



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1

PRINTERS NO. 217 PRIME SPONSOR: Schroder

COST / (SAVINGS)

FUND	FY 2010/11	FY 2011/12
General Fund	\$0	\$0

SUMMARY: House Bill 1, printer's number 217, amends Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes by amending provisions relating to comparative negligence. The effective date is immediately after enactment.

ANALYSIS: The bill amends Section 7102 of Title 42, relating to comparative negligence, to provide that each defendant in an action to recover damages for negligence resulting in death or injury to person or property shall be liable for that proportion of the total dollar amount awarded as damages in the ratio of the amount of that defendant's liability to the amount of liability attributed to all defendants. The court shall enter a separate and several judgment against each defendant. A defendant's liability shall be joint and several in cases of intentional misrepresentation, an intentional tort, a release or threatened release of a hazardous substance, a civil action in which a defendant violated Section 497 of the Liquor Code, or where a defendant has been held liable for not less than 60% of the total liability apportioned to all parties. A defendant is entitled to recover contribution from defendants who have paid less than their proportionate share of the damages awarded. Responsibility shall be apportioned by the trier of fact upon appropriate requests and proofs by any party.

The provisions related to comparative negligence would apply to causes of action which accrue on or after the effective date of the bill.

FISCAL IMPACT: The enactment of this legislation will have no adverse impact on Commonwealth funds.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: April 11, 2011

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.