

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 301 Session of 2011

INTRODUCED BY GODSHALL, BARRAR, BENNINGHOFF, BOYD, CHRISTIANA, CLYMER, COX, CREIGHTON, CUTLER, DeLUCA, EVERETT, FLECK, GABLER, GROVE, HAHN, HARHART, KAUFFMAN, KNOWLES, MUSTIO, O'NEILL, REED, REICHLEY, ROAE, ROCK, SAYLOR, SCHRODER, STERN, STEVENSON, TALLMAN AND VULAKOVICH, JANUARY 27, 2011

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 27, 2011

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, authorizing legislation to limit recovery of
3 noneconomic and punitive damages in medical malpractice
4 actions.

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

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

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

10 § 18. Compensation and medical malpractice laws allowed to
11 General Assembly.

12 (a) The General Assembly may enact laws requiring the
13 payment by employers, or employers and employees jointly, of
14 reasonable compensation for injuries to employees arising in the
15 course of their employment, and for occupational diseases of
16 employees, whether or not such injuries or diseases result in
17 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 no other
4 cases shall the General Assembly limit the amount to be
5 recovered for injuries resulting in death, or for injuries to
6 persons or property, and in] thereof. In case of death from such
7 injuries, the right of action shall survive, and the General
8 Assembly shall prescribe for whose benefit such actions shall be
9 prosecuted. No act shall prescribe any limitations of time
10 within which suits may be brought against corporations for
11 injuries to persons or property, or for other causes different
12 from those fixed by general laws regulating actions against
13 natural persons, and such acts now existing are avoided.

14 (b) The General Assembly may enact laws limiting the amount
15 of recovery for noneconomic damages and punitive damages in
16 medical malpractice actions.

17 (c) In no other cases shall the General Assembly limit the
18 amount to be recovered for injuries resulting in death or for
19 injuries to persons or property.

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.