

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1565 Session of
2015

INTRODUCED BY LAWRENCE, KAUFFMAN, STEPHENS, TRUITT, COHEN,
THOMAS AND YOUNGBLOOD, SEPTEMBER 29, 2015

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 29, 2015

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in matters affecting
3 government units, further providing for exceptions to
4 sovereign immunity.

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

7 Section 1. Section 8522(b)(5) of Title 42 of the
8 Pennsylvania Consolidated Statutes is amended to read:
9 § 8522. Exceptions to sovereign immunity.

10 * * *

11 (b) Acts which may impose liability.--The following acts by
12 a Commonwealth party may result in the imposition of liability
13 on the Commonwealth and the defense of sovereign immunity shall
14 not be raised to claims for damages caused by:

15 * * *

16 (5) Potholes and other dangerous conditions.--A
17 dangerous condition of highways under the jurisdiction of a
18 Commonwealth agency created by potholes or sinkholes or other
19 similar conditions created by natural elements, except that

1 the claimant to recover must establish that the dangerous
2 condition created a reasonably foreseeable risk of the kind
3 of injury which was incurred and that the Commonwealth agency
4 had actual written notice of the dangerous condition of the
5 highway a sufficient time prior to the event to have taken
6 measures to protect against the dangerous condition. Property
7 damages shall not be recoverable under this paragraph, except
8 for motor vehicles operated by a properly licensed driver.

9 * * *

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