
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 474 Session of
2015

INTRODUCED BY MULLERY, PASHINSKI, LONGIETTI, CALTAGIRONE,
THOMAS, CARROLL, MURT, COHEN, GIBBONS, McCARTER, MILLARD,
KORTZ, NEUMAN, SANTARSIERO, SABATINA, TOOHIL, BARRAR AND
ROZZI, FEBRUARY 12, 2015

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 12, 2015

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in financial responsibility, further providing for
3 election of tort options.

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

6 Section 1. Section 1705(d)(1) of Title 75 of the
7 Pennsylvania Consolidated Statutes is amended to read:

8 § 1705. Election of tort options.

9 * * *

10 (d) Limited tort alternative.--Each person who elects the
11 limited tort alternative remains eligible to seek compensation
12 for economic loss sustained in a motor vehicle accident as the
13 consequence of the fault of another person pursuant to
14 applicable tort law. Unless the injury sustained is a serious
15 injury, each person who is bound by the limited tort election
16 shall be precluded from maintaining an action for any
17 noneconomic loss, except that:

1 (1) An individual otherwise bound by the limited tort
2 election who sustains damages in a motor vehicle accident as
3 the consequence of the fault of another person may recover
4 damages as if the individual damaged had elected the full
5 tort alternative whenever the person at fault:

6 (i) is convicted or accepts Accelerated
7 Rehabilitative Disposition (ARD) for driving under the
8 influence of alcohol or a controlled substance in that
9 accident;

10 (i.1) is deceased as a result of the motor vehicle
11 accident and the alcohol concentration in the
12 individual's blood was at least 0.08% or there was in the
13 individual's blood any amount of a:

14 (A) Schedule I controlled substance as defined
15 in the act of April 14, 1972 (P.L.233, No.64), known
16 as The Controlled Substance, Drug, Device and
17 Cosmetic Act:

18 (B) Schedule II or Schedule III controlled
19 substance as defined in The Controlled Substance,
20 Drug, Device and Cosmetic Act which has not been
21 medically prescribed for the individual; or

22 (C) metabolite of a substance under clause (A)
23 or (B).

24 (ii) is operating a motor vehicle registered in
25 another state;

26 (iii) intends to injure himself or another person,
27 provided that an individual does not intentionally injure
28 himself or another person merely because his act or
29 failure to act is intentional or done with his
30 realization that it creates a grave risk of causing

1 injury or the act or omission causing the injury is for
2 the purpose of averting bodily harm to himself or another
3 person; or

4 (iv) has not maintained financial responsibility as
5 required by this chapter, provided that nothing in this
6 paragraph shall affect the limitation of section 1731(d)
7 (2) (relating to availability, scope and amount of
8 coverage).

9 * * *

10 Section 2. This act shall take effect in 60 days.