
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 490 Session of
2019

INTRODUCED BY BOBACK, PICKETT, HELM, MILLARD, HILL-EVANS AND
GILLEN, FEBRUARY 12, 2019

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 12, 2019

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in particular rights and
3 immunities, further providing for volunteer-in-public-service
4 negligence standard.

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

7 Section 1. Section 8332.4(b) and (c) of Title 42 of the
8 Pennsylvania Consolidated Statutes are amended and subsection
9 (a) is amended by adding a paragraph to read:

10 § 8332.4. Volunteer-in-public-service negligence standard.

11 (a) Services covered.--

12 * * *

13 (3) Except as provided otherwise in this section, no
14 nonprofit organization under section 501(c)(3), (4) or (6) of
15 the Internal Revenue Code of 1986 shall be liable for an act
16 or omission of any person acting as a volunteer for the
17 nonprofit organization unless the nonprofit organization
18 would be liable for the act or omission under generally
19 applicable laws governing the direct or vicarious liability

1 of nonprofit organizations and the nonprofit organization
2 expressly authorized the specific act or omission that
3 produced the harm.

4 (b) Exceptions.--

5 (1) Nothing in this section shall be construed as
6 affecting or modifying the liability of such person or
7 nonprofit organization for acts or omissions relating to the
8 transportation of participants in a public service program or
9 project or others to or from a public service program or
10 project.

11 (2) Nothing in this section shall be construed as
12 affecting or modifying any existing legal basis for
13 determining the liability, or any defense thereto, of any
14 person or nonprofit organization not covered by the standard
15 of negligence established by this section.

16 (c) Assumption of risk or contributory fault.--Nothing in
17 this section shall be construed as affecting or modifying the
18 doctrine of assumption of risk or contributory fault on the part
19 of the participant or nonprofit organization.

20 * * *

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