

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1439 Session of
1989

INTRODUCED BY GAMBLE, LETTERMAN, TIGUE, GIGLIOTTI, SALOOM,
MORRIS, JAROLIN, ROBINSON, MELIO, TRELLO, HECKLER, CHADWICK,
PITTS, FLICK, BRANDT, ROBBINS, BLACK, GEIST, MOWERY, FARGO
AND FLEAGLE, MAY 22, 1989

REFERRED TO COMMITTEE ON JUDICIARY, MAY 22, 1989

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 comparative negligence.

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

6 Section 1. Section 7102(b) of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 7102. Comparative negligence.

9 * * *

10 (b) Recovery against joint defendant; contribution.--Where
11 recovery is allowed against more than one defendant, [each
12 defendant] all defendants shall be jointly and severally liable
13 for economic and noneconomic damages; however, if a defendant's
14 responsibility is 10% or less of the total responsibility or if
15 a defendant's responsibility is less than the plaintiff's
16 responsibility, the defendant shall be liable for that
17 proportion of the total dollar amount awarded as noneconomic

1 damages in the ratio of the amount of his causal negligence to
2 the amount of causal negligence attributed to all [defendants
3 against whom recovery is allowed] parties to the action. The
4 plaintiff may recover the full amount of the allowed recovery
5 from any defendant against whom the plaintiff is not barred from
6 recovery. Any defendant who is so compelled to pay more than his
7 percentage share may seek contribution.

8 * * *

9 Section 2. This act shall take effect in 60 days.