

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2273 Session of
1998

INTRODUCED BY GANNON, CALTAGIRONE, ALLEN, SEYFERT, ROBINSON,
STERN, STABACK, LEH, OLASZ, MASLAND, McNAUGHTON, GEIST,
DALEY, READSHAW, MILLER, E. Z. TAYLOR, SATHER, LAUGHLIN,
FARGO, KENNEY, ADOLPH, ROSS, CIVERA, B. SMITH, HORSEY AND
STEVENSON, FEBRUARY 25, 1998

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 16, 1998

AN ACT

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

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

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a heading and a section to read:

8 TECHNOLOGICAL IMMUNITY

9 § 8531. Immunity for certain erroneous computer information.

10 (a) General rule.--No cause of action, including, but not
11 limited to, any civil action or action for declaratory
12 injunctive relief, may be brought against an immune contractor
13 or an officer or employee of the Commonwealth or any of its
14 agencies or political subdivisions on the basis that a computer
15 or other information system that is owned or operated by any of
16 those persons produced, calculated or generated an incorrect

1 date, regardless of the cause of the error.

2 (b) Contract requirement.--Any contract entered into by or
3 on behalf of and in the capacity of the Commonwealth, an immune
4 contractor or an officer or employee of the Commonwealth or any
5 of its agencies or political subdivisions shall include a
6 provision that provides immunity to those persons for any breach
7 of contract that is caused by an incorrect date being produced,
8 calculated or generated by a computer or other information
9 system that is owned or operated by any of those persons,
10 regardless of the cause of the error.

11 (c) Applicability.--Any contract subject to the provisions
12 of this section that is entered into or on or after June 30,
13 1998, shall be granted the immunity provided for by this section
14 and any provision of a contract which is in conflict with this
15 section is void.

16 (D) DEFINITION.--AS USED IN THIS SECTION, THE TERM "IMMUNE <—
17 CONTRACTOR" SHALL INCLUDE ANY ENTITY EITHER APPOINTED BY OR IN A
18 CONTRACTUAL RELATIONSHIP WITH THE COMMONWEALTH OR ANY OF ITS
19 POLITICAL SUBDIVISIONS TO PERFORM A GOVERNMENTAL DUTY OR
20 FUNCTION, WHETHER MINISTERIAL IN NATURE OR OTHERWISE.

21 ~~(d)~~ (E) Expiration.--This section shall expire December 30, <—
22 2005.

23 Section 2. This act shall take effect immediately.