

No. 2001-81

AN ACT

HB 910

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the volunteer-in-public-service negligence standard.

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

Section 1. Section 8332.4(a) and (e) of Title 42 of the Pennsylvania Consolidated Statutes are amended to read:

§ 8332.4. Volunteer-in-public-service negligence standard.

(a) [General rule.—] *Services covered.—*

(1) Except as provided otherwise in this section, no person who, without compensation and as a volunteer, renders public services for a nonprofit organization under section 501(c)(3) [or (4)], (4) or (6) of the Internal Revenue Code of 1986 (68A Stat. 3, 26 U.S.C. § 501(c)(3) [or (4)], (4) or (6)) or for a Commonwealth or local government agency conducting or sponsoring a public service program or project shall be liable to any person for any civil damages as a result of any acts or omissions in rendering such services unless the conduct of such person falls substantially below the standards generally practiced and accepted in like circumstances by similar persons rendering such services and unless it is shown that such person did an act or omitted the doing of an act which such person was under a recognized duty to another to do, knowing or having reason to know that such act or omission created a substantial risk of actual harm to the person or property of another. It shall be insufficient to impose liability to establish only that the conduct of such person fell below ordinary standards of care.

(2) *Except as provided otherwise in this section, no design professional who, without compensation and as a volunteer, provides professional services related to a declared national, State or local emergency caused by a major earthquake, hurricane, tornado, explosion, collapse or other similar disaster or catastrophic event at the request of or with the approval of a Federal, State or local public official, law enforcement official, public safety official or building inspection official acting in an official capacity shall be liable to any person for any civil damages as a result of any acts or omissions in rendering such services unless the conduct of such design professional falls substantially below the standards generally practiced and accepted in like circumstances by similar persons rendering such professional services and unless it is shown that such design professional did an act or omitted the doing of an act which such*

design professional was under a recognized duty to another to do, knowing or having reason to know that such act or omission created a substantial risk of actual harm to the person or property of another. It shall be insufficient to impose liability to establish only that the conduct of such design professional fell below ordinary standards of care.

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(e) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Compensation.” The term shall not include reimbursement for reasonable expenses actually incurred or to be incurred.

“*Design professional.*” *An individual licensed by the Commonwealth of Pennsylvania as an architect, geologist, land surveyor, landscape architect or professional engineer.*

“Public service program or project.” An organized program, or other public service ordinarily conducted or rendered by volunteers.

Section 2. This act shall take effect in 60 days.

APPROVED—The 30th day of October, A.D. 2001.

MARK S. SCHWEIKER