

**KERRY A. BENNINGHOFF, MEMBER
171ST LEGISLATIVE DISTRICT**

41B EAST WING
PO BOX 202171
HARRISBURG, PA 17120-2171
PHONE: (717) 783-1918
FAX: (717) 260-6528

140 W. HIGH STREET
BELLEFONTE, PA 16823
PHONE: (814) 355-1300
FAX: (814) 355-3523

77 N. MAIN STREET
PO BOX 592
REEDSVILLE, PA 17084
PHONE: (717) 667-2319
FAX: (717) 667-6025



House of Representatives
Commonwealth of Pennsylvania
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E-MAIL: kbenning@pahousegop.com
WEB: kerrybenninghoff.com

MEMORANDUM

TO: All House Members

FROM: Rep. Kerry A. Benninghoff
171st Legislative District

SUBJECT: Caps on non-economic damages (former HB 2120)

DATE: February 7, 2011

I am planning to re-introduce a bill proposing an amendment to Article 3, Section 18 of the Pennsylvania Constitution, entitled "Compensation laws allowed to General Assembly." This legislation, as introduced by Rep. Mike Turzai, passed the House in June 2003 but was not taken up by the Senate. Since that time, Rep. Turzai has introduced this legislation every session.

My proposed legislation will allow the legislature to enact a statute limiting the recovery of non-economic damages, more commonly called "pain and suffering," in lawsuits. Recovery for economic damages, such as lost wages and medical expenses will not be limited.

At present, the state Constitution allows the legislature to enact statutes which require the payment of compensation by employers to employees for work injuries or occupational diseases, and which set the maximum and minimum limits of such payment. However, the Constitution currently prohibits the General Assembly from limiting the amount which may be recovered for injuries resulting in death, or injuries to persons or property, in any other case.

Under my proposal, this prohibition will be removed from the Constitution. The language in my bill will specifically allow the legislature to enact a statute to limit the amount of recovery for non-economic damages in such cases, and will prevent the legislature from limiting economic damages.

This joint resolution will have to be passed by the General Assembly in two separate legislative sessions and then submitted to the voters of the Commonwealth for approval.

If you would like to join me in sponsoring this bill, please contact Amy anoel@pahousegop.com or call 717-783-1918.

PRIOR CO-SPONSORS (HB 2120 of 2009): TURZAI, BEAR, BOBACK, BOYD, CAUSER, CHRISTIANA, CLYMER, CREIGHTON, DENLINGER, ELLIS, EVERETT, FAIRCHILD, GABLER, GINGRICH, GODSHALL, GRELL, GROVE, HICKERNELL, KAUFFMAN, KRIEGER, MANN, MARSHALL, METCALFE, MILLER, MILNE, MOUL, MUSTIO, OBERLANDER, O'NEILL, PHILLIPS, PICKETT, PYLE, QUIGLEY, RAPP, REED, REICHEL, ROAE, ROCK, ROHRER, ROSS, SCHRODER, SONNEY, STERN, STEVENSON, SWANGER, TRUE, WATSON and FLECK