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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 276 Session of  
2017

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INTRODUCED BY MULLERY, MURT, CALTAGIRONE, MILLARD, LONGIETTI,  
V. BROWN, SCHLOSSBERG, READSHAW, D. COSTA, PASHINSKI, TOOHL,  
KAVULICH AND KORTZ, JANUARY 31, 2017

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REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 31, 2017

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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:

18 (1) An individual otherwise bound by the limited tort

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

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

9 (i.1) is deceased as a result of the motor vehicle  
10 accident and any of the following:

11 (A) the alcohol concentration in the  
12 individual's blood was at least 0.08%; or

13 (B) there was in the individual's blood any  
14 amount of a:

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

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

23 (III) metabolite of a substance under  
24 subclause (I) or (II).

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

27 (iii) intends to injure himself or another person,  
28 provided that an individual does not intentionally injure  
29 himself or another person merely because his act or  
30 failure to act is intentional or done with his

1 realization that it creates a grave risk of causing  
2 injury or the act or omission causing the injury is for  
3 the purpose of averting bodily harm to himself or another  
4 person; or

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

10 \* \* \*

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