

No. 1982-132

## AN ACT

HB 1385

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

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

Section 1. Section 8542(b)(6) of Title 42, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, added October 5, 1980 (P.L.693, No.142), is amended 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:

\* \* \*

(6) Streets.—

(i) A dangerous condition of streets owned by the local agency, except that the claimant to recover must establish that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred and that the local agency had actual notice or could reasonably be charged with notice under the circumstances of the dangerous condition at a sufficient time prior to the event to have taken measures to protect against the dangerous condition.

(ii) *A dangerous condition of streets owned or under the jurisdiction of Commonwealth agencies, if all of the following conditions are met:*

(A) *The local agency has entered into a written contract with a Commonwealth agency for the maintenance and repair by the local agency of such streets and the contract either:*

(I) *had not expired or been otherwise terminated prior to the occurrence of the injury; or*

(II) *if expired, contained a provision that expressly established local agency responsibility beyond the term of the contract for injuries arising out of the local agency's work.*

(B) *The injury and dangerous condition were directly caused by the negligent performance of its duties under such contract.*

(C) *The claimant must establish that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred and that the local agency had actual notice or could reasonably be charged with notice under the circumstances of the dangerous condition at a sufficient time prior to the event*

*to have taken measures to protect against the dangerous condition.*

\* \* \*

Section 2. This act shall take effect immediately.

APPROVED—The 10th day of June, A. D. 1982.

DICK THORNBURGH