

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1365 Session of
1979

INTRODUCED BY W. D. HUTCHINSON, O'DONNELL, BERSON, SCIRICA,
SPENCER AND DORR, MAY 22, 1979

REFERRED TO COMMITTEE ON INSURANCE, MAY 23, 1979

AN ACT

1 Amending the act of July 19, 1974 (P.L.489, No.176), entitled
2 "An act providing for a compensation system for persons
3 injured in motor vehicle accidents; requiring insurance for
4 all motor vehicles required to be registered in Pennsylvania;
5 defining compensable damage in motor vehicle accident cases;
6 establishing an assigned claims plan; providing for
7 arbitration; imposing powers and duties on courts, the
8 Department of Transportation and the Insurance Commissioner;
9 prohibiting certain discrimination; and providing penalties,"
10 clarifying survivor's loss and work loss.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. The definitions of "loss of income," "survivor's
14 loss" and "work loss" of section 103, act of July 19, 1974
15 (P.L.489, No.176), known as the "Pennsylvania No-fault Motor
16 Vehicle Insurance Act," are amended to read:

17 § 103. Definitions.

18 As used in this act:

19 * * *

20 "Loss of income" means gross income actually lost by a victim
21 during his lifetime or that would have been lost but for any
22 income continuation plan, reduced by:

1 (A) eighty per cent (80%) of any income which such
2 individual earns from substitute work;

3 (B) income which such individual would have earned
4 in available substitute work he was capable of performing
5 but unreasonably failed to undertake; or

6 (C) any income which such individual would have
7 earned by hiring an available substitute to perform self-
8 employment services but unreasonably failed to do. Such a
9 "loss of income" shall be recoverable from an obligor by
10 a victim or his estate but shall not be recoverable as a
11 survivor's loss.

12 * * *

13 "Survivor's loss" means the:

14 (A) [loss of] income of a deceased victim which
15 would probably have been contributed to a survivor or
16 survivors, if such victim had not sustained the fatal
17 injury; and

18 (B) expenses reasonably incurred by a survivor or
19 survivors, after a victim's death resulting from injury,
20 in obtaining ordinary and necessary services in lieu of
21 those which the victim would have performed, not for
22 income, but for their benefit, if he had not sustained
23 the fatal injury,

24 reduced by expenses which the survivor or survivors would
25 probably have incurred but avoided by reason of the victim's
26 death resulting from injury.

27 * * *

28 "Work loss" means:

29 (A) loss of gross income of a victim during his
30 lifetime, as calculated pursuant to the provisions of

1 section 205 of this act; and

2 (B) reasonable expenses of a victim for hiring a
3 substitute to perform self-employment services, thereby
4 mitigating loss of income, or for hiring special help,
5 thereby enabling a victim to work and mitigate loss of
6 income.

7 Work loss shall not be recoverable as a "survivor's loss."

8 Section 2. Subsection (d) of section 202 of the act is
9 amended to read:

10 § 202. Basic loss benefits.

11 * * *

12 (d) Survivors losses.--Survivors loss, as defined in section
13 103 shall be provided in an amount not to exceed five thousand
14 dollars (\$5,000). Survivors loss in excess of five thousand
15 dollars (\$5,000) shall be recoverable in accordance with section
16 301.

17 * * *

18 Section 3. This act shall take effect immediately.