

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 765

PRINTER NO. 1420

AMOUNT

No Fiscal Impact

FUND

General Fund
Motor License Fund
Local Government Funds

DATE INTRODUCED

March 3, 2021

PRIME SPONSOR

Representative B. Miller

DESCRIPTION

House Bill 765 amends Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for specific powers of the Department of Transportation (department) and local authorities to remove the requirement that an authority or local government unit fully indemnify the Commonwealth as a condition for approving a permit for a procession, special activity or assemblage on a state-designated highway.

This legislation amends § 6109 (relating to specific powers of department and local authorities) of Title 75 stipulating that the department may not require an authority or local government unit to fully indemnify the Commonwealth as a condition for approving a permit for a procession, special activity or assemblage on a state-designated highway if all of the following conditions are met:

- 1) The sponsor of the procession, special activity or assemblage is not the local authority;
- 2) The sponsor will fully indemnify, save harmless and, if requested, defend the Commonwealth, Commonwealth departments, and their officers, agents and employees from and against claims, suits or actions for injury, death or property damage arising from or because of the acts or omissions of the sponsor, its officers, agents or employees;
- 3) The sponsor names the department as an additional insured on its liability policies, the liability insurance policies are occurrence-based and the insurance certificate indicates that the insurance is occurrence-based;
- 4) The sponsor agrees to reimburse the Commonwealth for all costs for police escort and traffic control services;
- 5) The local authority approves of the sponsor conducting the procession, special activity or assemblage; and
- 6) The local authority agrees to provide adequate detour signage or police controls for the rerouting of traffic along an alternate route if requested by the department.

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A new subsection is added to clarify that the department, its agents, employees and representatives acting on its behalf shall be immune from suit, under 42 Pa.C.S. § 8521 (relating to exceptions to sovereign immunity), from participants of a special event where a permit was issued by the department.

The term "participants" shall include spectators, event sponsors, municipal officials, police, fire police, media and others present during the procession, assemblage or special activity permitted by the department.

This act shall take effect immediately.

FISCAL IMPACT:

Enactment of this legislation will have no fiscal impact on Commonwealth funds. To the extent municipal governments and authorities would have been required to indemnify the department for special events prior to enactment of the legislation, local governments could realize costs savings.