

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 475 Session of  
2003

INTRODUCED BY CLYMER, ADOLPH, BARD, BIRMELIN, CAWLEY, COLEMAN,  
CREIGHTON, DAILEY, DALEY, EGOLF, FAIRCHILD, GABIG, GEIST,  
GILLESPIE, HASAY, HERSHEY, LEH, LEWIS, MACKERETH, McILHINNEY,  
METCALFE, R. MILLER, S. MILLER, REED, ROHRER, ROSS, RUBLEY,  
SATHER, SAYLOR, SCAVELLO, SCHRODER, STEIL, STERN,  
R. STEVENSON, TIGUE, TRUE, TURZAI, WATSON, WRIGHT, YOUNGBLOOD  
AND HICKERNELL, FEBRUARY 25, 2003

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 25, 2003

## A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth  
2 of Pennsylvania, providing for limitation of damages in  
3 medical malpractice.

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

1 fixing the basis of ascertainment of such compensation and the  
2 maximum and minimum limits thereof, and providing special or  
3 general remedies for the collection thereof[; but in].

4 (b) The General Assembly may enact laws limiting the amount  
5 of damages for pain and suffering in actions arising out of  
6 medical malpractice.

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

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

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

27 (b) Upon the second passage by the General Assembly of this  
28 proposed constitutional amendment, the Secretary of the  
29 Commonwealth shall proceed immediately to comply with the  
30 advertising requirements of section 1 of Article XI of the

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