

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 216 Session of
2001

INTRODUCED BY TARTAGLIONE, BELL, WAGNER, MELLOW, STOUT, MUSTO,
O'PAKE, SCHWARTZ, LAVALLE, HUGHES, COSTA, KASUNIC, BODACK,
BOSCOLA, KUKOVICH AND STACK, JANUARY 31, 2001

SENATE AMENDMENTS TO HOUSE AMENDMENTS, DECEMBER 11, 2001

AN ACT

1 ~~Amending Title 42 (Judiciary and Judicial Procedure) of the~~ <—
2 ~~Pennsylvania Consolidated Statutes, further providing for~~
3 ~~costs, for Commonwealth portion of fines and for limitations~~
4 ~~of actions.~~
5 AMENDING TITLES 15 (CORPORATIONS AND UNINCORPORATED <—
6 ASSOCIATIONS) AND 42 (JUDICIARY AND JUDICIAL PROCEDURE) OF
7 THE PENNSYLVANIA CONSOLIDATED STATUTES, PROVIDING FOR
8 LIMITATIONS ON ASBESTOS-RELATED LIABILITIES RELATING TO
9 CERTAIN MERGERS OR CONSOLIDATIONS; AND FURTHER PROVIDING FOR
10 CERTAIN STATUTES OF LIMITATIONS AND FOR CERTAIN TRANSFERS.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 ~~Section 1. Sections 1725.1 and 3571(c) of Title 42 of the~~ <—
14 ~~Pennsylvania Consolidated Statutes are amended to read:~~
15 ~~§ 1725.1. Costs.~~

16 ~~(a) Civil cases. Subject to subsection (f), the costs to be~~
17 ~~charged by district justices in every civil case, except as~~
18 ~~otherwise provided in this section, shall be as follows:~~

19 ~~(1) Actions involving \$500 or~~
20 ~~less..... \$30.00~~
21 ~~(2) Actions involving more than~~

1	\$500 but not more than \$2,000.....	\$40.00
2	(3) Actions involving more than	
3	\$2,000 but not more than \$4,000.....	\$50.00
4	(4) Actions involving more than	
5	\$4,000 but not more than \$8,000.....	\$75.00
6	(5) Landlord tenant actions involving	
7	less than \$2,000.....	\$45.00
8	(6) Landlord tenant actions involving more	
9	than \$2,000 but not more than \$4,000.....	\$55.00
10	(7) Landlord tenant actions involving more	
11	than \$4,000 but not more than \$8,000.....	\$75.00
12	(8) Order of execution.....	\$22.50
13	(9) Objection to levy.....	\$10.00
14	(10) Reinstatement of complaint.....	\$ 5.00

15 ~~Such costs shall include all charges except the costs of a~~
 16 ~~district justice's transcript of every proceeding on appeal or~~
 17 ~~certiorari (including affidavit and certificate) which shall be~~
 18 ~~\$2.50 per transcript. Said costs shall not include, however, the~~
 19 ~~cost of postage and registered mail which shall be borne by the~~
 20 ~~plaintiff.~~

21 ~~(a.1) Custody cases. Except as provided in section~~
 22 ~~1725(c)(2)(v) (relating to establishment of fees and charges)~~
 23 ~~and subject to subsection (f), in a custody case, the court of~~
 24 ~~common pleas shall, in addition to the cost provided by general~~
 25 ~~rule, assess a cost of \$5.00. Eighty percent of the funds~~
 26 ~~generated by the charge under this subsection shall be~~
 27 ~~transmitted by the prothonotary to the Administrative Office to~~
 28 ~~pay for the implementation of section 1904 (relating to~~
 29 ~~availability of criminal charge information in child custody~~
 30 ~~proceedings).~~

~~(b) Criminal cases. Subject to subsection (f), the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:~~

~~(1) Summary conviction, except motor vehicle cases..... \$28.50~~

~~(2) Summary conviction, motor vehicles cases, other than paragraph (3)..... \$22.50~~

~~(3) Summary conviction, motor vehicle cases, hearing demanded..... \$27.50~~

~~(4) Misdemeanor..... \$32.50~~

~~(5) Felony..... \$37.50~~

~~Such costs shall include all charges including the costs of giving a district justice's transcript to the prosecutor or defendant, or both, if requested. Such costs shall not include, however, the cost of postage and registered mail which shall be paid by the defendant upon conviction.~~

~~(c) Unclassified costs or charges. Subject to subsection (f), the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:~~

~~(1) Entering transcript of judgment from another member of the minor judiciary..... \$ 5.00~~

~~(2) Marrying each couple, making record thereof, and certificate to the parties..... \$25.00~~

~~(3) Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse)..... \$10.00~~

~~(4) Issuing a search warrant (except as provided in subsection (d))..... \$10.00~~

~~(5) Any other issuance not otherwise provided for~~

1 ~~in this subsection..... \$10.00~~

2 ~~(d) Search warrants. In every case where a search warrant~~
3 ~~is requested by a police officer, constable or other peace~~
4 ~~officer engaged as such in the employ or service of the~~
5 ~~Commonwealth or any of its political subdivisions, no cost or~~
6 ~~charge shall be assessed against such officer, the Commonwealth~~
7 ~~or political subdivision for the issuance of such search~~
8 ~~warrant.~~

9 ~~(e) Fish and boating offenses.~~

10 ~~(1) Except as provided in paragraph (2), any person~~
11 ~~convicted of a summary offense under Title 30 (relating to~~
12 ~~fish) shall, in addition to the fine imposed, be sentenced to~~
13 ~~pay \$10 as costs of the issuing authority which costs shall~~
14 ~~include all charges including, when called for, the costs of~~
15 ~~postage and registered or certified mail and the costs of~~
16 ~~giving a transcript to the prosecutor or defendant, or both,~~
17 ~~if requested.~~

18 ~~(2) Where the person charged with a summary offense~~
19 ~~under Title 30 demands a hearing, the costs of the issuing~~
20 ~~authority shall be \$15, which costs shall include all charges~~
21 ~~including the charges specified in paragraph (1).~~

22 ~~(f) Annual increase in costs. Beginning on January 1, 1994,~~
23 ~~and each January 1 thereafter, the costs under subsections (a),~~
24 ~~(b) and (c) shall be increased by the percentage of increase in~~
25 ~~the Consumer Price Index for Urban Workers for the immediate~~
26 ~~preceding calendar year which shall be published in the~~
27 ~~Pennsylvania Bulletin annually by the Supreme Court on or before~~
28 ~~the preceding November 30. This subsection shall expire January~~
29 ~~1, [2001] 2010.~~

30 ~~§ 3571. Commonwealth portion of fines, etc.~~

~~***~~

~~(c) Costs in district justice proceedings.—~~

~~(1) Costs collected by a district justice shall be transmitted monthly to the Commonwealth in amounts as prescribed in subsection (b) and the balance shall be transmitted monthly to the county in which the magisterial district is located. Costs transmitted to the Commonwealth shall be credited to the General Fund. Costs transmitted to the county shall be retained by the county for its use.~~

~~(2) Amounts payable to the Commonwealth:~~

~~(i) Summary conviction, except motor vehicle cases.....\$10.00~~

~~(ii) Summary conviction, motor vehicle cases other than subparagraph (iii).....\$10.00~~

~~(iii) Summary conviction, motor vehicle cases, hearing demanded.....\$10.00~~

~~(iv) Misdemeanor.....\$13.00~~

~~(v) Felony.....\$20.00~~

~~(vi) Assumpsit or trespass involving:~~

~~(A) \$500 or less.....\$12.50~~

~~(B) More than \$500 but not more than \$2,000.....\$20.00~~

~~(C) More than \$2,000 but not more than \$4,000.....\$30.00~~

~~(D) More than \$4,000 but not more than \$8,000.....\$50.00~~

~~(vii) Landlord tenant proceeding involving:~~

~~(A) \$2,000 or less.....\$20.00~~

~~(B) More than \$2,000 but not more than \$4,000.....\$25.00~~

~~(C) More than \$4,000 but not more than
\$8,000.....\$35.00
(viii) Objection to levy.....\$ 5.00
(ix) Order of execution.....\$15.00
(x) Issuing a search warrant (except as provided
in section 1725.1(d) (relating to costs)).....\$ 7.00
(xi) Order of possession.....\$15.00
(3) In all cases where costs are borne by the county
pursuant to section 1725.2 (relating to assumption of summary
conviction costs by county), no share of such costs shall be
payable to the Commonwealth.~~

~~(4) Beginning on January 1, 1994, and each January 1
thereafter, the costs under paragraph (2) shall be increased
by the percentage of increase in the Consumer Price Index for
Urban Workers for the immediate preceding calendar year which
shall be published in the Pennsylvania Bulletin annually by
the Supreme Court on or before the preceding November 30.
This paragraph shall expire January 1, [2001] 2010.~~

~~* * *~~

~~Section 2. Section 5524 of Title 42 is amended by adding a
paragraph to read:~~

~~§ 5524. Two year limitation.~~

~~The following actions and proceedings must be commenced
within two years:~~

~~* * *~~

~~(8) An action to recover damages for injury to a person
or for the death of a person caused by the exposure to
asbestos shall be commenced within two years from the date
the person was informed by a licensed physician that the
person has an injury which is caused by such exposure.~~

~~(8) An action to recover damages for injury to a person or for the death of a person caused by exposure to asbestos. The time within which such action must be commenced shall be computed from the date on which the person is informed by a health care practitioner who is authorized to practice some component of the healing arts by a license, permit, certificate or registration issued by a Commonwealth licensing agency or board or an equivalent agency or board in another state that the person has been injured by such exposure or from the date on which the person knew, or in the exercise of reasonable diligence, as determined by the trier of fact, should have known, that he had an injury which was caused by such exposure, whichever date occurs first.~~

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

SECTION 1. TITLE 15 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED BY ADDING A SECTION TO READ:

§ 1929.1. LIMITATIONS ON ASBESTOS-RELATED LIABILITIES RELATING TO CERTAIN MERGERS OR CONSOLIDATIONS.

(A) LIMITATION ON SUCCESSOR ASBESTOS-RELATED LIABILITIES.--

(1) EXCEPT AS FURTHER LIMITED IN PARAGRAPH (2), THE CUMULATIVE SUCCESSOR ASBESTOS-RELATED LIABILITIES OF A DOMESTIC BUSINESS CORPORATION THAT WAS INCORPORATED IN THIS COMMONWEALTH PRIOR TO MAY 1, 2001, SHALL BE LIMITED TO THE FAIR MARKET VALUE OF THE TOTAL ASSETS OF THE TRANSFEROR DETERMINED AS OF THE TIME OF THE MERGER OR CONSOLIDATION AND SUCH CORPORATION SHALL HAVE NO RESPONSIBILITY FOR SUCCESSOR ASBESTOS-RELATED LIABILITIES IN EXCESS OF SUCH LIMITATION.

(2) IF THE TRANSFEROR HAD ASSUMED OR INCURRED SUCCESSOR ASBESTOS-RELATED LIABILITIES IN CONNECTION WITH A PRIOR MERGER OR CONSOLIDATION WITH A PRIOR TRANSFEROR, THEN THE

1 FAIR MARKET VALUE OF THE TOTAL ASSETS OF THE PRIOR
2 TRANSFEROR, DETERMINED AS OF THE TIME OF SUCH EARLIER MERGER
3 OR CONSOLIDATION, SHALL BE SUBSTITUTED FOR THE LIMITATION SET
4 FORTH IN PARAGRAPH (1) FOR PURPOSES OF DETERMINING THE
5 LIMITATION OF LIABILITY OF A DOMESTIC BUSINESS CORPORATION.

6 (B) LIMITATION ON TOTAL ASSETS AVAILABLE TO SATISFY
7 SUCCESSOR ASBESTOS-RELATED LIABILITIES.--

8 (1) EXCEPT AS FURTHER LIMITED IN PARAGRAPH (2), THE
9 ASSETS OF A DOMESTIC BUSINESS CORPORATION THAT WAS
10 INCORPORATED IN THIS COMMONWEALTH PRIOR TO MAY 1, 2001, SHALL
11 BE EXEMPT FROM RESTRAINT, ATTACHMENT OR EXECUTION ON
12 JUDGMENTS RELATED TO CLAIMS FOR SUCCESSOR ASBESTOS-RELATED
13 LIABILITIES IF THE CUMULATIVE AMOUNTS WHICH, AFTER THE TIME
14 OF THE MERGER OR CONSOLIDATION AS TO WHICH THE FAIR MARKET
15 VALUE OF TOTAL ASSETS IS DETERMINED FOR PURPOSES OF THIS
16 SUBSECTION AND SUBSECTION (A), ARE PAID OR COMMITTED TO BE
17 PAID BY OR ON BEHALF OF THE CORPORATION, OR BY OR ON BEHALF
18 OF A TRANSFEROR, IN CONNECTION WITH SETTLEMENTS, JUDGMENTS OR
19 OTHER DISCHARGES OF CLAIMS OF ASBESTOS-RELATED LIABILITIES,
20 EXCEED THE FAIR MARKET VALUE OF THE TOTAL ASSETS OF THE
21 TRANSFEROR, DETERMINED AS OF THE TIME OF THE MERGER OR
22 CONSOLIDATION.

23 (2) IF THE TRANSFEROR HAD ASSUMED OR INCURRED SUCCESSOR
24 ASBESTOS-RELATED LIABILITIES IN CONNECTION WITH A PRIOR
25 MERGER OR CONSOLIDATION WITH A PRIOR TRANSFEROR, THEN THE
26 FAIR MARKET VALUE OF THE TOTAL ASSETS OF THE PRIOR
27 TRANSFEROR, DETERMINED AS OF THE TIME OF SUCH EARLIER MERGER
28 OR CONSOLIDATION, SHALL BE SUBSTITUTED FOR THE LIMITATION SET
29 FORTH IN PARAGRAPH (1) FOR PURPOSES OF DETERMINING THE EXTENT
30 OF THE EXEMPTION OF THE ASSETS OF A DOMESTIC BUSINESS

1 CORPORATION.

2 (C) FAIR MARKET VALUE OF TOTAL ASSETS.--

3 (1) A DOMESTIC BUSINESS CORPORATION MAY ESTABLISH THE
4 FAIR MARKET VALUE OF TOTAL ASSETS THROUGH ANY METHOD
5 REASONABLE UNDER THE CIRCUMSTANCES, INCLUDING BY REFERENCE TO
6 THE GOING CONCERN VALUE OF SUCH ASSETS OR TO THE PURCHASE
7 PRICE ATTRIBUTABLE TO OR PAID FOR SUCH ASSETS IN AN ARM'S
8 LENGTH TRANSACTION, OR, IN THE ABSENCE OF OTHER READILY
9 AVAILABLE INFORMATION FROM WHICH FAIR MARKET VALUE CAN BE
10 DETERMINED, BY REFERENCE TO THE VALUE OF SUCH ASSETS RECORDED
11 ON A BALANCE SHEET. TOTAL ASSETS SHALL INCLUDE INTANGIBLE
12 ASSETS. A SHOWING BY THE DOMESTIC BUSINESS CORPORATION OF A
13 REASONABLE DETERMINATION OF THE FAIR MARKET VALUE OF TOTAL
14 ASSETS SHALL BE PRIMA FACIE EVIDENCE OF THEIR FAIR MARKET
15 VALUE.

16 (2) ONCE A REASONABLE DETERMINATION OF THE FAIR MARKET
17 VALUE OF TOTAL ASSETS HAS BEEN THUS ESTABLISHED BY A DOMESTIC
18 BUSINESS CORPORATION, A CLAIMANT DISPUTING THAT DETERMINATION
19 OF VALUE SHALL THEN HAVE THE BURDEN OF ESTABLISHING A
20 DIFFERENT FAIR MARKET VALUE OF SUCH ASSETS.

21 (3) FOR THE PURPOSE OF ADJUSTING THE LIMITATIONS SET
22 FORTH IN SUBSECTIONS (A) AND (B) TO ACCOUNT FOR THE PASSAGE
23 OF TIME, THE FAIR MARKET VALUE OF TOTAL ASSETS AT THE TIME OF
24 A MERGER OR CONSOLIDATION SHALL BE INCREASED ANNUALLY, UNTIL
25 THE EARLIER OF:

26 (I) THE DATE OF THE SETTLEMENT, JUDGMENT OR OTHER
27 DISCHARGE TO WHICH THE LIMITATIONS IN SUBSECTION (A) OR
28 (B) ARE BEING APPLIED; OR

29 (II) THE DATE ON WHICH SUCH ADJUSTED FAIR MARKET
30 VALUE IS FIRST EXCEEDED BY THE CUMULATIVE AMOUNTS PAID OR

1 COMMITTED TO BE PAID BY OR ON BEHALF OF THE CORPORATION,
2 OR BY OR ON BEHALF OF A TRANSFEROR, AFTER THE TIME OF THE
3 MERGER OR CONSOLIDATION AS TO WHICH THE FAIR MARKET VALUE
4 OF TOTAL ASSETS IS DETERMINED FOR PURPOSES OF SUBSECTIONS
5 (A) AND (B), IN CONNECTION WITH SETTLEMENTS, JUDGMENTS OR
6 OTHER DISCHARGES OF THE SUCCESSOR ASBESTOS-RELATED
7 LIABILITIES,

8 AT THE RATE EQUAL TO THE PRIME RATE AS LISTED IN THE FIRST
9 EDITION OF THE WALL STREET JOURNAL PUBLISHED FOR EACH
10 CALENDAR YEAR SINCE SUCH MERGER OR CONSOLIDATION, PLUS 1%,
11 NOT COMPOUNDED.

12 (D) APPLICATION.--

13 (1) THE LIMITATIONS SET FORTH IN SUBSECTIONS (A) AND (B)
14 SHALL APPLY TO MERGERS OR CONSOLIDATIONS EFFECTED UNDER THE
15 LAWS OF THIS COMMONWEALTH OR ANOTHER JURISDICTION CONSUMMATED
16 PRIOR TO MAY 1, 2001.

17 (2) THE LIMITATIONS SET FORTH IN SUBSECTIONS (A) AND (B)
18 SHALL APPLY TO ALL ASBESTOS CLAIMS, INCLUDING EXISTING
19 ASBESTOS CLAIMS, AND ALL LITIGATION, INCLUDING EXISTING
20 LITIGATION, AND SHALL APPLY TO SUCCESSORS OF A DOMESTIC
21 BUSINESS CORPORATION TO WHICH THIS SECTION APPLIES.

22 (3) THE LIMITATIONS SET FORTH IN SUBSECTIONS (A) AND (B)
23 SHALL NOT APPLY TO WORKERS' COMPENSATION BENEFITS PAID BY OR
24 ON BEHALF OF AN EMPLOYER TO AN EMPLOYEE PURSUANT TO THE ACT
25 OF JUNE 2, 1915 (P.L.736, NO.338), KNOWN AS THE WORKERS'
26 COMPENSATION ACT, OR COMPARABLE WORKERS' COMPENSATION LAW OF
27 ANOTHER JURISDICTION.

28 (4) THE LIMITATIONS SET FORTH IN SUBSECTIONS (A) AND (B)
29 SHALL NOT APPLY TO ANY CLAIM AGAINST A DOMESTIC BUSINESS
30 CORPORATION THAT DOES NOT CONSTITUTE A SUCCESSOR ASBESTOS-

1 RELATED LIABILITY.

2 (5) THIS SECTION SHALL NOT APPLY TO AN INSURANCE
3 CORPORATION AS DEFINED IN SECTION 3102 (RELATING TO
4 DEFINITIONS).

5 (6) THE LIMITATIONS SET FORTH IN SUBSECTIONS (A) AND (B)
6 SHALL NOT APPLY TO ANY OBLIGATIONS ARISING UNDER THE NATIONAL
7 LABOR RELATIONS ACT (49 STAT. 449, 29 U.S.C. § 151 ET SEQ.),
8 OR UNDER ANY COLLECTIVE BARGAINING AGREEMENT.

9 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
10 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
11 SUBSECTION:

12 "ASBESTOS CLAIM." ANY CLAIM, WHEREVER OR WHENEVER MADE, FOR
13 DAMAGES, LOSSES, INDEMNIFICATION, CONTRIBUTION OR OTHER RELIEF,
14 ARISING OUT OF, BASED ON OR IN ANY WAY RELATED TO ASBESTOS,
15 INCLUDING PROPERTY DAMAGE CAUSED BY THE INSTALLATION, PRESENCE
16 OR REMOVAL OF ASBESTOS, THE HEALTH EFFECTS OF EXPOSURE TO
17 ASBESTOS, INCLUDING ANY CLAIM FOR PERSONAL INJURY, DEATH, MENTAL
18 OR EMOTIONAL INJURY, RISK OF DISEASE OR OTHER INJURY OR THE
19 COSTS OF MEDICAL MONITORING OR SURVEILLANCE. THE TERM SHALL ALSO
20 INCLUDE ANY CLAIM MADE BY OR ON BEHALF OF ANY PERSON EXPOSED TO
21 ASBESTOS OR ANY REPRESENTATIVE, SPOUSE, PARENT, CHILD OR OTHER
22 RELATIVE OF ANY SUCH PERSON.

23 "SUCCESSOR ASBESTOS-RELATED LIABILITIES." ANY LIABILITIES,
24 WHETHER KNOWN OR UNKNOWN, ASSERTED OR UNASSERTED, ABSOLUTE OR
25 CONTINGENT, ACCRUED OR UNACCRUED, LIQUIDATED OR UNLIQUIDATED OR
26 DUE OR TO BECOME DUE, RELATED IN ANY WAY TO ASBESTOS CLAIMS,
27 THAT WERE ASSUMED OR INCURRED BY A DOMESTIC BUSINESS CORPORATION
28 OR FOREIGN BUSINESS CORPORATION AS A RESULT OF OR IN CONNECTION
29 WITH A MERGER OR CONSOLIDATION, OR THE PLAN OF MERGER OR
30 CONSOLIDATION RELATED THERETO, WITH OR INTO ANOTHER DOMESTIC

BUSINESS CORPORATION OR FOREIGN BUSINESS CORPORATION EFFECTED
UNDER THE LAWS OF THIS COMMONWEALTH OR ANOTHER JURISDICTION OR
WHICH ARE RELATED IN ANY WAY TO ASBESTOS CLAIMS BASED ON THE
EXERCISE OF CONTROL OR THE OWNERSHIP OF STOCK OF SUCH
CORPORATION PRIOR TO SUCH MERGER OR CONSOLIDATION. THE TERM
SHALL ALSO INCLUDE LIABILITIES WHICH, AFTER THE TIME OF THE
MERGER OR CONSOLIDATION AS TO WHICH THE FAIR MARKET VALUE OF
TOTAL ASSETS IS DETERMINED FOR PURPOSES OF SUBSECTIONS (A) AND
(B), WERE OR ARE PAID OR OTHERWISE DISCHARGED, OR COMMITTED TO
BE PAID OR OTHERWISE DISCHARGED, BY OR ON BEHALF OF THE
CORPORATION, OR BY OR ON BEHALF OF A TRANSFEROR, IN CONNECTION
WITH SETTLEMENTS, JUDGMENTS OR OTHER DISCHARGES IN THIS
COMMONWEALTH OR ANOTHER JURISDICTION.

"TRANSFEROR." A DOMESTIC BUSINESS CORPORATION OR FOREIGN
BUSINESS CORPORATION FROM WHICH SUCCESSOR ASBESTOS-RELATED
LIABILITIES ARE ASSUMED OR INCURRED.

SECTION 2. SECTION 5524 OF TITLE 42 IS AMENDED BY ADDING A
PARAGRAPH TO READ:

§ 5524. TWO YEAR LIMITATION.

THE FOLLOWING ACTIONS AND PROCEEDINGS MUST BE COMMENCED
WITHIN TWO YEARS:

* * *

(8) AN ACTION TO RECOVER DAMAGES FOR INJURY TO A PERSON
OR FOR THE DEATH OF A PERSON CAUSED BY EXPOSURE TO ASBESTOS
SHALL BE COMMENCED WITHIN TWO YEARS FROM THE DATE ON WHICH
THE PERSON IS INFORMED BY A LICENSED PHYSICIAN THAT THE
PERSON HAS BEEN INJURED BY SUCH EXPOSURE, OR UPON THE DATE ON
WHICH THE PERSON KNEW, OR IN THE EXERCISE OF REASONABLE
DILIGENCE SHOULD HAVE KNOWN, THAT THE PERSON HAD AN INJURY
WHICH WAS CAUSED BY SUCH EXPOSURE, WHICHEVER DATE OCCURS

1 FIRST.

2 SECTION 3. SECTION 8128 OF TITLE 42 IS AMENDED TO READ:

3 § 8128. TRANSFER OF CLAIM TO AVOID POLICY OF COMMONWEALTH.

4 (A) GENERAL RULE.--IT SHALL BE UNLAWFUL FOR ANY CREDITOR OR
5 OBLIGEE TO COMMENCE AN ACTION ON OR TO TRANSFER ANY CLAIM
6 AGAINST A RESIDENT OF THIS COMMONWEALTH FOR THE PURPOSE OF
7 HAVING SUCH CLAIM COLLECTED BY PROCEEDINGS IN A FORUM WHICH
8 ACCORDS SUCH RESIDENT LESS FAVORABLE EXEMPTIONS FROM ATTACHMENT
9 OR EXECUTION THAN ARE ACCORDED BY THIS COMMONWEALTH, OR FOR THE
10 PURPOSE OF DEPRIVING SUCH RESIDENT OF THE RIGHT TO HAVE HIS
11 PERSONAL EARNINGS WHILE IN THE HANDS OF HIS EMPLOYER EXEMPT FROM
12 APPLICATION TO THE PAYMENT OF HIS DEBTS.

13 (B) REMEDY.--IN ADDITION TO REMEDY BY INJUNCTION OR
14 OTHERWISE, A RESIDENT OF THIS COMMONWEALTH WHO IS AGGRIEVED BY
15 ANY ACTION BY A CREDITOR OR OBLIGEE IN VIOLATION OF SUBSECTION
16 (A) SHALL HAVE A RIGHT OF ACTION AGAINST THE CREDITOR OR OBLIGEE
17 FOR TREBLE THE AMOUNT RECOVERED FROM SUCH RESIDENT IN VIOLATION
18 OF THIS SECTION AND REASONABLE COUNSEL FEES. THE TRANSFER OF ANY
19 CLAIM AGAINST THE RESIDENT AND THE COMMENCEMENT OF ANY ACTION
20 THEREON OUTSIDE THIS COMMONWEALTH SHALL BE PRIMA FACIE EVIDENCE
21 OF A PURPOSE TO VIOLATE THE PROVISIONS OF SUBSECTION (A).

22 (C) APPLICATION TO TITLE 15.--THE PROVISIONS OF THIS SECTION
23 SHALL ALSO APPLY TO THE LIMITATIONS SET FORTH IN 15 PA.C.S. §
24 1929.1 (RELATING TO LIMITATIONS ON ASBESTOS-RELATED LIABILITIES
25 RELATING TO CERTAIN MERGERS OR CONSOLIDATIONS)).

26 SECTION 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

27 (1) THE ADDITION OF 42 PA.C.S. § 5524(8) SHALL TAKE
28 EFFECT IN 60 DAYS.

29 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
30 IMMEDIATELY.