
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. **523** Session of
2021

INTRODUCED BY DAY, R. BROWN, T. DAVIS, HELM, MOUL, NEILSON,
POLINCHOCK AND ROWE, FEBRUARY 24, 2021

SENATOR DUSH, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,
JUNE 15, 2021

AN ACT

1 Amending the act of June 13, 1836 (P.L.551, No.169), entitled
2 "An act relating to roads, highways and bridges," further
3 providing for repair of private roads and providing for
4 definitions.

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

7 Section 1. Section 15 of the act of June 13, 1836 (P.L.551,
8 No.169), referred to as the General Road Law, is amended to
9 read:

10 Section 15. Repair of private roads

11 (a) [All private roads] A PRIVATE ROAD shall be opened, <--
12 fenced and kept in repair by and at the expense of the [person <--
13 or persons respectively] PROPERTY OWNER at whose request the <--
14 [same were] PRIVATE ROAD WAS granted and laid out, and by <--
15 [their] THE PROPERTY OWNER'S heirs and assigns. <--

16 ~~(b) When more than one person enjoys a common benefit from a~~ <--
17 ~~private road, each person shall contribute in proportion to the~~
18 ~~amount of private road utilized to the cost of maintaining the~~

1 ~~private road at the current level of improvement and shall have~~
2 ~~the right to bring a civil action to enforce the requirement of~~
3 ~~this section.~~

4 ~~(c) A person shall be exempt from contributing to the cost~~
5 ~~of maintaining the private road under subsection (b) if the~~
6 ~~person does not utilize the private road for primary access to~~
7 ~~the person's property.~~

8 ~~(d) This section shall not apply to private roads with a~~
9 ~~written agreement, to private roads established by the~~
10 ~~Commonwealth or by a municipality entitled to the exception~~
11 ~~provided under 26 Pa.C.S. § 204(b) (9) (relating to eminent~~
12 ~~domain for private business prohibited) or to private roads~~
13 ~~within a common interest ownership community under 68 Pa.C.S.~~
14 ~~(relating to real and personal property).~~

15 ~~(B) EACH PROPERTY OWNER THAT SHARES A COMMON BENEFIT FROM A~~ <--
16 ~~PRIVATE ROAD SHALL CONTRIBUTE IN PROPORTION TO THE AMOUNT OF THE~~
17 ~~PRIVATE ROAD UTILIZED TO THE COST OF MAINTAINING THE PRIVATE~~
18 ~~ROAD AT THE CURRENT LEVEL OF IMPROVEMENT AND SHALL HAVE THE~~
19 ~~RIGHT TO BRING A CIVIL ACTION TO ENFORCE THE REQUIREMENT OF THIS~~
20 ~~SECTION.~~

21 ~~(C) THIS SECTION SHALL NOT APPLY TO A PRIVATE ROAD SUBJECT~~
22 ~~TO A WRITTEN MAINTENANCE AGREEMENT, A PRIVATE ROAD ESTABLISHED~~
23 ~~BY THE COMMONWEALTH OR BY A MUNICIPALITY ENTITLED TO THE~~
24 ~~EXCEPTION PROVIDED UNDER 26 PA.C.S. § 204(B) (9) (RELATING TO~~
25 ~~EMINENT DOMAIN FOR PRIVATE BUSINESS PROHIBITED) OR TO A PRIVATE~~
26 ~~ROAD WITHIN A COMMON INTEREST OWNERSHIP COMMUNITY UNDER 68~~
27 ~~PA.C.S. (RELATING TO REAL AND PERSONAL PROPERTY).~~

28 Section 2. The act is amended by adding a section to read:

29 Section 80. Definitions

30 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 The term "municipality" shall mean a county, city, borough,
4 incorporated town or township.

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