining majority as is allowed to others by the provisions of
6 this subchapter. As used in this subsection the term "minor"
7 shall mean any individual who has not yet attained the age of
8 18.

9 (c) Incest during infancy.--If an individual entitled to
10 bring a civil action is an unemancipated minor at the time the
11 cause of action accrues and the cause of action is based upon
12 physical or emotional injuries suffered by the minor as a result
13 of sexual intercourse, deviate sexual intercourse, incest or
14 indecent assault, with the minor's parent, a person responsible
15 for the minor's welfare, an individual residing in the same home
16 as the minor, or a paramour of the minor's parent or a relative
17 of the whole or half blood, as the case may be, the period of
18 minority shall not be deemed a portion of the time period within
19 which the action must be commenced. This person shall have a
20 period of 12 years after attaining majority within which to
21 commence an action.

22 Section 2. This act shall take effect in 60 days.