

## AMENDMENTS TO HOUSE BILL NO. 1459

Sponsor: SENATOR REGAN

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1 Amend Bill, page 1, line 2, by inserting after "Statutes,"  
2 in general provisions relating to emergency management  
3 services, further providing for definitions;

4 Amend Bill, page 1, line 6, by inserting after "Health;"  
5 in miscellaneous provisions, further providing for immunity  
6 from civil liability;

7 Amend Bill, page 1, lines 14 and 15, by striking out all of  
8 said lines and inserting

9 Section 1. The definition of "person" in section 7102 of  
10 Title 35 of the Pennsylvania Consolidated Statutes is amended to  
11 read:

12 § 7102. Definitions.

13 The following words and phrases when used in this part shall  
14 have, unless the context clearly indicates otherwise, the  
15 meanings given to them in this section:

16 \* \* \*

17 "Person." An individual, corporation, [firm,] association,  
18 partnership, limited liability company, business trust,  
19 government entity, including the Commonwealth, foundation,  
20 public utility, trust[, ] or estate[, public or private  
21 institution, group, the Commonwealth or a local agency or  
22 political subdivision and any legal successor, representative or  
23 agency of the foregoing].

24 \* \* \*

25 Section 2. Title 35 is amended by adding a chapter to read:

26 Amend Bill, page 11, line 18, by striking out all of said  
27 line and inserting

28 Section 3. Sections 7704(a) and 8153(d) of Title 35 are  
29 amended to read:

30 § 7704. Immunity from civil liability.

31 (a) General rule.--Neither the Commonwealth, nor any  
32 Commonwealth agency, nor any political subdivision [thereof nor  
33 other agencies], nor, except in cases of willful misconduct,

1 gross negligence, recklessness or bad faith, the agents,  
2 employees, volunteers or representatives of any of them engaged  
3 in any emergency services activities, nor, except in cases of  
4 willful misconduct [or], gross negligence, recklessness or bad  
5 faith, any individual or other person under contract with them  
6 to provide equipment or work on a cost basis to be used in  
7 disaster relief, nor, except in cases of willful misconduct  
8 [or], gross negligence, recklessness or bad faith, any person,  
9 firm, corporation or an agent or employee of any of them engaged  
10 in [disaster] emergency services activities, while complying  
11 with or attempting to comply with this part or any rule or  
12 regulation promulgated pursuant to the provisions of this part,  
13 shall be liable for the death of or any injury to persons or  
14 loss or damage to property as a result of that activity.

15 \* \* \*

16 Amend Bill, page 12, line 7, by striking out "3" and  
17 inserting

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