
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 838

Session of
1975

INTRODUCED BY CAPUTO, GEISLER, FLAHERTY, M. M. MULLEN, SWEENEY,
ROMANELLI, CESSAR AND ZORD, MARCH 18, 1975

REFERRED TO COMMITTEE ON LAW AND JUSTICE, MARCH 19, 1975

AN ACT

1 Fixing liability for negligence or torts of policemen while
2 acting in the performance of their duties and within the
3 scope of their employment upon municipalities.

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

6 Section 1. Liability for Negligence of Policemen.--(a) Every
7 municipality having a police force shall be liable for and shall
8 assume the liability to the extent that it shall save harmless,
9 any duly appointed policeman of said municipality for any
10 negligent act or tort, provided such policeman, at the time of
11 the negligent act or tort complained of, was acting in the
12 performance of assigned duties and within the scope of
13 employment.

14 (b) For purposes of this act, a policeman of a municipality,
15 although excused from official duty at the time, shall be deemed
16 to be acting in the discharge of duty when engaged in the
17 immediate and actual performance of a public duty imposed by law
18 and such public duty performed was for the benefit of all the

1 citizens of the municipality and the municipality derived no
2 special benefit.

3 (c) No action or special proceeding instituted hereunder
4 shall be prosecuted or maintained against the municipality
5 concerned or such policeman unless the claim shall be filed in
6 accordance with the Pennsylvania Rules of Civil Procedure as it
7 affects municipalities.

8 Section 2. Effective Date.--This act shall take effect
9 immediately and shall apply to any claims arising on or after
10 the effective date of this act.