

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2146 Session of
1999

INTRODUCED BY KELLER, BUTKOVITZ, LEDERER, YOUNGBLOOD, ADOLPH,
MANDERINO, J. TAYLOR, M. COHEN, DALEY, FICHTER, HARHAI,
PHILLIPS, SHANER, SOLOBAY, TRELLO, VAN HORNE, WILLIAMS AND
WILT, DECEMBER 13, 1999

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 13, 1999

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, imposing liability for
3 attractive nuisances.

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

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

8 § 8313. Attractive nuisance.

9 (a) Rental by minor.--An owner of a hotel or motel, landlord
10 or other person shall be deemed to have created an attractive
11 nuisance if he:

12 (1) rents a room, house, building, boat, vehicle,
13 structure or place, except a private home, to a person under
14 21 years of age, in which premises an illegal activity takes
15 place; and

16 (2) knew or should have known that such illegal activity
17 was taking place,

1 and shall be liable for any damages resulting from the illegal
2 activity.

3 (b) Rental by adult.--An owner of a hotel or motel, landlord
4 or other person shall be deemed to have created an attractive
5 nuisance if he:

6 (1) rents a room, house, building, boat, vehicle,
7 structure or place, except a private home, to a person 21
8 years of age or older in which illegal activity takes place
9 by persons under 21 years of age; and

10 (2) knew or should have known that the facility was
11 being used for illegal activities by persons under 21 years
12 of age

13 and shall be liable for any damages resulting from such illegal
14 activity.

15 (c) Definition.--As used in this section, the term "illegal
16 activity" means any conduct which constitutes a violation of the
17 act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code,
18 or any violation of 18 Pa.C.S. Ch. 63 (relating to minors) that
19 involves purchasing, consumption, possession or transportation
20 of liquor or malt or brewed beverages.

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