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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1630 Session of  
2017

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INTRODUCED BY FREEMAN, CALTAGIRONE, MULLERY, V. BROWN, SOLOMON  
AND ROZZI, JUNE 28, 2017

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REFERRED TO COMMITTEE ON JUDICIARY, JUNE 28, 2017

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in general provisions  
3 relating to civil actions and proceedings, further providing  
4 for comparative negligence.

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

7 Section 1. Section 7102(a.1)(3) and (d) of Title 42 of the  
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 7102. Comparative negligence.

10 \* \* \*

11 (a.1) Recovery against joint defendant; contribution.--

12 \* \* \*

13 (3) A defendant's liability in any of the following  
14 actions shall be joint and several, and the court shall enter  
15 a joint and several judgment in favor of the plaintiff and  
16 against the defendant for the total dollar amount awarded as  
17 damages:

18 (i) Intentional misrepresentation.

19 (ii) An intentional tort.

1 (iii) Where the defendant has been held liable for  
2 not less than 60% of the total liability apportioned to  
3 all parties.

4 (iv) A release or threatened release of a hazardous  
5 substance under section 702 of the act of October 18,  
6 1988 (P.L.756, No.108), known as the Hazardous Sites  
7 Cleanup Act.

8 (v) A civil action in which a defendant has violated  
9 section 497 of the act of April 12, 1951 (P.L.90, No.21),  
10 known as the Liquor Code.

11 (vi) In a case where a minor has a beneficial  
12 interest.

13 \* \* \*

14 (d) Definitions.--As used in this section the following  
15 words and phrases shall have the meanings given to them in this  
16 subsection:

17 "Defendant or defendants." Includes impleaded defendants.

18 "Minor." An individual under 18 years of age.

19 "Off-road vehicle." A motorized vehicle that is used off-  
20 road for sport or recreation. The term includes snowmobiles,  
21 all-terrain vehicles, motorcycles and four-wheel drive vehicles.

22 "Off-road vehicle riding area." Any area or facility  
23 providing recreational activities for off-road vehicles.

24 "Off-road vehicle riding area operator." A person or  
25 organization owning or having operational responsibility for any  
26 off-road vehicle riding area. The term includes:

27 (1) Agencies and political subdivisions of this  
28 Commonwealth.

29 (2) Authorities created by political subdivisions.

30 (3) Private companies.

1 "Plaintiff." Includes counter claimants and cross-claimants.

2 Section 2. The amendment of 42 Pa.C.S. § 7102 shall apply to  
3 causes of action which accrue on or after the effective date of  
4 this section.

5 Section 3. This act shall take effect immediately.