

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 261 Session of 2017

INTRODUCED BY SCARNATI, CORMAN AND GORDNER, JANUARY 30, 2017

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, SEPTEMBER 24, 2018

AN ACT

1 ~~Amending Title 42 (Judiciary and Judicial Procedure) of the~~ <--
2 ~~Pennsylvania Consolidated Statutes, in limitation of time,~~
3 ~~further providing for SIX MONTHS LIMITATION, FOR infancy,~~ <--
4 ~~insanity or imprisonment, for no limitation applicable and~~
5 ~~for other offenses; and, in matters affecting government~~
6 ~~units, further providing for exceptions to sovereign immunity~~
7 ~~and, FOR LIMITATIONS ON DAMAGES, for exceptions to~~ <--
8 ~~governmental immunity AND FOR LIMITATIONS ON DAMAGES.~~ <--
9 AMENDING TITLE 42 (JUDICIARY AND JUDICIAL PROCEDURE) OF THE <--
10 PENNSYLVANIA CONSOLIDATED STATUTES, IN LIMITATION OF TIME,
11 FURTHER PROVIDING FOR SIX MONTHS LIMITATION, FOR INFANCY,
12 INSANITY OR IMPRISONMENT, FOR NO LIMITATION APPLICABLE AND
13 FOR OTHER OFFENSES; AND, IN MATTERS AFFECTING GOVERNMENT
14 UNITS, FURTHER PROVIDING FOR EXCEPTIONS TO SOVEREIGN IMMUNITY
15 AND FOR EXCEPTIONS TO GOVERNMENTAL IMMUNITY.

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

18 ~~Section 1. The General Assembly finds and declares as~~ <--
19 ~~follows:~~

20 ~~(1) The Remedies Clause found in section 11 of Article I~~
21 ~~of the Constitution of Pennsylvania has been interpreted by~~
22 ~~the Pennsylvania Supreme Court to provide a constitutional~~
23 ~~guarantee of access to legal remedies and defenses.~~

24 ~~(2) The Pennsylvania Supreme Court has interpreted the~~

1 ~~Remedies Clause as providing a vested right to accrued~~
2 ~~defenses that cannot be infringed upon by subsequent law.~~

3 ~~(3) Pursuant to the interpretation by the Pennsylvania~~
4 ~~Supreme Court, the General Assembly is constitutionally~~
5 ~~precluded from adopting a retroactive change extending a~~
6 ~~statute of limitations or invalidating a defense based on a~~
7 ~~statute of limitations that has already expired as against a~~
8 ~~particular defendant.~~

9 ~~(4) Statutes of limitation recognize that the right to~~
10 ~~assert a cause of action and the right to assert a defense to~~
11 ~~that action are on an equal footing in this Commonwealth.~~

12 ~~(5) Statutes of limitation promote diligence and repose,~~
13 ~~diminish uncertainty and allow every person to allocate~~
14 ~~resources appropriately.~~

15 ~~(6) Statutes of limitation promote accurate fact finding~~
16 ~~in litigation, as evidence and testimony become degraded or~~
17 ~~unavailable over time.~~

18 ~~(7) Therefore, it is the intent of the General Assembly~~
19 ~~to eliminate statutes of limitation only in rare~~
20 ~~circumstances in which delayed discovery of the cause of~~
21 ~~action is particularly likely and the right to defend against~~
22 ~~the claim is not significantly undermined.~~

23 ~~Section 2. Section 5533(b)(2)(i) of Title 42 of the~~ <--
24 ~~Pennsylvania Consolidated Statutes is amended and the section is~~
25 ~~amended by adding a paragraph to read:~~

26 ~~SECTION 2. SECTION 5522 OF TITLE 42 OF THE PENNSYLVANIA~~ <--
27 ~~CONSOLIDATED STATUTES IS AMENDED BY ADDING A SUBSECTION TO READ:~~
28 ~~§ 5522. SIX MONTHS LIMITATION.~~

29 ~~* * *~~

30 ~~(C) EXCEPTION. THIS SECTION SHALL NOT APPLY TO ANY CIVIL~~

1 ~~ACTION OR PROCEEDING BROUGHT UNDER SECTION 8522(B)(10) (RELATING~~
2 ~~TO EXCEPTIONS TO SOVEREIGN IMMUNITY) OR 8542(B)(9) (RELATING TO~~
3 ~~EXCEPTIONS TO GOVERNMENTAL IMMUNITY).~~

4 SECTION 3. ~~SECTION 5533(B)(2)(I) OF TITLE 42 IS AMENDED TO~~
5 ~~READ:~~

6 ~~§ 5533. Infancy, insanity or imprisonment.~~

7 * * *

8 ~~(b) Infancy.~~

9 * * *

10 ~~(2) (i) [If] Except as provided under paragraph (3), if <--~~
11 ~~an individual entitled to bring a civil action arising~~
12 ~~from childhood sexual abuse is under 18 years of age at~~
13 ~~the time the cause of action accrues, the individual~~
14 ~~shall have a period of [12] 32 years after attaining 18~~
15 ~~years of age in which to commence an action for damages~~
16 ~~regardless of whether the individual files a criminal~~
17 ~~complaint regarding the childhood sexual abuse.~~

18 * * *

19 ~~(3) If an individual entitled to bring a civil action <--~~
20 ~~arising from childhood sexual abuse is under 18 years of age~~
21 ~~at the time the cause of action accrues, the individual shall~~
22 ~~have an unlimited period of time to commence an action for~~
23 ~~damages against the following individuals:~~

24 ~~(i) The individual who committed the act of~~
25 ~~childhood sexual abuse.~~

26 ~~(ii) An individual who conspired with the individual~~
27 ~~who committed the act of childhood sexual abuse for the~~
28 ~~purpose of bringing about the abuse.~~

29 ~~(iii) (A) An individual who, having actual~~
30 ~~knowledge of the childhood sexual abuse perpetrated~~

1 ~~against the individual, failed to prevent any~~
2 ~~subsequent childhood sexual abuse by the same~~
3 ~~perpetrator against the same individual by reporting~~
4 ~~the abuse to law enforcement officials or to a State~~
5 ~~or county child protective services agency during the~~
6 ~~victim's minority.~~

7 ~~(B) No cause of action shall accrue under this~~
8 ~~subparagraph against an individual who was aware that~~
9 ~~a report of the childhood sexual abuse had already~~
10 ~~been made by another individual or entity to law~~
11 ~~enforcement officials or to a State or county child~~
12 ~~protective services agency.~~

13 ~~Section 3 4. Section 5551 of Title 42 is amended by adding a <--~~
14 ~~paragraph to read:~~

15 ~~§ 5551. No limitation applicable.~~

16 ~~A prosecution for the following offenses may be commenced at~~
17 ~~any time:~~

18 ~~* * *~~

19 ~~(7) An offense under any of the following provisions of~~
20 ~~18 Pa.C.S. (relating to crimes and offenses), or a conspiracy~~
21 ~~or solicitation to commit an offense under any of the~~
22 ~~following provisions of 18 Pa.C.S. if the offense is <--~~
23 ~~facilitated by IF THE OFFENSE RESULTS FROM the conspiracy or <--~~
24 ~~solicitation, if the victim was under 18 years of age at the~~
25 ~~time of the offense:~~

26 ~~Section 3011(b) (relating to trafficking in individuals).~~

27 ~~Section 3012 (relating to involuntary servitude) as it~~
28 ~~relates to sexual servitude.~~

29 ~~Section 3121 (relating to rape).~~

30 ~~Section 3122.1 (relating to statutory sexual assault).~~

1 ~~Section 3123 (relating to involuntary deviate sexual~~
2 ~~intercourse).~~

3 ~~Section 3124.1 (relating to sexual assault).~~

4 ~~Section 3124.2 (relating to institutional sexual~~
5 ~~assault).~~

6 ~~Section 3125 (relating to aggravated indecent assault).~~

7 ~~Section 4302 (relating to incest).~~

8 Section 4 5. Section 5552(b.1) and (c) (3) of Title 42 are <--
9 amended to read:

10 § 5552. Other offenses.

11 * * *

12 (b.1) Major sexual offenses. [A] ~~Except as provided in~~
13 ~~section 5551(7) (relating to no limitation applicable), a~~
14 ~~prosecution for any of the following offenses under Title 18~~
15 ~~must be commenced within 12 years after it is committed:~~

16 ~~Section 3121 (relating to rape).~~

17 ~~Section 3122.1 (relating to statutory sexual assault).~~

18 ~~Section 3123 (relating to involuntary deviate sexual~~
19 ~~intercourse).~~

20 ~~Section 3124.1 (relating to sexual assault).~~

21 ~~Section 3124.2(a) and (a.2) (relating to institutional~~
22 ~~sexual assault).~~

23 ~~Section 3125 (relating to aggravated indecent assault).~~

24 ~~Section 4302 (relating to incest).~~

25 ~~Section 6312 (relating to sexual abuse of children).~~

26 (c) ~~Exceptions. If the period prescribed in subsection (a),~~
27 ~~(b) or (b.1) has expired, a prosecution may nevertheless be~~
28 ~~commenced for:~~

29 * * *

30 (3) ~~Any sexual offense committed against a minor who is~~

1 ~~less than 18 years of age any time up to the later of the~~
2 ~~period of limitation provided by law after the minor has~~
3 ~~reached 18 years of age or the date the minor reaches 50~~
4 ~~years of age. As used in this paragraph, the term "sexual~~
5 ~~offense" means a crime under the following provisions of~~
6 ~~Title 18 (relating to crimes and offenses) OR A CONSPIRACY OR <--~~
7 ~~SOLICITATION TO COMMIT AN OFFENSE UNDER ANY OF THE FOLLOWING~~
8 ~~PROVISIONS OF 18 PA.C.S. IF THE OFFENSE RESULTS FROM THE~~
9 ~~CONSPIRACY OR SOLICITATION:~~

10 ~~{Section 3011(b) (relating to trafficking in~~
11 ~~individuals)}.~~

12 ~~Section 3012 (relating to involuntary servitude) as~~
13 ~~it relates to sexual servitude.~~

14 ~~Section 3121 (relating to rape).~~

15 ~~Section 3122.1 (relating to statutory sexual~~
16 ~~assault).~~

17 ~~Section 3123 (relating to involuntary deviate sexual~~
18 ~~intercourse).~~

19 ~~Section 3124.1 (relating to sexual assault).~~

20 ~~Section 3125 (relating to aggravated indecent~~
21 ~~assault).]~~

22 ~~Section 3126 (relating to indecent assault).~~

23 ~~Section 3127 (relating to indecent exposure).~~

24 ~~{Section 4302 (relating to incest).]~~

25 ~~Section 4304 (relating to endangering welfare of~~
26 ~~children).~~

27 ~~Section 6301 (relating to corruption of minors).~~

28 ~~Section 6312(b) (relating to sexual abuse of~~
29 ~~children).~~

30 ~~Section 6320 (relating to sexual exploitation of~~

1 children).

2 * * *

3 Section 5. Sections 8522(b) and 8542(b) of Title 42 are <--
4 amended by adding paragraphs to read:

5 SECTION 6. SECTION 8522(B) OF TITLE 42 IS AMENDED BY ADDING <--
6 A PARAGRAPH TO READ:

7 § 8522. Exceptions to sovereign immunity.

8 * * *

9 (b) Acts which may impose liability. The following acts by
10 a Commonwealth party may result in the imposition of liability
11 on the Commonwealth and the defense of sovereign immunity shall
12 not be raised to claims for damages caused by:

13 * * *

14 (10) Sexual abuse. Conduct that constitutes an offense
15 enumerated under section 5551(7) (relating to no limitation
16 applicable) if the injuries to the plaintiff were caused by
17 actions or omissions of the Commonwealth A COMMONWEALTH PARTY <--
18 that constitute negligence.

19 SECTION 7. SECTION 8528 OF TITLE 42 IS AMENDED BY ADDING A <--
20 SUBSECTION TO READ:

21 § 8528. LIMITATIONS ON DAMAGES.

22 * * *

23 (D) EXCLUSIONS. THIS SECTION SHALL NOT APPLY TO DAMAGES
24 AWARDED UNDER SECTION 8522(B) (10) (RELATING TO EXCEPTIONS TO
25 SOVEREIGN IMMUNITY).

26 SECTION 8. SECTION 8542(B) OF TITLE 42 IS AMENDED BY ADDING
27 A PARAGRAPH TO READ:

28 § 8542. Exceptions to governmental immunity.

29 * * *

30 (b) Acts which may impose liability. The following acts by

1 ~~a local agency or any of its employees may result in the~~
2 ~~imposition of liability on a local agency:~~

3 * * *

4 ~~(9) Sexual abuse. Conduct that is proscribed by section <--~~
5 ~~5551(7) (relating to no limitation applicable) if the~~
6 ~~claimant establishes that:~~

7 ~~(i) the local agency acted in a negligent manner;~~

8 ~~and~~

9 ~~(ii) the action under subparagraph (i) caused injury~~
10 ~~to the claimant.~~

11 ~~(9) SEXUAL ABUSE. CONDUCT THAT CONSTITUTES AN OFFENSE <--~~
12 ~~ENUMERATED UNDER SECTION 5551(7) (RELATING TO NO LIMITATION~~
13 ~~APPLICABLE) IF THE INJURIES TO THE PLAINTIFF WERE CAUSED BY~~
14 ~~ACTIONS OR OMISSIONS OF THE LOCAL AGENCY THAT CONSTITUTE~~
15 ~~NEGLIGENCE.~~

16 * * *

17 ~~SECTION 9. SECTION 8553 OF TITLE 42 IS AMENDED BY ADDING A <--~~
18 ~~SUBSECTION TO READ:~~

19 ~~§ 8553. LIMITATIONS ON DAMAGES.~~

20 * * *

21 ~~(E) EXCLUSIONS. THIS SECTION SHALL NOT APPLY TO DAMAGES~~
22 ~~AWARDED UNDER SECTION 8542(B) (9) (RELATING TO EXCEPTIONS TO~~
23 ~~GOVERNMENTAL IMMUNITY).~~

24 ~~Section 6 10. This act shall apply as follows: <--~~

25 ~~(1) The addition of 42 Pa.C.S. §§ 5533(b) (3), 8522(b) <--~~
26 ~~(10) and 8542(b) (9) shall apply to causes of action which~~
27 ~~accrue on or after the effective date of this section.~~

28 ~~(2) The amendment or addition of 42 Pa.C.S. §§ 5533(b)~~
29 ~~(2) (i) and (3), 5551(7) and 5552(b.1) and (c) (3) shall not be <--~~
30 ~~applied to revive an action that has been barred by an~~

1 ~~existing statute of limitations on the effective date of this~~
2 ~~section.~~

3 ~~Section 7 11. This act shall take effect immediately.~~ <--

4 SECTION 1. SECTION 5522 OF TITLE 42 OF THE PENNSYLVANIA <--

5 CONSOLIDATED STATUTES IS AMENDED BY ADDING A SUBSECTION TO READ:

6 § 5522. SIX MONTHS LIMITATION.

7 * * *

8 (C) EXCEPTION.--THIS SECTION SHALL NOT APPLY TO ANY CIVIL
9 ACTION OR PROCEEDING BROUGHT UNDER SECTION 8522(B)(10) (RELATING
10 TO EXCEPTIONS TO SOVEREIGN IMMUNITY) OR 8542(B)(9) (RELATING TO
11 EXCEPTIONS TO GOVERNMENTAL IMMUNITY).

12 SECTION 2. SECTION 5533(B)(2)(I) OF TITLE 42 IS AMENDED AND
13 THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

14 § 5533. INFANCY, INSANITY OR IMPRISONMENT.

15 * * *

16 (B) INFANCY.--

17 * * *

18 (2) (I) IF AN INDIVIDUAL ENTITLED TO BRING A CIVIL
19 ACTION ARISING FROM CHILDHOOD SEXUAL ABUSE IS UNDER 18
20 YEARS OF AGE AT THE TIME THE CAUSE OF ACTION ACCRUES, THE
21 INDIVIDUAL SHALL HAVE A PERIOD OF [12] 32 YEARS AFTER
22 ATTAINING 18 YEARS OF AGE IN WHICH TO COMMENCE AN ACTION
23 FOR DAMAGES REGARDLESS OF WHETHER THE INDIVIDUAL FILES A
24 CRIMINAL COMPLAINT REGARDING THE CHILDHOOD SEXUAL ABUSE.

25 * * *

26 (C) REVIVAL OF CLAIMS.--NOTWITHSTANDING SUBSECTION (B) OR
27 ANY OTHER PROVISION OF LAW, FOR AN INDIVIDUAL ENTITLED TO BRING
28 A CIVIL ACTION ARISING FROM CHILDHOOD SEXUAL ABUSE WHERE THE
29 LIMITATION PERIOD HAS EXPIRED, THE INDIVIDUAL SHALL HAVE AN
30 ADDITIONAL PERIOD OF TWO YEARS FROM THE EFFECTIVE DATE OF THIS

1 SUBSECTION TO COMMENCE AN ACTION.

2 SECTION 3. SECTION 5551 OF TITLE 42 IS AMENDED BY ADDING A
3 PARAGRAPH TO READ:

4 § 5551. NO LIMITATION APPLICABLE.

5 A PROSECUTION FOR THE FOLLOWING OFFENSES MAY BE COMMENCED AT
6 ANY TIME:

7 * * *

8 (7) AN OFFENSE UNDER ANY OF THE FOLLOWING PROVISIONS OF
9 18 PA.C.S. (RELATING TO CRIMES AND OFFENSES), OR A CONSPIRACY
10 OR SOLICITATION TO COMMIT AN OFFENSE UNDER ANY OF THE
11 FOLLOWING PROVISIONS OF 18 PA.C.S. IF THE OFFENSE RESULTS
12 FROM THE CONSPIRACY OR SOLICITATION, IF THE VICTIM WAS UNDER
13 18 YEARS OF AGE AT THE TIME OF THE OFFENSE:

14 SECTION 3011(B) (RELATING TO TRAFFICKING IN
15 INDIVIDUALS).

16 SECTION 3012 (RELATING TO INVOLUNTARY SERVITUDE) AS
17 IT RELATES TO SEXUAL SERVITUDE.

18 SECTION 3121 (RELATING TO RAPE).

19 SECTION 3122.1 (RELATING TO STATUTORY SEXUAL
20 ASSAULT).

21 SECTION 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
22 INTERCOURSE).

23 SECTION 3124.1 (RELATING TO SEXUAL ASSAULT).

24 SECTION 3124.2 (RELATING TO INSTITUTIONAL SEXUAL
25 ASSAULT).

26 SECTION 3125 (RELATING TO AGGRAVATED INDECENT
27 ASSAULT).

28 SECTION 4302 (RELATING TO INCEST).

29 SECTION 4. SECTION 5552(B.1) AND (C) (3) OF TITLE 42 ARE
30 AMENDED TO READ:

1 § 5552. OTHER OFFENSES.

2 * * *

3 (B.1) MAJOR SEXUAL OFFENSES.--[A] EXCEPT AS PROVIDED IN
4 SECTION 5551(7) (RELATING TO NO LIMITATION APPLICABLE), A
5 PROSECUTION FOR ANY OF THE FOLLOWING OFFENSES UNDER TITLE 18
6 MUST BE COMMENCED WITHIN 12 YEARS AFTER IT IS COMMITTED:

7 SECTION 3121 (RELATING TO RAPE).

8 SECTION 3122.1 (RELATING TO STATUTORY SEXUAL ASSAULT).

9 SECTION 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
10 INTERCOURSE).

11 SECTION 3124.1 (RELATING TO SEXUAL ASSAULT).

12 SECTION 3124.2 (RELATING TO INSTITUTIONAL SEXUAL
13 ASSAULT).

14 SECTION 3125 (RELATING TO AGGRAVATED INDECENT ASSAULT).

15 SECTION 4302 (RELATING TO INCEST).

16 SECTION 6312 (RELATING TO SEXUAL ABUSE OF CHILDREN).

17 (C) EXCEPTIONS.--IF THE PERIOD PRESCRIBED IN SUBSECTION (A),
18 (B) OR (B.1) HAS EXPIRED, A PROSECUTION MAY NEVERTHELESS BE
19 COMMENCED FOR:

20 * * *

21 (3) ANY SEXUAL OFFENSE COMMITTED AGAINST A MINOR WHO IS
22 LESS THAN 18 YEARS OF AGE ANY TIME UP TO THE LATER OF THE
23 PERIOD OF LIMITATION PROVIDED BY LAW AFTER THE MINOR HAS
24 REACHED 18 YEARS OF AGE OR THE DATE THE MINOR REACHES 50
25 YEARS OF AGE. AS USED IN THIS PARAGRAPH, THE TERM "SEXUAL
26 OFFENSE" MEANS A CRIME UNDER THE FOLLOWING PROVISIONS OF
27 TITLE 18 (RELATING TO CRIMES AND OFFENSES) [:

28 SECTION 3011(B) (RELATING TO TRAFFICKING IN
29 INDIVIDUALS).

30 SECTION 3012 (RELATING TO INVOLUNTARY SERVITUDE) AS

1 IT RELATES TO SEXUAL SERVITUDE.
2 SECTION 3121 (RELATING TO RAPE).
3 SECTION 3122.1 (RELATING TO STATUTORY SEXUAL
4 ASSAULT) .
5 SECTION 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
6 INTERCOURSE) .
7 SECTION 3124.1 (RELATING TO SEXUAL ASSAULT) .
8 SECTION 3125 (RELATING TO AGGRAVATED INDECENT
9 ASSAULT) .] OR A CONSPIRACY OR SOLICITATION TO COMMIT AN
10 OFFENSE UNDER ANY OF THE FOLLOWING PROVISIONS OF TITLE 18
11 IF THE OFFENSE RESULTS FROM THE CONSPIRACY OR
12 SOLICITATION:
13 SECTION 3126 (RELATING TO INDECENT ASSAULT) .
14 SECTION 3127 (RELATING TO INDECENT EXPOSURE) .
15 [SECTION 4302 (RELATING TO INCEST) .]
16 SECTION 4304 (RELATING TO ENDANGERING WELFARE OF
17 CHILDREN) .
18 SECTION 6301 (RELATING TO CORRUPTION OF MINORS) .
19 SECTION 6312(B) (RELATING TO SEXUAL ABUSE OF
20 CHILDREN) .
21 SECTION 6320 (RELATING TO SEXUAL EXPLOITATION OF
22 CHILDREN) .

23 * * *

24 SECTION 5. SECTIONS 8522(B) AND 8542(B) OF TITLE 42 ARE
25 AMENDED BY ADDING PARAGRAPHS TO READ:

26 § 8522. EXCEPTIONS TO SOVEREIGN IMMUNITY.

27 * * *

28 (B) ACTS WHICH MAY IMPOSE LIABILITY.--THE FOLLOWING ACTS BY
29 A COMMONWEALTH PARTY MAY RESULT IN THE IMPOSITION OF LIABILITY
30 ON THE COMMONWEALTH AND THE DEFENSE OF SOVEREIGN IMMUNITY SHALL

1 NOT BE RAISED TO CLAIMS FOR DAMAGES CAUSED BY:

2 * * *

3 (10) SEXUAL ABUSE.--CONDUCT WHICH CONSTITUTES AN OFFENSE
4 ENUMERATED UNDER SECTION 5551(7) (RELATING TO NO LIMITATION
5 APPLICABLE) IF THE INJURIES TO THE PLAINTIFF WERE CAUSED BY
6 ACTIONS OR OMISSIONS OF THE COMMONWEALTH PARTY WHICH
7 CONSTITUTE GROSS NEGLIGENCE. SOVEREIGN IMMUNITY MAY BE RAISED
8 TO THE EXTENT THE ACTIONS OR OMISSIONS OF THE COMMONWEALTH
9 PARTY CONSTITUTE NEGLIGENCE.

10 § 8542. EXCEPTIONS TO GOVERNMENTAL IMMUNITY.

11 * * *

12 (B) ACTS WHICH MAY IMPOSE LIABILITY.--THE FOLLOWING ACTS BY
13 A LOCAL AGENCY OR ANY OF ITS EMPLOYEES MAY RESULT IN THE
14 IMPOSITION OF LIABILITY ON A LOCAL AGENCY:

15 * * *

16 (9) SEXUAL ABUSE.--CONDUCT WHICH CONSTITUTES AN OFFENSE
17 ENUMERATED UNDER SECTION 5551(7) (RELATING TO NO LIMITATION
18 APPLICABLE) IF THE INJURIES TO THE PLAINTIFF WERE CAUSED BY
19 ACTIONS OR OMISSIONS OF THE LOCAL AGENCY WHICH CONSTITUTE
20 GROSS NEGLIGENCE. GOVERNMENTAL IMMUNITY MAY BE RAISED TO THE
21 EXTENT THE ACTIONS OR OMISSIONS OF THE LOCAL AGENCY
22 CONSTITUTE NEGLIGENCE.

23 * * *

24 SECTION 6. THE PROVISIONS OF THIS ACT ARE SEVERABLE. IF ANY
25 PROVISION OF THIS ACT IS HELD INVALID, THE INVALIDITY SHALL NOT
26 AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS ACT WHICH CAN BE
27 GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION.

28 SECTION 7. THIS ACT SHALL APPLY AS FOLLOWS:

29 (1) THE AMENDMENT OR ADDITION OF 42 PA.C.S. §§ 5551(7)
30 AND 5552(B.1) AND (C) (3) SHALL NOT BE APPLIED TO REVIVE AN

1 ACTION WHICH HAS BEEN BARRED BY AN EXISTING STATUTE OF
2 LIMITATIONS ON THE EFFECTIVE DATE OF THIS SECTION.

3 (2) THE AMENDMENT OR ADDITION OF THE FOLLOWING
4 PROVISIONS SHALL BE APPLIED RETROACTIVELY TO CIVIL ACTIONS,
5 INCLUDING TO REVIVE AN ACTION WHICH WAS BARRED BY A STATUTE
6 OF LIMITATIONS PRIOR TO THE EFFECTIVE DATE OF THIS SECTION:

7 (I) 42 PA.C.S. § 5522(C).

8 (II) 42 PA.C.S. § 5533(C).

9 (III) 42 PA.C.S. § 8522(B)(10).

10 (IV) 42 PA.C.S. § 8542(B)(9).

11 (3) THE AMENDMENT OF 42 PA.C.S. § 5533(B)(2)(I) SHALL
12 APPLY RETROACTIVELY TO CIVIL ACTIONS WHERE THE LIMITATION
13 PERIOD HAS NOT EXPIRED AS OF THE EFFECTIVE DATE OF THIS
14 SECTION.

15 SECTION 8. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.