

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 74

Session of
2001

INTRODUCED BY HOLL, JANUARY 23, 2001

REFERRED TO JUDICIARY, JANUARY 23, 2001

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.