

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1613** Session of  
1987

INTRODUCED BY NOYE, JAROLIN, CARLSON, OLASZ, MERRY, FARMER,  
ANGSTADT, DOMBROWSKI, HONAMAN, MORRIS, MOWERY, RAYMOND,  
SEMMELE, JACKSON, NAHILL, HERSHEY, BOOK, BARLEY, TELEK,  
MICOZZIE, CIVERA, SIRIANNI, REBER, BUNT, STAIRS,  
E. Z. TAYLOR, DeLUCA, STABACK, PHILLIPS, BOWSER, TIGUE,  
JOHNSON, LANGTRY, LEH AND MAINE, JUNE 30, 1987

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 30, 1987

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for an  
3 exception to sovereign immunity in relation to damage to  
4 private lands.

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

7 Section 1. Section 8522(b)(4) of Title 42 of the  
8 Pennsylvania Consolidated Statutes, amended December 11, 1986  
9 (P.L.1481, No.151), is amended to read:

10 § 8522. Exceptions to sovereign immunity.

11 \* \* \*

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

16 \* \* \*

17 (4) Commonwealth real estate, highways and sidewalks.--

1           (i) A dangerous condition of Commonwealth agency  
2           real estate and sidewalks, including Commonwealth-owned  
3           real property, leaseholds in the possession of a  
4           Commonwealth agency and Commonwealth-owned real property  
5           leased by a Commonwealth agency to private persons, and  
6           highways under the jurisdiction of a Commonwealth agency,  
7           except conditions described in paragraph (5).

8           (ii) Liability under this paragraph shall include,  
9           but shall not be limited to, damages for soil erosion and  
10          other storm water-related damage to private lands caused  
11          by the permanent diversion, alteration or modification of  
12          storm water courses in connection with a State highway  
13          construction or renovation project.

14          \* \* \*

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