

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1126 Session of
1989

INTRODUCED BY MILLER, BOYES, KOSINSKI, HALUSKA, FARGO, TRELLO,
REBER, MICOZZIE, GEIST, PRESTON, B. SMITH, PERZEL, DORR,
VROON, SCHULER, NAHILL, JOHNSON, VEON, CORNELL, CAWLEY,
HERMAN, RITTER, E. Z. TAYLOR AND NOYE, APRIL 11, 1989

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 11, 1989

AN ACT

1 Encouraging caretaker organizations to assume responsibility for
2 restoration and maintenance of historic burial places by
3 limiting liability in connection therewith.

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

6 Section 1. Purpose.

7 The purpose of this act is to encourage caretaker
8 organizations to restore and maintain historic burial places by
9 limiting their liability toward persons entering such burial
10 places.

11 Section 2. Definitions.

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

15 "Caretaker organization." A nonprofit organization under
16 section 501(c)(3) of the Internal Revenue Code of 1954 (68A
17 Stat. 3, 26 U.S.C. § 501(c)(3)) which owns or otherwise assumes

1 responsibility for the restoration and maintenance of a historic
2 burial place.

3 "Historic burial place." A tract of land that has been in
4 existence as a burial ground for more than 100 years wherein
5 there have been no burials for at least 50 years and wherein
6 there will be no future burials.

7 Section 3. General rule.

8 Except as provided in section 5, a caretaker organization
9 owes no duty of care to keep a historic burial place safe for
10 entry or use by others, or to give any warning of a dangerous
11 condition, use, structure or activity on the premises of the
12 historic burial place to persons who enter the premises.

13 Section 4. Limitations.

14 Except as provided in section 5, a caretaker organization
15 which either directly or indirectly invites or permits any
16 person to enter the premises of the historic burial place
17 without charge does not thereby:

18 (1) Extend any assurance that the premises are safe for
19 any purpose.

20 (2) Confer upon such person the legal status of an
21 invitee or licensee to whom a duty of care is owed.

22 (3) Assume responsibility for or incur liability for any
23 injury to persons or property by an act of omission of such
24 persons.

25 Section 5. Willful or malicious actions.

26 Nothing in this act limits in any way any liability which
27 otherwise exists for willful or malicious failure to guard or
28 warn against a dangerous condition, use, structure or activity
29 on the premises of a historic burial place.

30 Section 6. Construction.

1 Nothing in this act shall be construed to:

2 (1) Create a duty of care or ground of liability for
3 injury to persons or property.

4 (2) Relieve any person entering upon the premises of a
5 historic burial place from any obligation which he may have
6 in the absence of this act to exercise care in his use of the
7 premises and in his activities on the premises, or from the
8 legal consequences of failure to employ such care.

9 Section 7. Effective date.

10 This act shall take effect immediately.