

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1831 Session of
1987

INTRODUCED BY MORRIS, BRANDT, BATTISTO, CHADWICK, GAMBLE,
HECKLER, CAPPABIANCA, PITTS, WOZNIAK, FLICK, MARKOSEK,
LANGTRY, LIVENGOOD AND FARGO, OCTOBER 13, 1987

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 13, 1987

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for punitive
3 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 § 7104. Punitive damages.

9 (a) General rule.--Punitive damages may be awarded over and
10 above compensatory damages only where there is a showing, by
11 clear and convincing evidence, that the tort-feasor's conduct
12 was outrageous because:

13 (1) the tort-feasor acted with an evil motive; or

14 (2) the tort-feasor knew or had reason to know of facts
15 creating a high degree of risk of physical harm to another
16 person and acted or failed to act in conscious disregard of
17 or indifference to the risk.

18 (b) Gross negligence.--A showing of gross negligence is

1 insufficient to support an award of punitive damages.

2 (c) Contracts.--Punitive damages shall not be awarded in an
3 action based on a breach of contract.

4 (d) Maximum.--Punitive damages shall not exceed 200% of the
5 compensatory damages awarded.

6 Section 2. This act shall apply to actions which have been
7 commenced after the effective date of this act.

8 Section 3. This act shall take effect in 60 days.