

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 860 Session of
1993

INTRODUCED BY KELLER, DONATUCCI, KENNEY, McGEEHAN, DENT, DeLUCA,
ROONEY, GLADECK, RAYMOND, YANDRISEVITS, BELFANTI, J. TAYLOR,
FAJT, STISH, WOGAN, PISTELLA AND LEE, MARCH 23, 1993

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 23, 1993

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for civil
3 proceedings and for monetary limits of parental liability.

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

6 Section 1. Section 5504 of Title 23 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subsection to read:
8 § 5504. Establishing liability in civil proceedings.

9 * * *

10 (d) Action against parent.--Notwithstanding any provision to
11 the contrary, a victim of a willful, tortious act of a child may
12 initiate a civil action directly against the parent or parents
13 of the child who committed the tortious act, for the purpose of
14 receiving compensation for the injuries suffered, not to exceed
15 the limitations set forth in section 5505.

16 Section 2. Section 5505 of Title 23 is amended to read:
17 § 5505. Monetary limits of liability.

18 (a) General rule.--Liability of the parents under this

1 chapter shall be limited to:

2 (1) The sum of [\$300] \$1,000 for injuries suffered by
3 any one person as a result of one tortious act or continuous
4 series of tortious acts.

5 (2) The sum of [\$1,000] \$2,500 regardless of the number
6 of persons who suffer injury as a result of one tortious act
7 or continuous series of tortious acts.

8 (b) Proceedings where loss exceeds liability.--In the event
9 that actual loss as ascertained by the court or the judgment
10 against the child exceeds [\$1,000] \$2,500, the parents shall be
11 discharged from further liability by the payment of [\$1,000]
12 \$2,500 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 for theft, destruction or loss of property. The
16 court may take testimony to assist it in making proper
17 distribution and may appoint a master to accomplish this
18 purpose. All costs and fees incurred in these proceedings shall
19 be paid from the [\$1,000] \$2,500 paid into court.

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

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