

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1697 Session of
1985

INTRODUCED BY BATTISTO, McCALL, DeWEESE, CLYMER, HASAY, FATTAH,
COLAFELLA, STABACK, SIRIANNI, CARLSON, CHADWICK, B. SMITH,
STEVENS, MAYERNIK AND NAHILL, OCTOBER 2, 1985

REFERRED TO COMMITTEE ON INSURANCE, OCTOBER 2, 1985

AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An
2 act relating to insurance; amending, revising, and
3 consolidating the law providing for the incorporation of
4 insurance companies, and the regulation, supervision, and
5 protection of home and foreign insurance companies, Lloyds
6 associations, reciprocal and inter-insurance exchanges, and
7 fire insurance rating bureaus, and the regulation and
8 supervision of insurance carried by such companies,
9 associations, and exchanges, including insurance carried by
10 the State Workmen's Insurance Fund; providing penalties; and
11 repealing existing laws," clarifying policy on punitive
12 damages.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. The act of May 17, 1921 (P.L.682, No.284), known
16 as The Insurance Company Law of 1921, is amended by adding a
17 section to read:

18 Section 755. Punitive Damages; Downhill Skiing.--(a) The
19 General Assembly finds that the sport of downhill skiing is
20 practiced by a large number of citizens of this Commonwealth and
21 also attracts to this Commonwealth large numbers of nonresidents
22 significantly contributing to the economy of this Commonwealth.

1 It is recognized that, as in some other sports, there are
2 inherent risks in the sport of downhill skiing. The law of this
3 Commonwealth being unclear with regard to the insurability
4 against punitive damages, the operators of downhill skiing areas
5 face uncertainty in securing insurance to indemnify against
6 downhill skiing accidents.

7 (b) It is not against the public policy of this Commonwealth
8 for an insurance company to insure the operator of a downhill
9 skiing area against punitive damages arising from tortious
10 conduct, other than those damages arising from an intentional
11 tort attributable to malicious intent, committed by such
12 operator.

13 (c) Nothing herein contained shall be construed to change or
14 amend the public policy of the Commonwealth with respect to the
15 insurability against punitive damages in cases arising other
16 than from downhill skiing.

17 Section 2. This act shall apply to all contracts of
18 insurance entered into, reissued or reaffirmed after the
19 effective date of this act.

20 Section 3. This act shall take effect immediately.