

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1693 Session of
2003

INTRODUCED BY D. EVANS, CLYMER, FABRIZIO, GRUCELA, DeWEESE,
CURRY, KENNEY, McCALL, FREEMAN, BIANCUCCI, TIGUE, BEBKO-
JONES, PISTELLA, YOUNGBLOOD, WHEATLEY, CAWLEY, LEACH,
STABACK, WASHINGTON, JAMES, KIRKLAND, SCRIMENTI, HARHAI,
THOMAS, FRANKEL, MCGEEHAN AND BROWNE, JUNE 24, 2003

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 24, 2003

AN ACT

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

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

6 Section 1. Section 8522(b)(5) of Title 42 of the
7 Pennsylvania Consolidated Statutes is amended to read:

8 § 8522. Exceptions to sovereign immunity.

9 * * *

10 (b) Acts which may impose liability.--The following acts by
11 a Commonwealth party may result in the imposition of liability
12 on the Commonwealth and the defense of sovereign immunity shall
13 not be raised to claims for damages caused by:

14 * * *

15 (5) Potholes and other dangerous conditions.--A
16 dangerous condition of highways under the jurisdiction of a
17 Commonwealth agency created by potholes or sinkholes or other

1 similar conditions created by natural elements, except that
2 the claimant to recover must establish that the dangerous
3 condition created a reasonably foreseeable risk of the kind
4 of injury which was incurred and that the Commonwealth agency
5 had actual written notice, or actual oral notice through a
6 Statewide telephone hotline designed by the Commonwealth
7 agency for the reporting of potholes, sinkholes or other
8 similar conditions, of the dangerous condition of the highway
9 a sufficient time prior to the event to have taken measures
10 to protect against the dangerous condition. Property damages
11 [shall not] may be recoverable under this paragraph.

12 * * *

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