

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2437 Session of
2010

INTRODUCED BY DePASQUALE, APRIL 21, 2010

REFERRED TO COMMITTEE ON TRANSPORTATION, APRIL 21, 2010

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in financial responsibility, providing for
3 permissible argument as to amount of damages.

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

6 Section 1. Title 75 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 1794.1. Permissible argument as to amount of damages.

9 (a) General rule.--In any action for damages against a
10 tortfeasor or in any uninsured or underinsured motorist
11 proceeding arising out of the maintenance or use of a motor
12 vehicle and that is tried before a judge, jury or other
13 tribunal, a party may make any of the following arguments during
14 closing argument if the party complied with subsection (b) or if
15 the judge, jury or other tribunal requests that the argument be
16 made:

17 (1) Specifically argue in lump sums or by mathematical
18 formula the amount the party deems to be the appropriate
19 award for all past and future economic damages, noneconomic

1 damages or both, claimed to be recoverable.

2 (2) Argue that an award of zero damages is appropriate
3 even if there is a finding of liability against the
4 defendant.

5 (b) Disclosure.--

6 (1) Except as provided in paragraph (2), a party may not
7 argue a specific award amount by lump sum or mathematical
8 formula as provided in subsection (a)(1) unless the party
9 first discloses to the court and opposing counsel, prior to
10 the presentation of closing arguments, that the party intends
11 to argue specific award amounts under subsection (a)(1).

12 (2) Notwithstanding paragraph (1), arguments as to an
13 appropriate award amount for economic damages may be made
14 without notice to opposing counsel or the court if evidence
15 supporting an award for economic damages was admitted into
16 evidence at trial.

17 (c) Jury instruction.--In a civil action tried before a
18 jury, whenever an appropriate award amount is specifically
19 argued during closing arguments as provided for in subsection
20 (a), the trial court shall instruct the jury that specific award
21 amounts argued are not evidence but only the argument of a party
22 and that the determination of the amount of damages to be
23 awarded, if any, is solely for the jury's determination.

24 (d) Construction.--Nothing in this section shall be
25 construed to prevent a defendant from arguing in any case that
26 the facts and evidence admitted at trial support a finding of no
27 liability.

28 Section 2. The addition of 75 Pa.C.S. § 1794.1 shall apply
29 to actions filed on or after the effective date of this section.

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