

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 132 Session of  
2005

INTRODUCED BY PAYNE, BALDWIN, BASTIAN, BIRMELIN, BOYD, CAPPELLI,  
CAUSER, CORRIGAN, CRAHALLA, DALEY, DENLINGER, FAIRCHILD,  
FLEAGLE, FLICK, GILLESPIE, GINGRICH, GODSHALL, HERSHEY, HESS,  
HICKERNELL, HUTCHINSON, KAUFFMAN, KILLION, LEH, MAHER,  
S. MILLER, MUSTIO, O'NEILL, PYLE, REICHLEY, ROSS, SCAVELLO,  
STERN, TURZAI, WILT AND WRIGHT, JANUARY 31, 2005

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 31, 2005

## A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth  
2 of Pennsylvania, providing for medical professional liability  
3 actions.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby resolves as follows:

6 Section 1. The following amendment to the Constitution of  
7 Pennsylvania is proposed in accordance with Article XI:

8 That section 18 of Article III be amended to read:

9 § 18. Compensation laws allowed to General Assembly.

10 (a) The General Assembly may enact laws requiring the  
11 payment by employers, or employers and employees jointly, of  
12 reasonable compensation for injuries to employees arising in the  
13 course of their employment, and for occupational diseases of  
14 employees, whether or not such injuries or diseases result in  
15 death, and regardless of fault of employer or employee, and  
16 fixing the basis of ascertainment of such compensation and the

1 maximum and minimum limits thereof, and providing special or  
2 general remedies for the collection thereof[; but in].

3 (b) In a medical professional liability action involving a  
4 medical professional liability claim brought against a licensed  
5 health care professional or a health care facility, the General  
6 Assembly may, by statute, limit the recovery of noneconomic  
7 damages for injuries resulting in death, or for injuries to  
8 persons.

9 (c) In no other cases shall the General Assembly limit the  
10 amount to be recovered for injuries resulting in death, or for  
11 injuries to persons or property, and in case of death from such  
12 injuries, the right of action shall survive, and the General  
13 Assembly shall prescribe for whose benefit such actions shall be  
14 prosecuted.

15 (d) No act shall prescribe any limitations of time within  
16 which suits may be brought against corporations for injuries to  
17 persons or property, or for other causes different from those  
18 fixed by general laws regulating actions against natural  
19 persons, and such acts now existing are avoided.

20 Section 2. (a) Upon the first passage by the General  
21 Assembly of this proposed constitutional amendment, the  
22 Secretary of the Commonwealth shall proceed immediately to  
23 comply with the advertising requirements of section 1 of Article  
24 XI of the Constitution of Pennsylvania and shall transmit the  
25 required advertisements to two newspapers in every county in  
26 which such newspapers are published in sufficient time after  
27 passage of this proposed constitutional amendment.

28 (b) Upon the second passage by the General Assembly of this  
29 proposed constitutional amendment, the Secretary of the  
30 Commonwealth shall proceed immediately to comply with the

1 advertising requirements of section 1 of Article XI of the  
2 Constitution of Pennsylvania and shall transmit the required  
3 advertisements to two newspapers in every county in which such  
4 newspapers are published in sufficient time after passage of  
5 this proposed constitutional amendment. The Secretary of the  
6 Commonwealth shall submit this proposed constitutional amendment  
7 to the qualified electors of this Commonwealth at the first  
8 primary, general or municipal election which meets the  
9 requirements of and is in conformance with section 1 of Article  
10 XI of the Constitution of Pennsylvania and which occurs at least  
11 three months after the proposed constitutional amendment is  
12 passed by the General Assembly.