

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

No. 122 Session of  
1997

INTRODUCED BY COY, VEON, JAROLIN, CLARK, NAILOR, SEMMEL,  
SCHULER, SHANER, TIGUE, STABACK, BELARDI, TRELLO, FAIRCHILD,  
BATTISTO, OLASZ, PETTIT, McCALL, ROONEY AND COLAFELLA,  
JANUARY 29, 1997

REFERRED TO COMMITTEE ON LABOR RELATIONS, JANUARY 29, 1997

## AN ACT

1 Amending the act of April 27, 1927 (P.L.465, No.299), entitled,  
2 as amended, "An act to provide for the safety of persons  
3 employed, housed, or assembled in certain buildings and  
4 structures by requiring certain construction and ways of  
5 egress, equipment, and maintenance; providing for the  
6 licensing of projectionists, except in cities of the first  
7 class and second class; requiring the submission of plans for  
8 examination and approval; providing for the promulgation of  
9 rules and regulations for the enforcement of this act;  
10 providing for the enforcement of this act by the Department  
11 of Labor and Industry, the Department of Health, boards of  
12 school directors and, in certain cases, by the chiefs of fire  
13 departments in cities of the third class; providing penalties  
14 for violations of the provisions of this act; and repealing  
15 certain acts," making a frivolous complaint a violation of  
16 the act.

17 The General Assembly of the Commonwealth of Pennsylvania  
18 hereby enacts as follows:

19 Section 1. The act of April 27, 1927 (P.L.465, No.299),  
20 referred to as the Fire and Panic Act, is amended by adding a  
21 section to read:

22 Section 11.1. Frivolous Complaints.--(a) Any person who  
23 files a frivolous complaint with the Department of Labor and  
24 Industry concerning any violation of this act and is found to

have wrongfully used this act, commits a summary offense, and upon conviction thereof, shall be sentenced to pay a fine of one hundred dollars (\$100.00) for a first offense, five hundred dollars (\$500.00) for a second offense and one thousand dollars (\$1,000.00) for a third or subsequent offense. The district justice, magistrate or judge may order the payment of attorney fees incurred by any person against whom a frivolous complaint is filed if the offender has been convicted of a violation of this section on at least one prior occasion.

(b) As used in this section, "frivolous complaint" means a complaint filed in a grossly negligent manner without basis in law or fact.

(c) (1) A person who signs a complaint alleging a violation of this act against another is subject to liability for wrongful use of this act if:

(i) the complaint was frivolous, as defined by this act, or without probable cause and made primarily for a purpose other than that of reporting a violation of this act; or

(ii) he publicly disclosed or caused to be disclosed that a complaint against a person had been filed with the Department of Labor and Industry.

(2) A person who signs a complaint alleging a violation of this act has probable cause for doing so if he reasonably believes in the existence of the facts upon which the claim is based and either:

(i) reasonably believes that under those facts the complaint may be valid under this act; or

(ii) believes to this effect in reliance upon the advice of counsel, sought in good faith and given after full disclosure of all relevant facts within his knowledge and information.

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