

any dispute as to the referee's compensation, the court shall fix the same, giving due consideration to the work done by the referee.

APPROVED—The 27th day of July, A. D. 1967.

RAYMOND P. SHAFER

No. 58

AN ACT

HB 108

Imposing liability upon parents for personal injury, or theft, destruction, or loss of property caused by the wilful, tortious acts of children under eighteen years of age, setting forth limitations, and providing procedure for recovery.

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

Section 1. As used in this act:

(1) "Person" includes natural persons, partnerships, associations, private and public corporations, authorities, fiduciaries, the United States and any governmental agency thereof, and the Commonwealth of Pennsylvania and any agency or political subdivision thereof.

(2) "Parent" includes natural or adoptive parents.

Section 2. Any parent whose child under the age of eighteen years is found liable or is adjudged guilty by a court of competent jurisdiction of a wilful, tortious act resulting in injury to the person, or theft, destruction or loss of property of another, shall be liable to the person who suffers the injury, theft, destruction or loss to the extent hereinafter set forth.

Section 3. (a) In any proceeding of a criminal nature against a child under the age of eighteen years and in any proceeding against a child in a juvenile court, the court shall ascertain the amount sufficient to fully reimburse any person who has suffered injury to the person, or theft, destruction or loss of property because of the wilful, tortious act of the child, and direct the parents to make payment in the amount not to exceed the limitations set forth in section 4 hereof. If the parents fail to comply with the direction of the court, the amount may be recovered in an action of assumpsit against the parents or either of them.

(b) If a judgment has been rendered against the child for injury to the person, or theft, destruction, or loss of property because of the wilful, tortious act of the child in a civil proceeding and such judgment has not been satisfied within a period of thirty days, the injured person may petition the court for a rule to show cause why judgment should not be entered against the parent. A parent shall have the right to file an answer to said petition and if there is any dispute as to unlitigated facts, the case shall be set down for trial. If there is no dispute as to the unlitigated facts, the court shall authorize the entry

of a judgment against the parent. In no case shall the judgment against the parent exceed the limitations set forth in section 4 hereof.

Section 4. (a) Liability of the parents shall be limited to three hundred dollars (\$300) for injuries to the person, or theft, destruction, or loss of property suffered by any one person as a result of one wilful, tortious act or continuous series of wilful, tortious acts.

(b) Liability of the parents shall be limited to one thousand dollars (\$1000) regardless of the number of persons who suffer injury to the person, or theft, destruction, or loss of property as a result of one wilful, tortious act or continuous series of wilful, tortious acts. In the event that actual loss as ascertained by the court or the judgment against the child exceeds one thousand dollars (\$1000), the parents shall be discharged from further liability by the payment of one thousand dollars (\$1000) into court. The court shall cause all aggrieved parties to submit itemized statements of loss in writing and shall make distribution proportionately, whether the claims be for injuries to the person, or theft, destruction, or loss of property. The court shall have the power to take testimony to assist it in making proper distribution and may appoint a master to accomplish this purpose. All costs and fees thus incurred shall be paid from the one thousand dollars (\$1000) paid into court.

(c) The limitations on liability set forth in subsections (a) and (b) of this section shall be applicable when two or more children of the same parent engage jointly in the commission of one wilful, tortious act or series of wilful, tortious acts.

Section 5. The liability imposed upon parents by this act shall not limit the common law liability of parents for damages caused by a child and shall be separate and apart from any liability which may be imposed upon the child. No liability shall be imposed upon a parent by this act if at the time of commission of the wilful, tortious act, such parent has neither custody of the child, nor is entitled to custody of the child, or if the child is institutionalized or emancipated. No parent shall be absolved of liability due to the parents' desertion of a child. Any judgment against a child resulting from a wilful, tortious act for which a parent makes payment under this act shall be reduced by the amount paid by the parent. The parent shall have no right of indemnity or contribution against the child. In no case shall there be a double recovery for one injury.

APPROVED—The 27th day of July, A. D. 1967.

RAYMOND P. SHAFER

No. 59

AN ACT

HB 695

Amending the act of June 13, 1967 (Act No. 21), P. L. 31, entitled "An act to consolidate, editorially revise, and codify the public welfare laws of the Common-