



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1737

PRINTERS NO. 4625

PRIME SPONSOR: Gleim

COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
General Fund	\$0	\$0
Political Subdivision Funds	\$0	\$0

SUMMARY: Extends to land banks the same environmental liability protection that is presently granted to economic development agencies when dealing with brownfields and other contaminated sites in order to facilitate their return to productive use. The legislation also exempts an agritourism activity provider from being held civilly liable for injuries or damages sustained by participants under certain conditions and limits civil liability for certain individuals and entities with regard to actual or alleged exposure to COVID-19. This legislation would take effect immediately.

ANALYSIS: This legislation amends Title 42 (Judiciary and Judicial Procedure) to add subchapters for COVID-19-Related Liability; Economic Development Agency, Fiduciary and Lender Environmental Liability Protection; and limited liability protection for agritourism activity providers,

Subchapter F.2 - Economic Development Agency, Fiduciary and Lender Environmental

Liability Protection: The Economic Development Agency, Fiduciary and Lender Environmental Liability Protection Act (Act 3 of 1995), was repealed and placed into this new subchapter of Chapter 83 as a continuation of the prior act. With the exception of paragraph (3), which adds "land banks" to the list of economic development agencies that are exempt from environmental liability on properties purchased for redevelopment, any differences in language between this new subchapter and the prior act were made to conform to the style of the consolidated statutes.

Subchapter F.3 - Agritourism Activity Protection:

Provides limited civil liability protection for persons who offer agritourism activities on a farm. "Agritourism" is defined as a farm-related tourism or farm-related entertainment activity on agricultural land and allows members of the general public, whether or not for a fee, to tour, explore, observe, learn about, participate in or be entertained by an aspect of agricultural production, harvesting, husbandry or rural lifestyle. The term does not include overnight accommodations, weddings, concerts or provisions for food and beverage services.

The agritourism activity provider must post specific warning signs and have a signed, written agreement with a participant that they have acknowledged the risk of participation in an agritourism activity. An acknowledgment may be printed on the back of a ticket needed to participate in the activity.

A warning notice posted on the sign shall be at least three feet by two feet in dimension and state the following: "Warning: Read your written agreement on the back of your ticket. Under Pennsylvania law, except for limited circumstances, an agritourism activity provider is not liable for any injury to or death of a participant resulting from an agritourism activity. Do not participate in the activity if you do not wish to waive liability."

The liability protection does not apply if the agritourism activity provider: performs an act in a grossly negligent manner and causes injury or damages to a participant; purposefully causes the participant injury; commits an action or inaction that constitutes criminal conduct and causes the participant injury; and recklessly fails to warn or guard against a dangerous condition that causes injury or damages to a participant.

Subchapter F.4 - COVID-19-Related Liability: This subchapter provides for the limitation of civil liability for certain individuals and entities by requiring a higher burden of proof and standard of liability for actual or alleged exposure to COVID-19 during a proclamation of disaster emergency issued by the Governor relating to COVID-19 as well as any renewals of the proclamation.

The protected individuals and entities are: schools; child care facilities; manufacturers, distributors, labelers, donors, and users of personal protective equipment; businesses; governmental service providers. A person providing business or government services shall not be civilly liable for damage to property or personal injury related to an actual or alleged exposure to COVID-19. A covered provider shall not be civilly liable for damages or personal injury related to such exposure.

Civil liability is limited under this subchapter by requiring clear and convincing evidence of gross negligence, recklessness, willful misconduct, or intentional infliction of harm. The subchapter further provides protection by waiving liability if the individual or entity was attempting to comply with a public health directive.

FISCAL IMPACT: This legislation would have no adverse fiscal impact on Commonwealth or political subdivision funds.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: November 20, 2020

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.