
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2361 Session of
2014

INTRODUCED BY FREEMAN, O'NEILL, SANTARSIERO, FABRIZIO, HAGGERTY,
HARKINS, LONGIETTI, MULLERY, MUNDY, STURLA, WHITE AND
YOUNGBLOOD, JUNE 19, 2014

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 19, 2014

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in general provisions
3 relating to civil actions and proceedings, further providing
4 for comparative negligence.

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

7 Section 1. Section 7102(a.1)(3) and (d) of Title 42 of the
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 7102. Comparative negligence.

10 * * *

11 (a.1) Recovery against joint defendant; contribution.--

12 * * *

13 (3) A defendant's liability in any of the following
14 actions shall be joint and several, and the court shall enter
15 a joint and several judgment in favor of the plaintiff and
16 against the defendant for the total dollar amount awarded as
17 damages:

18 (i) Intentional misrepresentation.

1 (ii) An intentional tort.

2 (iii) Where the defendant has been held liable for
3 not less than 60% of the total liability apportioned to
4 all parties.

5 (iv) A release or threatened release of a hazardous
6 substance under section 702 of the act of October 18,
7 1988 (P.L.756, No.108), known as the Hazardous Sites
8 Cleanup Act.

9 (v) A civil action in which a defendant has violated
10 section 497 of the act of April 12, 1951 (P.L.90, No.21),
11 known as the Liquor Code.

12 (vi) In a case where a minor has a beneficial
13 interest.

14 * * *

15 (d) Definitions.--As used in this section the following
16 words and phrases shall have the meanings given to them in this
17 subsection:

18 "Defendant or defendants." Includes impleaded defendants.

19 "Minor." An individual under 18 years of age.

20 "Off-road vehicle." A motorized vehicle that is used off-
21 road for sport or recreation. The term includes snowmobiles,
22 all-terrain vehicles, motorcycles and four-wheel drive vehicles.

23 "Off-road vehicle riding area." Any area or facility
24 providing recreational activities for off-road vehicles.

25 "Off-road vehicle riding area operator." A person or
26 organization owning or having operational responsibility for any
27 off-road vehicle riding area. The term includes:

28 (1) Agencies and political subdivisions of this
29 Commonwealth.

30 (2) Authorities created by political subdivisions.

1 (3) Private companies.

2 "Plaintiff." Includes counter claimants and cross-claimants.

3 Section 2. The amendment of 42 Pa.C.S. § 7102 shall apply to
4 causes of action which accrue on or after the effective date of
5 this section.

6 Section 3. This act shall take effect immediately.