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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 74**

Session of  
2001

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INTRODUCED BY HOLL, JANUARY 23, 2001

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REFERRED TO JUDICIARY, JANUARY 23, 2001

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, limiting punitive damages  
3 in civil actions.

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

6 Section 1. Chapter 83 Subchapter G heading of Title 42 of  
7 the Pennsylvania Consolidated Statutes is amended to read:

8 SUBCHAPTER G

9 SPECIAL AND PUNITIVE DAMAGES

10 Section 2. Title 42 is amended by adding a section to read:  
11 § 8372. Punitive damages.

12 (a) General rule.--Punitive damages are damages, other than  
13 compensatory or nominal damages, awarded against a person to  
14 punish the person for outrageous conduct and to deter the person  
15 and like persons from similar conduct in the future. In order to  
16 recover punitive damages, the person seeking the damages must  
17 first prove that the person has suffered actual compensatory  
18 damages as a result of the conduct of the person against whom

1 the claim was asserted. The amount of any award for punitive  
2 damages must bear a reasonable relationship to the amount of  
3 actual compensatory damages sustained.

4 (b) Liability of principal.--Punitive damages may be awarded  
5 against a principal or master, under the doctrine of respondeat  
6 superior, but only if the principal or master authorized the  
7 doing and the manner of the outrageous conduct by an agent or  
8 servant.

9 (c) Pretrial procedure.--In any civil action where claims  
10 for punitive damages are asserted, the person against whom the  
11 claim is made shall be permitted to request the court to enter a  
12 summary judgment in favor of that person at any time so long as  
13 the request will not delay the trial of the case. Upon request,  
14 the court shall enter summary judgment in favor of the person  
15 against whom the punitive damage claim is made where the court  
16 finds that there is not sufficient evidence in the record for  
17 the issue of punitive damages to be determined by the trier of  
18 fact.

19 (d) Procedures for trial.--

20 (1) In any civil action where claims for punitive  
21 damages are asserted, the trial judge shall determine the  
22 sufficiency of the evidence, by a preponderance of the  
23 evidence, before permitting the jury, as trier of fact, to  
24 determine the issue and before permitting any evidence at  
25 trial as to the wealth of the person against whom the claims  
26 are made.

27 (2) If the trial judge determines that the evidence is  
28 insufficient to sustain an award of punitive damages by a  
29 preponderance of the evidence, the issue shall be dismissed  
30 from the case and the jury so instructed.

1           (3) If the trial judge determines that sufficient  
2 evidence does exist on the issue of punitive damages by a  
3 preponderance of the evidence, the person seeking the  
4 punitive damages may then offer evidence of the wealth of the  
5 person against whom the claims are made. In assessing  
6 punitive damages, the trier of fact can properly consider the  
7 wealth of the person against whom the claims are made.

8           (e) Prejudgment interest or delay damages.--Prejudgment  
9 interest or delay damages shall not be added by the court to any  
10 award for punitive damages in any civil action.

11           (f) Posttrial procedure.--The excessiveness of the amount of  
12 punitive damages awarded may be ground for reversal, for a new  
13 trial or for a remittitur under the usual rules by which the  
14 court construes the jury's award of compensatory damages.

15           (g) Definition.--As used in this section, the term  
16 "outrageous conduct" means conduct by a person which is the  
17 product of an evil motive or reckless indifference to the rights  
18 of others. Outrageous conduct requires a showing that the actor  
19 knows or has reason to know of facts creating a high risk of  
20 actual harm to others but that the actor nonetheless  
21 deliberately proceeds to act.

22           Section 3. This act shall take effect in 60 days.