

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1385 Session of
1981

INTRODUCED BY PITTS, E. Z. TAYLOR, E. H. SMITH, BOWSER,
ARMSTRONG AND VROON, MAY 5, 1981

REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 5, 1981

AN ACT

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

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

6 Section 1. Section 8542(b)(6) of Title 42, act of November
7 25, 1970 (P.L.707, No.230), known as the Pennsylvania
8 Consolidated Statutes, added October 5, 1980 (P.L.693, No.142),
9 is amended to read:

10 § 8542. Exceptions to governmental immunity.

11 * * *

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

15 * * *

16 (6) Streets.--

17 (i) A dangerous condition of streets owned by the
18 local agency, except that the claimant to recover must

1 establish that the dangerous condition created a
2 reasonably foreseeable risk of the kind of injury which
3 was incurred and that the local agency had actual notice
4 or could reasonably be charged with notice under the
5 circumstances of the dangerous condition at a sufficient
6 time prior to the event to have taken measures to protect
7 against the dangerous condition.

8 (ii) No local agency, nor any officer or employee
9 thereof, shall be liable for a dangerous condition of
10 streets or highways under the jurisdiction of
11 Commonwealth agencies unless the local agency has entered
12 into a contract with a Commonwealth agency wherein the
13 local agency expressly agrees to assume responsibility
14 for maintenance or repairs of such streets or highways.
15 If a local agency executes such a contract, the
16 provisions of subparagraph (i) relating to reasonably
17 foreseeable risk and notice to the local agency shall
18 apply.

19 * * *

20 Section 2. This act shall take effect immediately.