

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 140 Session of  
2003

INTRODUCED BY GODSHALL, ARMSTRONG, BAKER, BALDWIN, BARD, BARRAR,  
CAPPELLI, CLYMER, CORNELL, CREIGHTON, GABIG, HASAY, HERSHEY,  
LEH, McILHATTAN, PAYNE, ROSS, SCAVELLO, SCHRODER, STERN,  
TURZAI, WATSON, WRIGHT AND YOUNGBLOOD, FEBRUARY 6, 2003

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 6, 2003

## 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] 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.