

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2086 Session of 2021

INTRODUCED BY KERWIN, BERNSTINE, BROOKS, CAUSER, SCHLEGEL, CULVER, GILLEN, HENNESSEY, HILL-EVANS, KNOWLES, LAWRENCE, MERCURI, MILLARD, ROWE, RYAN, SMITH AND POLINCHOCK, NOVEMBER 16, 2021

AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 12, 2022

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, in Department of Military Affairs,
3 further providing for operation of State-owned vehicles.

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

6 Section 1. Section 709 of Title 51 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 709. Operation of State-owned vehicles.

9 (a) Authority.--

10 (1) The department shall have the authority to order
11 members of the Pennsylvania National Guard to operate State-
12 owned vehicles for the purpose of providing security to
13 military facilities and other facilities within this
14 Commonwealth.

15 (2) Members of the Pennsylvania National Guard may
16 operate State-owned vehicles in response to an emergency when

1 ordered to ~~do so~~ DUTY by the Governor or the President of the <--
2 United States.

3 (3) FOR PURPOSES OF THIS SUBSECTION AND NOTWITHSTANDING <--
4 ANY OTHER PROVISION OF LAW, MEMBERS OF THE PENNSYLVANIA
5 NATIONAL GUARD SHALL BE CONSIDERED STATE EMPLOYEES OR
6 OFFICERS FOR THE AUTHORIZATION OF THE USE OF STATE-OWNED
7 VEHICLES BY THE DEPARTMENT OF GENERAL SERVICES.

8 (b) Liability.--For purposes of this section and
9 notwithstanding any other provision of law, members of the
10 Pennsylvania National Guard shall be considered employees of the
11 Commonwealth for tort liability and immunity purposes. A member
12 of the Pennsylvania National Guard shall not be liable for an
13 act or omission in good faith on the part of the member of the
14 Pennsylvania National Guard when operating or maintaining a
15 State-owned vehicle under this section. Good faith under this
16 subsection shall not include willful misconduct, gross
17 negligence or recklessness.

18 (c) Rules and guidelines.--The department, in consultation
19 with the Department of General Services, shall establish rules
20 and guidelines for the implementation of this section.

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