

No. 1995-43

AN ACT

HB 580

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

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

Section 1. Section 8542(b)(1) of Title 42 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a subsection to read:

§ 8542. Exceptions to governmental immunity.

* * *

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

(1) Vehicle liability.—The operation of any motor vehicle in the possession or control of the local agency[.], *provided that the local agency shall not be liable to any plaintiff that claims liability under this subsection if the plaintiff was, during the course of the alleged negligence, in flight or fleeing apprehension or resisting arrest by a police officer or knowingly aided a group, one or more of whose members were in flight or fleeing apprehension or resisting arrest by a police officer.* As used in this paragraph, “motor vehicle” means any vehicle which is self-propelled and any attachment thereto, including vehicles operated by rail, through water or in the air.

* * *

(d) *Evidence.—Whenever any plaintiff claims liability under subsection (b)(1), evidence is admissible to demonstrate that the plaintiff, at any time during the course of the alleged negligence, was engaged or participating in willful misconduct, including, but not limited to, the illegal possession of controlled substances, firearms or ammunition.*

Section 2. This act shall apply to a cause of action that accrues on or after the effective date of this act.

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

APPROVED—The 6th day of July, A.D. 1995.

THOMAS J. RIDGE