

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2778 Session of
1986

INTRODUCED BY MORRIS, LLOYD, STEIGHNER, J. L. WRIGHT, B. SMITH,
BATTISTO, GODSHALL, NOYE, PRESSMANN, JOHNSON, FOX, HERSHEY,
DORR, CARLSON AND FLICK, SEPTEMBER 29, 1986

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 29, 1986

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing a negligence
3 standard for certain persons who serve on a governmental
4 board or commission.

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

7 Section 1. Section 8332.2 of Title 42 of the Pennsylvania
8 Consolidated Statutes, added May 12, 1986 (P.L.183, No.57), is
9 amended to read:

10 § 8332.2. Officer, director or trustee of nonprofit
11 organization negligence standard.

12 (a) General rule.--Except as provided otherwise in this
13 section, no person who serves without compensation, other than
14 reimbursement for actual expenses, as an officer, director or
15 trustee of any nonprofit organization under section 501(c)(3) of
16 the Internal Revenue Code of 1954 (68A Stat. 3, 26 U.S.C. §
17 501(c)(3)) or as a member of a governmental board or commission
18 shall be liable for any civil damages as a result of any acts or

1 omissions relating solely to the performance of his duties as an
2 officer, director [or], trustee of the nonprofit organization or
3 member of the governmental board or commission, unless the
4 conduct of the person falls substantially below the standards
5 generally practiced and accepted in like circumstances by
6 similar persons performing the same or similar duties, and
7 unless it is shown that the person did an act or omitted the
8 doing of an act which the person was under a recognized duty to
9 another to do, knowing or having reason to know that the act or
10 omission created a substantial risk of actual harm to the person
11 or property of another. It shall be insufficient to impose
12 liability to establish only that the conduct of the person fell
13 below ordinary standards of care.

14 (b) Exception.--Nothing in this section shall be construed
15 as affecting or modifying any existing legal basis for
16 determining the liability, or any defense thereto, of any
17 nonprofit association.

18 (c) Construction.--The enhanced negligence standard
19 prescribed by this section shall not be construed as abrogating
20 or limiting any immunity or greater degree of legal protection
21 against liability granted by any other statute or by court
22 decision.

23 Section 2. This act shall take effect immediately.