

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 638 Session of
1999

INTRODUCED BY GREENLEAF, LEMMOND, BOSCOLA, COSTA AND THOMPSON,
MARCH 22, 1999

REFERRED TO JUDICIARY, MARCH 22, 1999

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, prohibiting concealment
3 of public hazards.

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 section to read:

8 § 7104. Concealment of public hazards prohibited.

9 (a) Court orders.--Except pursuant to this section, no court
10 shall enter an order or judgment which has the purpose or effect
11 of concealing a public hazard or any information concerning a
12 public hazard, nor shall the court enter an order or judgment
13 which has the purpose or effect of concealing any information
14 which may be useful to members of the public in protecting
15 themselves from injury which may result from the public hazard.

16 (b) Agreements and contracts.--Any portion of an agreement
17 or contract which has the purpose or effect of concealing a
18 public hazard, any information concerning a public hazard or any

1 information which may be useful to the public in protecting
2 themselves from injury which may result from the public hazard
3 is void, is contrary to public policy and may not be enforced.

4 (c) Trade secrets.--Trade secrets which are not pertinent to
5 public hazards shall be protected by agreement or order.

6 (d) Persons affected.--

7 (1) Any substantially affected person, including, but
8 not limited to, representatives of news media, has standing
9 to contest an order, judgment, agreement or contract that
10 violates this section by a motion in the court that entered
11 the order or judgment.

12 (2) Upon motion and good cause shown by a party
13 attempting to prevent disclosure of information or materials
14 which have not previously been disclosed, including, but not
15 limited to, alleged trade secrets, the court shall examine
16 the disputed information or materials in camera. If the court
17 finds that the information or materials or portions thereof
18 consist of information concerning a public hazard or
19 information which may be useful to members of the public in
20 protecting themselves from injury which may result from a
21 public hazard, the court shall allow disclosure of only that
22 portion of the information or materials necessary or useful
23 to the public regarding the public hazard.

24 (e) Definition.--As used in this section, the term "public
25 hazard" means an instrumentality, including, but not limited to,
26 any device, instrument, person, procedure, product or a
27 condition of a device, instrument, person, procedure or product
28 that has caused or is likely to cause injury.

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