

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2234 Session of
2003

INTRODUCED BY SCHRODER, BASTIAN, BENNINGHOFF, BOYD, CAPPELLI,
CLYMER, DENLINGER, EGOLF, FAIRCHILD, FLICK, GODSHALL,
KILLION, LEH, LEWIS, McILHATTAN, McILHINNEY, MUSTIO, NICKOL,
REED, REICHLEY, ROHRER, ROSS, RUBLEY, SATHER, SCAVELLO,
STEIL, STERN, E. Z. TAYLOR, TURZAI, WATSON AND WILT,
DECEMBER 9, 2003

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 9, 2003

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 punitive damages.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 8372. Limitations on recovery of punitive damages.

9 (a) Standard for award.--In an action alleging damages for
10 death, for injury to person or property or for economic loss, a
11 plaintiff must establish a defendant's liability for punitive
12 damages beyond a reasonable doubt.

13 (b) Distribution of award.--Following an award of punitive
14 damages, 80% of the amount awarded shall be paid directly to the
15 Medical Care Availability and Reduction of Error (Mcare) Fund.

16 (c) Audit.--The Auditor General shall review collections and

1 expenditures made pursuant to subsection (b) and report its
2 findings to the General Assembly annually.

3 (d) Exception.--The limitations contained in this section
4 shall not apply to an action alleging damages for death, injury
5 to person or property or economic loss where the action relates
6 to an incident or occurrence for which an individual has been
7 charged and convicted of a criminal act for which a period of
8 incarceration is or may be a part of the sentence.

9 Section 2. This act shall apply to all pending actions in
10 which trial has not commenced on the effective date of this act.

11 Section 3. This act shall take effect immediately.