

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2086 Session of
2021

INTRODUCED BY KERWIN, BERNSTINE, BROOKS, CAUSER, SCHLEGEL
CULVER, GILLEN, HENNESSEY, HILL-EVANS, KNOWLES, LAWRENCE,
MERCURI, MILLARD, ROWE, RYAN AND SMITH, NOVEMBER 16, 2021

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, NOVEMBER 16, 2021

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, in Department of Military Affairs,
3 further providing for operation of State-owned vehicles.

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

6 Section 1. Section 709 of Title 51 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 709. Operation of State-owned vehicles.

9 (a) Authority.--

10 (1) The department shall have the authority to order
11 members of the Pennsylvania National Guard to operate State-
12 owned vehicles for the purpose of providing security to
13 military facilities and other facilities within this
14 Commonwealth.

15 (2) Members of the Pennsylvania National Guard may
16 operate State-owned vehicles in response to an emergency when
17 ordered to do so by the Governor or the President of the

1 United States.

2 (b) Liability.--For purposes of this section and
3 notwithstanding any other provision of law, members of the
4 Pennsylvania National Guard shall be considered employees of the
5 Commonwealth for tort liability and immunity purposes. A member
6 of the Pennsylvania National Guard shall not be liable for an
7 act or omission in good faith on the part of the member of the
8 Pennsylvania National Guard when operating or maintaining a
9 State-owned vehicle under this section. Good faith under this
10 subsection shall not include willful misconduct, gross
11 negligence or recklessness.

12 (c) Rules and guidelines.--The department, in consultation
13 with the Department of General Services, shall establish rules
14 and guidelines for the implementation of this section.

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