
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2056 Session of
2018

INTRODUCED BY BOBACK, MILLARD, GILLEN AND ROZZI,
FEBRUARY 5, 2018

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 5, 2018

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(a), (b) and (c) of Title 42 of the
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 8332.4. Volunteer-in-public-service negligence standard.

10 (a) Services covered.--

11 (1) Except as provided otherwise in this section, no
12 person who, without compensation and as a volunteer, renders
13 public services for a nonprofit organization under section
14 501(c)(3), (4) or (6) of the Internal Revenue Code of 1986
15 (68A Stat. 3, 26 U.S.C. § 501(c)(3), (4) or (6)) or for a
16 Commonwealth or local government agency conducting or
17 sponsoring a public service program or project shall be
18 liable to any person for any civil damages as a result of any
19 acts or omissions in rendering such services unless the

1 conduct of such person falls substantially below the
2 standards generally practiced and accepted in like
3 circumstances by similar persons rendering such services and
4 unless it is shown that such person did an act or omitted the
5 doing of an act which such person was under a recognized duty
6 to another to do, knowing or having reason to know that such
7 act or omission created a substantial risk of actual harm to
8 the person or property of another. It shall be insufficient
9 to impose liability to establish only that the conduct of
10 such person fell below ordinary standards of care.

11 (2) Except as provided otherwise in this section, no
12 design professional who, without compensation and as a
13 volunteer, provides professional services related to a
14 declared national, State or local emergency caused by a major
15 earthquake, hurricane, tornado, explosion, collapse or other
16 similar disaster or catastrophic event at the request of or
17 with the approval of a Federal, State or local public
18 official, law enforcement official, public safety official or
19 building inspection official acting in an official capacity
20 shall be liable to any person for any civil damages as a
21 result of any acts or omissions in rendering such services
22 unless the conduct of such design professional falls
23 substantially below the standards generally practiced and
24 accepted in like circumstances by similar persons rendering
25 such professional services and unless it is shown that such
26 design professional did an act or omitted the doing of an act
27 which such design professional was under a recognized duty to
28 another to do, knowing or having reason to know that such act
29 or omission created a substantial risk of actual harm to the
30 person or property of another. It shall be insufficient to

1 impose liability to establish only that the conduct of such
2 design professional fell below ordinary standards of care.

3 (3) Except as provided otherwise in this section, no
4 nonprofit organization under section 501(c)(3), (4) or (6) of
5 the Internal Revenue Code of 1986 shall be liable for an act
6 or omission of any person acting as a volunteer for the
7 nonprofit organization unless the nonprofit organization
8 would be liable for the act or omission under generally
9 applicable laws governing the direct or vicarious liability
10 of nonprofit organizations and the nonprofit organization
11 expressly authorized the specific act or omission that
12 produced the harm.

13 (b) Exceptions.--

14 (1) Nothing in this section shall be construed as
15 affecting or modifying the liability of such person or
16 nonprofit organization for acts or omissions relating to the
17 transportation of participants in a public service program or
18 project or others to or from a public service program or
19 project.

20 (2) Nothing in this section shall be construed as
21 affecting or modifying any existing legal basis for
22 determining the liability, or any defense thereto, of any
23 person or nonprofit organization not covered by the standard
24 of negligence established by this section.

25 (c) Assumption of risk or contributory fault.--Nothing in
26 this section shall be construed as affecting or modifying the
27 doctrine of assumption of risk or contributory fault on the part
28 of the participant or nonprofit organization.

29 * * *

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