

AMENDMENTS TO SENATE BILL NO. 615

Sponsor: SENATOR LANGERHOLC

Printer's No. 692

1 Amend Bill, page 1, lines 7 through 19; page 2, lines 1
2 through 30; page 3, lines 1 through 5; by striking out all of
3 said lines on said pages and inserting

4 Section 1. Section 6109(a)(3) of Title 75 of the
5 Pennsylvania Consolidated Statutes is amended and the section is
6 amended by adding subsections to read:

7 § 6109. Specific powers of department and local authorities.

8 (a) Enumeration of police powers.--The provisions of this
9 title shall not be deemed to prevent the department on State-
10 designated highways and local authorities on streets or highways
11 within their physical boundaries from the reasonable exercise of
12 their police powers. The following are presumed to be reasonable
13 exercises of police power:

14 * * *

15 (3) [Regulating] Subject to subsections (j) and (j.1),
16 regulating or prohibiting processions, special activities or
17 assemblages on highways.

18 * * *

19 (j) Permits for processions, special activities and
20 assemblages on State-designated highways.--The department may
21 not require, as a condition for the approval of a permit for a
22 procession, special activity or assemblage on a State-designated
23 highway, a local authority to submit a statement that the local
24 authority will agree to fully indemnify, save harmless and
25 defend the Commonwealth, Commonwealth departments and their
26 officers, agents and employees from and against claims, suits or
27 actions for injury, death or property damage arising from or
28 because of the acts or omissions of its officers, agents or
29 employees or of the sponsor of the procession, special activity
30 or assemblage, if all of the following conditions are met:

31 (1) The sponsor of the procession, special activity or
32 assemblage is not the local authority.

33 (2) The sponsor will fully indemnify, save harmless and,
34 if requested, defend the Commonwealth, Commonwealth
35 departments, and their officers, agents and employees from
36 and against claims, suits or actions for injury, death or
37 property damage arising from or because of the acts or

1 omissions of the sponsor, its officers, agents or employees.

2 (3) The sponsor names the department as an additional
3 insured on its liability policies and the liability insurance
4 policies are occurrence based and the insurance certificate
5 indicates that the insurance is occurrence based.

6 (4) The sponsor agrees to reimburse the Commonwealth for
7 all costs for police escort and traffic-control services.

8 (5) The local authority approves of the sponsor
9 conducting the procession, special activity or assemblage.

10 (6) The local authority agrees to provide adequate
11 detour signing or police controls for the rerouting of
12 traffic along an alternate route, if requested by the
13 department.

14 (j.1) Sovereign immunity.--

15 (1) Nothing in subsection (j) shall be construed to
16 require the department to issue a permit for a procession,
17 assemblage or special activity that will occur on a street,
18 highway or real estate deemed by the department to be unsafe
19 for use by participants. The department, its servants and
20 agents, employees and representatives acting on its behalf
21 shall be immune from suit by participants for personal
22 injuries or property damages arising during a procession,
23 assemblage or special activity permitted by the department
24 under 42 Pa.C.S. §§ 8521 (relating to sovereign immunity
25 generally) and 8522 (relating to exceptions to sovereign
26 immunity).

27 (2) The term "participants" shall include spectators,
28 event sponsors, municipal officials, police, fire police,
29 media and others present during the procession, assemblage or
30 special activity permitted by the department.

31 Section 2. This act shall take effect immediately.