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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1679 Session of  
2009

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INTRODUCED BY GERBER, EACHUS, PAYTON, BELFANTI, BEYER, BOYLE, BRENNAN, BRIGGS, DALEY, FRANKEL, FREEMAN, GEIST, GIBBONS, GOODMAN, GRELL, GROVE, HARPER, HARRIS, HENNESSEY, HORNAMAN, JOSEPHS, KILLION, KIRKLAND, KORTZ, KULA, LENTZ, LONGIETTI, MAHONEY, MANDERINO, MANN, McGEEHAN, MELIO, MILNE, MOUL, MUNDY, MURT, MUSTIO, M. O'BRIEN, PALLONE, PASHINSKI, QUINN, SANTARSIERO, SIPTROTH, K. SMITH, M. SMITH, SOLOBAY, J. TAYLOR, VULAKOVICH, WALKO, WATSON AND WHITE, JUNE 12, 2009

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REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, JUNE 12, 2009

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AN ACT

1 Providing for liability for false claims, for adoption of  
2 Congressional intent of the Federal False Claims Act, for  
3 treble damages, costs and civil penalties, for powers of the  
4 Attorney General and for qui tam actions.

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9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 CHAPTER 1

12 PRELIMINARY PROVISIONS

13 Section 101. Short title.

14 This act shall be known and may be cited as the False Claims  
15 Act.

16 Section 102. Declaration of policy.

17 The General Assembly declares that this act adopts the intent  
18 of Congress in enacting the Federal False Claims Act (Public Law  
19 97-258, 31 U.S.C. §§ 3729-3733) on September 13, 1982, including  
20 the amendments (Public Law 99-562, 100 Stat. 3153) enacted  
21 October 27, 1986.

22 Section 103. Definitions.

23 The following words and phrases when used in this act shall  
24 have the meanings given to them in this section unless the  
25 context clearly indicates otherwise:

26 "Claim." A request or demand for money, property or services  
27 made to any employee, officer or agent of the Commonwealth, or  
28 to any contractor, grantee or other recipient, whether under  
29 contract or not, if any portion of the money, property or  
30 services requested or demanded, issued from or was provided

1 using Commonwealth funds, or if the Commonwealth will reimburse  
2 the contractor, grantee or other recipient for any portion of  
3 the money or property requested or demanded.

4 "Employer." A natural person, corporation, firm,  
5 association, organization, partnership, business, trust or  
6 Commonwealth-affiliated entity involved in a nongovernmental  
7 function, including State universities and State hospitals.

8 "Knowingly." Whenever a person, with respect to information,  
9 does any of the following:

10 (1) Has actual knowledge of the information.

11 (2) Acts in deliberate ignorance of the truth or falsity  
12 of the information.

13 (3) Acts in reckless disregard of the truth or falsity  
14 of the information. Proof of specific intent to defraud is  
15 not required.

16 "Person." A natural person, corporation, firm, association,  
17 organization, partnership, business or trust.

18 "Qui tam plaintiff." A person bringing a civil action under  
19 section 301.

## 20 CHAPTER 3

### 21 FALSE CLAIMS

22 Section 301. Acts subjecting persons to liability for treble  
23 damages, costs and civil penalties; exceptions.

24 (a) Liability.--A person who commits acts prohibited in  
25 subsection (b) shall be liable to the Commonwealth for three  
26 times the amount of damages which the Commonwealth sustains  
27 because of the act of that person.

28 (b) Prohibited acts.--A person who commits any of the  
29 following acts shall also be liable to the Commonwealth for the  
30 costs of a civil action brought to recover any of those

1 penalties or damages and shall be liable to the Commonwealth for  
2 a civil penalty of not less than \$5,000 and not more than  
3 \$10,000 for each violation:

4 (1) Knowingly presents or causes to be presented to an  
5 employee, officer or agent of the Commonwealth or to a  
6 contractor, grantee or other recipient of Commonwealth funds,  
7 a false or fraudulent claim for payment or approval.

8 (2) Knowingly makes, uses or causes to be made or used,  
9 a false record or statement to get a false or fraudulent  
10 claim paid or approved.

11 (3) Conspires to defraud the Commonwealth by pursuing a  
12 false claim that is allowed or paid or conspires to defraud  
13 the Commonwealth by knowingly making, using or causing to be  
14 made or used, a false record or statement to conceal, avoid  
15 or decrease an obligation to pay or transmit money or  
16 property to the Commonwealth.

17 (4) Has possession, custody or control of public  
18 property or money used or to be used by the Commonwealth and  
19 knowingly delivers or causes to be delivered less property  
20 than the amount for which the person receives a certificate  
21 or receipt.

22 (5) Is authorized to make or deliver a document  
23 certifying receipt of property used or to be used by the  
24 Commonwealth and knowingly makes or delivers a receipt that  
25 falsely represents the property used or to be used.

26 (6) Knowingly buys or receives as a pledge of an  
27 obligation or debt, public property from any person who  
28 lawfully may not sell or pledge the property.

29 (7) Knowingly makes, uses or causes to be made or used,  
30 a false record or statement to conceal, avoid or decrease an

1 obligation to pay or transmit money or property to the  
2 Commonwealth.

3 (8) Is a beneficiary of an inadvertent submission of a  
4 false claim to any employee, officer or agent of the  
5 Commonwealth or to any contractor, grantee or other recipient  
6 of Commonwealth funds, subsequently discovers the falsity of  
7 the claim and fails to disclose the false claim to the  
8 Commonwealth within a reasonable time after discovery of the  
9 false claim.

10 (c) Damages limitation.--Notwithstanding subsection (a), the  
11 court may assess not less than two times the amount of damages  
12 which the Commonwealth sustains because of the act of the person  
13 described in that subsection and no civil penalty if the court  
14 finds all of the following:

15 (1) The person committing the violation furnished the  
16 Commonwealth officials who are responsible for investigating  
17 false claims violations with all information known to that  
18 person about the violation within 30 days after the date on  
19 which the person first obtained the information.

20 (2) The person fully cooperated with any investigation  
21 by the Commonwealth.

22 (3) At the time the person furnished the Commonwealth  
23 with information about the violation, no criminal  
24 prosecution, civil action or administrative action has  
25 commenced with respect to the violation, and the person did  
26 not have actual knowledge of the existence of an  
27 investigation into the violation.

28 (d) Exclusion.--This section does not apply to claims,  
29 records or statements made under the act of March 4, 1971  
30 (P.L.6, No.2), known as the Tax Reform Code of 1971.

1 Section 302. Attorney General investigations and prosecutions;  
2 powers of prosecuting authority; civil actions by  
3 individuals as qui tam plaintiff and as private  
4 citizen; jurisdiction of courts.

5 (a) Responsibilities of the Attorney General.--The Attorney  
6 General shall diligently investigate a violation of section 301.  
7 If the Attorney General finds that a person has violated or is  
8 violating section 301, the Attorney General may bring a civil  
9 action under this section against that person.

10 (b) Actions by private persons.--

11 (1) A person may bring a civil action for a violation of  
12 this act for the person and for the Commonwealth in the name  
13 of the Commonwealth. The person bringing the action shall be  
14 referred to as the qui tam plaintiff. Once filed, the action  
15 shall be dismissed only with the written consent of the  
16 court, taking into account the best interest of the parties  
17 involved and the policy of this act.

18 (2) A copy of the complaint and written disclosure of  
19 substantially all material evidence and information the qui  
20 tam plaintiff possesses shall be served on the Attorney  
21 General. The complaint shall be filed in camera and shall  
22 remain under seal for at least 60 days and shall not be  
23 served on the defendant until the court orders the service.  
24 The Commonwealth may elect to intervene and proceed with the  
25 action within 60 days after it receives the complaint and the  
26 material evidence and information.

27 (3) The Commonwealth may, for good cause shown, move the  
28 court for extensions of the time during which the complaint  
29 remains under seal under paragraph (2). The motions may be  
30 supported by affidavits or other submissions in camera. The

1 defendant shall not be required to respond to any complaint  
2 filed under this section until the complaint is unsealed and  
3 served upon the defendant under the Pennsylvania Rules of  
4 Civil Procedure.

5 (4) Before the expiration of the 60-day period or any  
6 extensions obtained under paragraph (3), the Commonwealth  
7 shall:

8 (i) proceed with the action, in which case the  
9 action shall be conducted by the Commonwealth; or

10 (ii) notify the court it declines to take over the  
11 action, in which case the person bringing the action  
12 shall have the right to conduct the action.

13 (c) Intervention.--When a person brings a valid action under  
14 this subsection, no person other than the Commonwealth may  
15 intervene or bring a related action based on the facts  
16 underlying the pending action.

17 (d) Rights of the parties to qui tam actions.--

18 (1) If the Commonwealth proceeds with the action, it  
19 shall have the primary responsibility for prosecuting the  
20 action and shall not be bound by an act of the person  
21 bringing the action. The qui tam plaintiff shall have the  
22 right to continue as a party to the action, subject to the  
23 limitations set forth in paragraph (2).

24 (2) (i) The Commonwealth may move to dismiss the action  
25 for good cause despite the objections of the qui tam  
26 plaintiff if the qui tam plaintiff has been notified by  
27 the Commonwealth of the filing of the motion and the  
28 court has provided the qui tam plaintiff with an  
29 opportunity to oppose the motion and present evidence at  
30 a hearing.

1           (ii) The Commonwealth may settle the action with the  
2 defendant despite the objections of the qui tam plaintiff  
3 if the court determines, after a hearing providing the  
4 qui tam plaintiff an opportunity to present evidence, the  
5 proposed settlement is fair, adequate and reasonable  
6 under the circumstances.

7           (iii) Upon a showing by the Commonwealth that  
8 unrestricted participation during the course of the  
9 litigation by the qui tam plaintiff would interfere with  
10 or unduly delay the Commonwealth's prosecution of the  
11 case or would be repetitious, irrelevant or harassment,  
12 the court may, in its discretion, impose limitations on  
13 the qui tam plaintiff's participation by:

14           (A) limiting the number of witnesses the person  
15 may call;

16           (B) limiting the length of the testimony of the  
17 witnesses;

18           (C) limiting the qui tam plaintiff's cross-  
19 examination of witnesses; or

20           (D) otherwise limiting the participation by the  
21 person in the litigation.

22           (iv) Upon a showing by the defendant that  
23 unrestricted participation during the litigation by the  
24 qui tam plaintiff initiating the action would be for  
25 purposes of harassment or would cause the defendant undue  
26 burden or unnecessary expense, the court may limit the  
27 participation by the qui tam plaintiff in the litigation.

28           (3) If the Commonwealth elects not to proceed with the  
29 action, the qui tam plaintiff shall have the right to conduct  
30 the action. If the Commonwealth requests, it shall be served



1 with copies of all pleadings filed in the action and shall be  
2 supplied with copies of all deposition transcripts at the  
3 Commonwealth's expense. When a person proceeds with the  
4 action, the court, without limiting the status and rights of  
5 the qui tam plaintiff, may permit the Commonwealth to  
6 intervene at a later date upon a showing of good cause.

7 (4) Whether or not the Commonwealth proceeds with the  
8 action, upon a showing by the Commonwealth that certain  
9 actions of discovery by the qui tam plaintiff would interfere  
10 with the Commonwealth's investigation or prosecution of a  
11 criminal or civil matter arising out of the same facts, the  
12 court may stay the discovery for a period of not more than 60  
13 days. The showing shall be conducted in camera. The court may  
14 extend the 60-day period upon a further showing in camera  
15 that the Commonwealth has pursued the criminal or civil  
16 investigation or proceedings with reasonable diligence and  
17 the discovery proposed in the civil action will interfere  
18 with the ongoing criminal or civil investigations or  
19 proceedings.

20 (5) Notwithstanding subsection (b), the Commonwealth may  
21 elect to pursue its claim through an alternate remedy  
22 available to the Commonwealth, including an administrative  
23 proceeding to determine a civil money penalty. If the  
24 alternate remedy is pursued in another proceeding, the qui  
25 tam plaintiff shall have the same rights in the proceeding as  
26 if the action continued under this section. A finding of fact  
27 or conclusion of law made in the other proceeding that has  
28 become final shall be conclusive on all parties to an action  
29 under this section. A finding or conclusion is final if it  
30 has been finally determined on appeal to the appropriate

1 court of the Commonwealth, if the time for filing the appeal  
2 regarding the finding or conclusion has expired or if the  
3 finding or conclusion is not subject to judicial review.

4 (e) Award to qui tam plaintiff.--

5 (1) If the Commonwealth proceeds with an action brought  
6 by a qui tam plaintiff, the qui tam plaintiff shall, subject  
7 to the provisions of this paragraph, receive at least 15% but  
8 not more than 25% of the proceeds of the action or settlement  
9 of the claim, including damages, civil penalties, payments  
10 for costs of compliance and any other economic benefit  
11 realized by the Commonwealth as a result of the action,  
12 depending upon the extent to which either or both the person  
13 and his counsel substantially contributed to the prosecution  
14 of the action. Where the court finds the action is based  
15 primarily on disclosures of specific information, other than  
16 information provided by the qui tam plaintiff, relating to  
17 allegations or transactions specifically in a criminal, civil  
18 or administrative hearing or in a legislative or  
19 administrative report, hearing, audit or investigation or  
20 from the news media, the court may award the sums as it  
21 considers appropriate, but in no case more than 10% of the  
22 proceeds, taking into account the significance of the  
23 information and the role of the person bringing the action in  
24 advancing the case to litigation. A payment to a person under  
25 the first or second sentence of this paragraph shall be made  
26 from the proceeds. The person shall also receive an amount  
27 for reasonable expenses which the appropriate judge finds was  
28 necessarily incurred, plus reasonable attorney fees and  
29 costs. The expenses, fees and costs shall be awarded against  
30 the defendant.

1           (2) If the Commonwealth does not proceed with an action  
2 under this section, the qui tam plaintiff shall receive an  
3 amount which the court decides is reasonable for collecting  
4 the civil penalty and damages. The amount shall not be less  
5 than 25% and not more than 30% of the proceeds of the action  
6 or settlement and shall be paid out of the proceeds, which  
7 includes damages, civil penalties, payments for costs of  
8 compliance and any other economic benefit realized by the  
9 government as a result of the action. The person shall also  
10 receive an amount for reasonable expenses which the  
11 appropriate Commonwealth court judge finds to have been  
12 necessarily incurred, plus reasonable attorney fees and  
13 costs. All the expenses, fees and costs shall be awarded  
14 against the defendant.

15           (3) Whether or not the Commonwealth proceeds with the  
16 action, if the court finds the action was filed by a person  
17 who planned and initiated the violation of section 301(a)  
18 upon which the action was filed, then the court may, to the  
19 extent the court considers appropriate, reduce the share of  
20 the proceeds of the action which the person would otherwise  
21 receive under paragraph (1) or (2), taking into account the  
22 role of that person in advancing the case to litigation and  
23 any relevant circumstances pertaining to the violation. If  
24 the person bringing the action is convicted of criminal  
25 conduct arising from his or her role in the violation of  
26 section 301(a), that person shall be dismissed from the civil  
27 action and shall not receive a share of the proceeds of the  
28 action. The dismissal shall not prejudice the right of the  
29 Commonwealth to continue the action.

30           (4) If the Commonwealth does not proceed with the action

1 and the person bringing the action conducts the action, the  
2 court may award to the defendant its reasonable attorney fees  
3 and expenses if the defendant prevails in the action and the  
4 court finds the claim of the person bringing the action was  
5 clearly frivolous, clearly vexatious or brought primarily for  
6 purposes of harassment.

7 (f) Certain actions barred.--

8 (1) No court shall have jurisdiction over an action  
9 brought under subsection (b) against a member of the  
10 legislative branch, a member of the judiciary or a senior  
11 executive branch official if the action is based on evidence  
12 or information known to the Commonwealth when the action was  
13 brought.

14 (2) In no event may a person bring an action under  
15 subsection (b) which is based upon allegations or  
16 transactions which are the subject of a civil suit or an  
17 administrative civil penalty proceeding for money in which  
18 the Commonwealth is already a party.

19 (3) Upon the motion of the Attorney General, the court  
20 may, in consideration of all the equities, dismiss a relator  
21 of the elements of the actionable false claims alleged in the  
22 qui tam complaint which have been publicly disclosed,  
23 specifically in the news media or in a publicly disseminated  
24 governmental report, at the time the complaint is filed.

25 (g) Commonwealth not liable for certain expenses.--The  
26 Commonwealth is not liable for expenses which a person incurs in  
27 bringing an action under this section.

28 (h) Private action for retaliation action.--An employee who  
29 is discharged, demoted, suspended, threatened, harassed or in  
30 any other manner discriminated against in the terms and

1 conditions of employment by the employer because of lawful acts  
2 by the employee on behalf of the employee or others in  
3 furtherance of an action under this section, including  
4 investigation for, initiation of, testimony for or assistance in  
5 an action filed or to be filed under this section, shall be  
6 entitled to all relief necessary to make the employee whole. The  
7 relief shall include reinstatement with the same seniority  
8 status the employee would have had but for the discrimination,  
9 two times the amount of back pay, interest on the back pay and  
10 compensation for any special damages sustained as a result of  
11 the discrimination, including litigation costs and reasonable  
12 attorney fees. An employee may bring an action in an appropriate  
13 court of this Commonwealth for the relief provided in this  
14 subsection.

15 (i) Civil investigative demand.--

16 (1) (i) The Attorney General shall have the authority  
17 to issue civil investigative demands under paragraph (2).

18 (ii) Nothing in this subsection shall be construed  
19 to limit the regulatory or investigative authority of any  
20 department or agency of the Commonwealth whose functions  
21 may relate to persons, enterprises or matters falling  
22 within the scope of this chapter.

23 (2) (i) Whenever the Attorney General has reason to  
24 believe that any person or enterprise may be in  
25 possession, custody or control of documentary material  
26 relevant to an investigation under this chapter, the  
27 Attorney General may issue in writing, and cause to be  
28 served upon the person or enterprise, a civil  
29 investigative demand requiring the production of the  
30 material for examination.

1 (ii) Each demand shall:

2 (A) state the nature of the conduct constituting  
3 the alleged violation which is under investigation,  
4 the applicable provision of law and the connection  
5 between the documentary material demanded and the  
6 conduct under investigation;

7 (B) describe the class or classes of documentary  
8 material to be produced with sufficient definiteness  
9 and certainty to permit the material to be fairly  
10 identified;

11 (C) state the demand is returnable or prescribe  
12 a return date which will provide a reasonable time  
13 period within which the material demanded may be  
14 assembled and made available for inspection and  
15 copying or reproduction;

16 (D) identify an investigator to whom the  
17 material shall be made available; and

18 (E) contain the following statement printed  
19 conspicuously at the top of the demand: "You have the  
20 right to seek the assistance of an attorney and he  
21 may represent you in all phases of the investigation  
22 of which this civil investigative demand is a part."

23 (iii) The demand shall not:

24 (A) contain a requirement which would be held to  
25 be unreasonable if contained in a subpoena duces  
26 tecum issued by any court in connection with a grand  
27 jury investigation of such alleged violation; or

28 (B) require the production of documentary  
29 evidence which would be privileged from disclosure if  
30 demanded by a subpoena duces tecum issued by a court

1 in connection with a grand jury investigation of the  
2 alleged violation.

3 (iv) Service of any such demand or any petition  
4 filed under this paragraph shall be made in the manner  
5 prescribed by the Pennsylvania Rules of Civil Procedure  
6 for service of writs and complaints.

7 (v) A verified return by the individual serving a  
8 demand or petition setting forth the manner of the  
9 service shall be prima facie proof of the service. In the  
10 case of service by registered or certified mail, the  
11 return shall be accompanied by the return post office  
12 receipt of delivery of the demand.

13 (vi) (A) Any party upon whom any demand issued  
14 under this subsection has been duly served shall make  
15 the material available for inspection and copying or  
16 reproduction to the investigator designated at the  
17 principal place of business of the party, or at the  
18 other place as the investigator and party may agree  
19 or as the court may direct under this paragraph, on  
20 the return date specified in the demand. The party  
21 may upon agreement of the investigator substitute  
22 copies of all or any part of the material for the  
23 originals.

24 (B) The investigator to whom documentary  
25 material is delivered shall take physical possession  
26 of it and shall be responsible for the use for which  
27 it is made and for its return under this paragraph.  
28 The investigator may cause the preparation of copies  
29 of the documentary material as may be required for  
30 official use. While in the possession of the

1 investigator, no material produced shall be available  
2 for examination without the consent of the party who  
3 produced the material by an individual other than the  
4 Attorney General or investigator. Under reasonable  
5 terms and conditions as the Attorney General shall  
6 prescribe, documentary material while in the  
7 possession of the investigator shall be available for  
8 examination by the party who produced the material or  
9 a duly authorized representative of the party.

10 (C) Upon completion of the investigation for  
11 which documentary material was produced under this  
12 paragraph and any case or proceeding arising from the  
13 investigation, the investigator shall return to the  
14 party who produced the material all the material  
15 other than copies made under this paragraph which  
16 have not passed into the control of any court or  
17 grand jury through introduction into the record of  
18 the case or proceeding.

19 (D) When documentary material has been produced  
20 by a party under this paragraph for use in an  
21 investigation and no case or proceeding arising  
22 therefrom has been instituted within a reasonable  
23 time after completion of the examination and analysis  
24 of all evidence assembled in the course of the  
25 investigation, the party shall be entitled, upon  
26 written demand made upon the Attorney General, to the  
27 return of all documentary material, other than copies  
28 made under this paragraph, produced by the party.

29 (vii) Whenever a person or enterprise fails to  
30 comply with a civil investigative demand duly served upon



1 him under this paragraph or whenever satisfactory copying  
2 or reproduction of the material cannot be done and the  
3 party refuses to surrender the material, the Attorney  
4 General may file, in the court of common pleas, for a  
5 county in which the party resides or transacts business,  
6 and serve upon the party a petition for an order of the  
7 court for the enforcement of this paragraph, except that  
8 if the person transacts business in more than one county  
9 the petition shall be filed in the county in which the  
10 party maintains its principal place of business.

11 (viii) Within 20 days after the service of the  
12 demand upon a person or enterprise, or at any time before  
13 the return date specified in the demand, whichever period  
14 is shorter, the party may file, in the court of common  
15 pleas of the county within which the party resides or  
16 transacts business, and serve upon the Attorney General a  
17 petition for an order of the court modifying or setting  
18 aside the demand. The time allowed for compliance with  
19 the demand in whole or in part as deemed proper and  
20 ordered by the court shall not run during the pendency of  
21 the petition in the court. The petition shall specify  
22 each ground upon which the petitioner relies in seeking  
23 the relief, and may be based upon a failure of the demand  
24 to comply with the provisions of this paragraph or upon a  
25 constitutional or other legal right or privilege of the  
26 party.

27 (ix) When the Attorney General is in custody or  
28 control of documentary material delivered by a party in  
29 compliance with a demand, the party may file, in the  
30 court of common pleas of the county within which the

1 documentary material was delivered, and serve upon the  
2 Attorney General a petition for an order of the court  
3 requiring the performance of a duty imposed by this  
4 paragraph.

5 (x) Whenever a petition is filed in a court of  
6 common pleas under this paragraph, the court shall have  
7 jurisdiction to hear and determine the matter so  
8 presented, and, after a hearing at which all parties are  
9 represented, to enter an order as may be required to  
10 carry into effect the provisions of this paragraph.

11 (3) Whenever an individual refuses, on the basis of his  
12 Fifth Amendment privilege against self-incrimination, to  
13 comply with a civil investigative demand issued under  
14 paragraph (2), the Attorney General may invoke the provisions  
15 of 42 Pa.C.S. § 5947 (relating to immunity of witnesses).  
16 Section 303. Limitation of actions; prior activities; burden of  
17 proof.

18 (a) Statute of limitations.--A civil action under section  
19 302 may not be brought more than ten years after the date on  
20 which the violation was committed.

21 (b) Burden of proof.--In any action brought under section  
22 302, the Commonwealth or the qui tam plaintiff shall be required  
23 to prove all essential elements of the cause of action,  
24 including damages, by a preponderance of the evidence.

25 (c) Estoppel.--Notwithstanding any other provision of law, a  
26 guilty verdict rendered in a criminal proceeding charging false  
27 statements or fraud, whether upon a verdict after trial or upon  
28 a plea of guilty or nolo contendere, shall estop the defendant  
29 from denying the essential elements of the offense in any action  
30 which involves the same transaction as in the criminal

1 proceeding and which is brought under section 302(a) or (b).  
2 Section 304. Remedies under other laws; severability of  
3 provisions; liberality of legislative construction.

4 (a) Remedies under other laws.--The provisions of this act  
5 are not exclusive and the remedies provided for in this act  
6 shall be in addition to any other remedies provided for in any  
7 other law or available under common law.

8 (b) Liberality of legislative construction.--This chapter  
9 shall be liberally construed and applied to promote the public  
10 interest.

11 Section 305. Regulations.

12 (a) General rule.--The Attorney General shall have the power  
13 and authority to promulgate rules and regulations which may be  
14 necessary to carry out the purposes set forth in this chapter.

15 (b) Guidelines.--In order to facilitate the speedy  
16 implementation of this chapter, the Attorney General shall have  
17 the power and authority to promulgate, adopt and use guidelines  
18 which shall be published in the Pennsylvania Bulletin. The  
19 guidelines shall not be subject to review under section 205 of  
20 the act of July 31, 1968 (P.L.769, No.240), referred to as the  
21 Commonwealth Documents Law; sections 204(b) and 301(10) of the  
22 act of October 15, 1980 (P.L.950, No.164), known as the  
23 Commonwealth Attorneys Act; or the act of June 25, 1982  
24 (P.L.633, No.181), known as the Regulatory Review Act. The  
25 guidelines shall be effective for not more than two years from  
26 the effective date of this chapter. After the expiration of the  
27 two-year period, the guidelines shall be promulgated as  
28 regulations.

29 CHAPTER 21

30 MISCELLANEOUS PROVISIONS

1 Section 2101. Effective date.

2 This act shall take effect in 60 days.