

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 342 Session of 2005

INTRODUCED BY DeLUCA, BARRAR, BEBKO-JONES, BELFANTI, BIANCUCCI,  
BOYD, CALTAGIRONE, CAWLEY, CRAHALLA, CURRY, FABRIZIO,  
FREEMAN, GEIST, GOODMAN, HARHAI, JAMES, LEH, LEVDANSKY,  
MARKOSEK, PALLONE, PETRONE, PISTELLA, RAYMOND, ROONEY,  
SOLOBAY AND TANGRETTI, FEBRUARY 8, 2005

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 8, 2005

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 exceptions to governmental immunity.

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

6 Section 1. Section 8542(b)(5) of Title 42 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 8542. Exceptions to governmental immunity.

9 \* \* \*

10 (b) Acts which may impose liability.--The following acts by  
11 a local agency or any of its employees may result in the  
12 imposition of liability on a local agency:

13 \* \* \*

14 (5) Utility service facilities.--A dangerous condition  
15 of the facilities of steam, sewer, water, gas or electric  
16 systems owned by the local agency and located within rights-  
17 of-way[, except that the claimant to recover must establish

1       that the dangerous condition created a reasonably foreseeable  
2       risk of the kind of injury which was incurred and that the  
3       local agency had actual notice or could reasonably be charged  
4       with notice under the circumstances of the dangerous  
5       condition at a sufficient time prior to the event to have  
6       taken measures to protect against the dangerous condition].

7               \* \* \*

8       Section 2. The amendment of 42 Pa.C.S. § 8542(b)(5) shall  
9       apply to causes of action which arise on or after the effective  
10      date of this act.

11      Section 3. This act shall take effect in 60 days.