

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2162 Session of
1988

INTRODUCED BY GEORGE, DOMBROWSKI, FEE AND LIVENGOD, FEBRUARY 8,
1988

REFERRED TO COMMITTEE ON INSURANCE, FEBRUARY 8, 1988

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, eliminating the Catastrophic Loss Trust Fund.

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

5 Section 1. Sections 1306(7) and 1373(7) of Title 75 of the
6 Pennsylvania Consolidated Statutes are repealed.

7 Section 2. Section 1769 of Title 75 is amended to read:

8 § 1769. [Sunset review] Expiration.

9 [This subchapter shall be subject to periodic evaluation,
10 review and termination or continuation under the act of December
11 22, 1981 (P.L.508, No.142), known as the Sunset Act, every six
12 years commencing with an initial termination date of December
13 31, 1990.]

14 (a) Date.--This subchapter shall expire March 31, 1989.

15 (b) Notification.--Motor vehicle insurers shall notify
16 insureds of the expiration of this subchapter within 60 days of
17 the effective date of this subsection.

1 Section 3. Section 1787(d) of Title 75 is repealed.

2 Section 4. Sections 1796(a), 1797 and 1798(a) and (c) are
3 amended to read:

4 § 1796. Mental or physical examination of person.

5 (a) General rule.--Whenever the mental or physical condition
6 of a person is material to any claim for medical[,] or income
7 loss [or catastrophic loss] benefits, a court of competent
8 jurisdiction [or the administrator of the Catastrophic Loss
9 Trust Fund for catastrophic loss claims] may order the person to
10 submit to a mental or physical examination by a physician. The
11 order may only be made upon motion for good cause shown. The
12 order shall give the person to be examined adequate notice of
13 the time and date of the examination and shall state the manner,
14 conditions and scope of the examination and the physician by
15 whom it is to be performed. If a person fails to comply with an
16 order to be examined, the court or the administrator may order
17 that the person be denied benefits until compliance.

18 * * *

19 § 1797. Customary charges for treatment.

20 A person or institution providing treatment, accommodations,
21 products or services to an injured person for an injury covered
22 by medical [or catastrophic loss] benefits shall not make a
23 charge for the treatment, accommodations, products or services
24 in excess of the amount the person or institution customarily
25 charges for like treatment, accommodations, products and
26 services in cases involving no insurance.

27 § 1798. Attorney fees and costs.

28 (a) Basis for reasonable fee.--No attorney's fee for
29 representing a claimant in connection with a claim for first
30 party benefits provided under Subchapter B (relating to motor

1 vehicle liability insurance first party benefits) [or a claim
2 for catastrophic loss benefits under Subchapter F (relating to
3 Catastrophic Loss Trust Fund)] shall be calculated, determined
4 or paid on a contingent fee basis, nor shall any attorney's fees
5 be deducted from the benefits enumerated in this subsection
6 which are otherwise due such claimant. An attorney may charge a
7 claimant a reasonable fee based upon actual time expended.

8 * * *

9 [(c) Payment by fund.--The Catastrophic Loss Trust Fund may
10 award the claimant's attorney a reasonable fee based upon actual
11 time expended because a claimant is unable to otherwise pay the
12 fees and costs.]

13 * * *

14 Section 5. This act shall take effect as follows:

15 (1) Section 2 (section 1769) and this section shall take
16 effect immediately.

17 (2) The remainder of this act shall take effect December
18 31, 1988, or immediately, whichever is later.