

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 716 Session of
1991

INTRODUCED BY HARPER, LAUGHLIN, BLAUM, THOMAS, FEE, SCHEETZ,
NOYE, RAYMOND, TRELLO, MELIO, WOZNIAK, BATTISTO, JOHNSON,
VROON, CIVERA, PESCI, BUTKOVITZ, E. Z. TAYLOR, BISHOP,
PRESTON, CLARK, PISTELLA AND BILLOW, MARCH 13, 1991

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 13, 1991

AN ACT

1 Amending the act of July 27, 1967 (P.L.186, No.58), entitled "An
2 act imposing liability upon parents for personal injury, or
3 theft, destruction, or loss of property caused by the wilful,
4 tortious acts of children under eighteen years of age,
5 setting forth limitations, and providing procedure for
6 recovery," increasing certain liability limits.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 4 of the act of July 27, 1967 (P.L.186,
10 No.58), entitled "An act imposing liability upon parents for
11 personal injury, or theft, destruction, or loss of property
12 caused by the wilful, tortious acts of children under eighteen
13 years of age, setting forth limitations, and providing procedure
14 for recovery," is amended to read:

15 Section 4. (a) Liability of the parents shall be limited to
16 [three hundred dollars (\$300)] two thousand five hundred dollars
17 (\$2500) for injuries to the person, or theft, destruction, or
18 loss of property suffered by any one person as a result of one
19 wilful, tortious act or continuous series of wilful, tortious

1 acts.

2 (b) Liability of the parents shall be limited to [one
3 thousand dollars (\$1000)] five thousand dollars (\$5000)
4 regardless of the number of persons who suffer injury to the
5 person, or theft, destruction, or loss of property as a result
6 of one wilful, tortious act or continuous series of wilful,
7 tortious acts. In the event that actual loss as ascertained by
8 the court or the judgment against the child exceeds [one
9 thousand dollars (\$1000)] five thousand dollars (\$5000), the
10 parents shall be discharged from further liability by the
11 payment of [one thousand dollars (\$1000)] five thousand dollars
12 (\$5000) into court. The court shall cause all aggrieved parties
13 to submit itemized statements of loss in writing and shall make
14 distribution proportionately, whether the claims be for injuries
15 to the person, or theft, destruction, or loss of property. The
16 court shall have the power to take testimony to assist it in
17 making proper distribution and may appoint a master to
18 accomplish this purpose. All costs and fees thus incurred shall
19 be paid from the [one thousand dollars (\$1000)] five thousand
20 dollars (\$5000) paid into court.

21 (c) The limitations on liability set forth in subsections
22 (a) and (b) of this section shall be applicable when two or more
23 children of the same parent engage jointly in the commission of
24 one wilful, tortious act or series of wilful, tortious acts.

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