

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1366 Session of
1987

INTRODUCED BY COHEN, MAY 12, 1987

REFERRED TO COMMITTEE ON JUDICIARY, MAY 12, 1987

AN ACT

1 Amending the act of September 28, 1978 (P.L.788, No.152),
2 entitled "An act amending Titles 1 (General Provisions) and
3 42 (Judiciary and Judicial Procedure) of the Pennsylvania
4 Consolidated Statutes, responding to and prescribing
5 limitations on decisional law, reaffirming sovereign immunity
6 as provided in section 11 of Article I of the Constitution of
7 Pennsylvania, preserving sovereign immunity as a bar to
8 claims brought against Commonwealth agencies and their
9 officials and employees; specifically waiving sovereign
10 immunity as provided by the Constitution in certain limited
11 cases; granting jurisdiction to certain courts over claims
12 brought against Commonwealth agencies; providing for
13 limitations upon and the procedures relating to said claims;
14 authorizing rules and regulations; suspending certain
15 judicial proceedings until July 1, 1979, shortening the
16 statutes of limitations in certain cases; and repealing
17 certain laws," changing the effective date for certain
18 occurrences; and extending a statute of limitations.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. The act of September 28, 1978 (P.L.788, No.152),
22 entitled "An act amending Titles 1 (General Provisions) and 42
23 (Judiciary and Judicial Procedure) of the Pennsylvania
24 Consolidated Statutes, responding to and prescribing limitations
25 on decisional law, reaffirming sovereign immunity as provided in

1 section 11 of Article I of the Constitution of Pennsylvania,
2 preserving sovereign immunity as a bar to claims brought against
3 Commonwealth agencies and their officials and employees;
4 specifically waiving sovereign immunity as provided by the
5 Constitution in certain limited cases; granting jurisdiction to
6 certain courts over claims brought against Commonwealth
7 agencies; providing for limitations upon and the procedures
8 relating to said claims; authorizing rules and regulations;
9 suspending certain judicial proceedings until July 1, 1979,
10 shortening the statutes of limitations in certain cases; and
11 repealing certain laws," is amended by adding a section to read:

12 Section 5.1. Applicability.

13 The provisions of this act shall apply to any occurrence,
14 accident or incident which took place after January 1, 1968,
15 where:

16 (1) the aggrieved party suffered serious, permanent and
17 disabling injuries as a result of the negligence of the
18 Commonwealth;

19 (2) a negligence suit was originally timely filed;

20 (3) the suit was barred from a proper remedy due to the
21 so-called "sovereign immunity" doctrine; and

22 (4) the suit was again filed within two years of the
23 decision in Mayle v. Pennsylvania Department of Highways, 479
24 Pa. 384 (1978).

25 Section 2. Section 5(d) of the act is repealed insofar as it
26 is inconsistent with this act.

27 Section 3. Section 6 of the act is amended to read:

28 Section 6. Effective date.

29 This act shall take effect immediately and shall apply
30 retroactively to January 1, 1968, as provided for in section

1 5.1.

2 Section 4. The time limitations as set forth in 42 Pa.C.S. §
3 5522(a) (relating to six months limitations) shall be extended
4 by an additional six months only for the purposes of this act.

5 Section 5. This act shall take effect immediately.