

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 653 Session of
1995

INTRODUCED BY FISHER, MARCH 2, 1995

REFERRED TO JUDICIARY, MARCH 2, 1995

AN ACT

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

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

6 Section 1. Section 8542(b)(1) of Title 42 of the
7 Pennsylvania Consolidated Statutes is amended and the section is
8 amended by adding a subsection to read:

9 § 8542. Exceptions to governmental immunity.

10 * * *

11 (b) Acts which may impose liability.--The following acts by
12 a local agency or any of its employees may result in the
13 imposition of liability on a local agency:

14 (1) Vehicle liability.--The operation of any motor
15 vehicle in the possession or control of the local agency[.]
16 provided that the local agency shall not be liable to any
17 plaintiff that claims liability under this subsection if the
18 plaintiff was, during the course of the alleged negligence,

1 resisting surrender to an officer of the peace or was
2 knowingly and willingly participating in a group in which one
3 or more members were resisting surrender to an officer of the
4 peace. As used in this paragraph, "motor vehicle" means any
5 vehicle which is self-propelled and any attachment thereto,
6 including vehicles operated by rail, through water or in the
7 air.

8 * * *

9 (d) Evidence.--Whenever any plaintiff claims liability under
10 this section, evidence is admissible to demonstrate that the
11 plaintiff, at any time during the course of the alleged
12 negligence, was engaged or participating in willful misconduct,
13 including, but not limited to, the illegal possession of
14 controlled substances, firearms or ammunition.

15 Section 2. This act shall apply to a cause of action that
16 accrues on or after the effective date of this act.

17 Section 3. This act shall take effect in 60 days.