

## AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for presumption  
3 of law for civil and administrative proceedings relating to  
4 seismic testing.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated Statutes  
8 is amended by adding a section to read:

9 Section 7104. Presumption of law for civil and administrative  
10 proceedings relating to seismic testing.

11 (a) Presumption.--It shall be a rebuttable presumption of  
12 law that a person conducting seismic testing is liable and  
13 responsible for all damage within 1,000 feet of where the  
14 seismic testing was conducted without proof of fault, negligence  
15 or causation. In order for the presumption to apply, a claim for  
16 damage must arise or be made within 90 days of the completion of  
17 seismic testing.

18 (b) Defenses.--In order to overcome the presumption of



1 liability established in subsection (a), the person conducting  
2 seismic testing must affirmatively prove, by clear and  
3 convincing evidence, one of the following:

4 (1) The damages existed prior to the seismic testing.

5 (2) The damage was not within 1,000 feet of the seismic  
6 testing.

7 (3) The damages occurred as a result of some cause other  
8 than the seismic testing.

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

