
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1000 Session of
2004

INTRODUCED BY GREENLEAF, MOWERY, TOMLINSON, WONDERLING, KITCHEN
AND WOZNIAK, JANUARY 9, 2004

REFERRED TO JUDICIARY, JANUARY 9, 2004

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, further providing for compensation laws
3 allowed to the General Assembly.

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

6 Section 1. The following amendment to the Constitution of
7 Pennsylvania is proposed in accordance with Article XI:

8 That section 18 of Article III be amended to read:

9 § 18. Compensation laws allowed to General Assembly.

10 (a) The General Assembly may enact laws requiring the
11 payment by employers, or employers and employees jointly, of
12 reasonable compensation for injuries to employees arising in the
13 course of their employment, and for occupational diseases of
14 employees, whether or not such injuries or diseases result in
15 death, and regardless of fault of employer or employee, and
16 fixing the basis of ascertainment of such compensation and the
17 maximum and minimum limits thereof, and providing special or

1 general remedies for the collection thereof[; but in no other
2 cases shall]. Except as provided for in subsection (b), the
3 General Assembly shall not limit the amount to be recovered for
4 injuries resulting in death, or for injuries to persons or
5 property, and in case of death from such injuries, the right of
6 action shall survive, and the General Assembly shall prescribe
7 for whose benefit such actions shall be prosecuted. No act shall
8 prescribe any limitations of time within which suits may be
9 brought against corporations for injuries to persons or
10 property, or for other causes different from those fixed by
11 general laws regulating actions against natural persons, and
12 such acts now existing are avoided.

13 (b) In a medical professional liability action, the General
14 Assembly may limit the amount of recovery for noneconomic
15 damages but only if the act or omission alleged does not result
16 from reckless, willful or wanton misconduct or does not result
17 in an injury determined by the fact finder to be a serious
18 impairment of bodily function, serious disfigurement or death.

19 Section 2. (a) Upon the first passage by the General
20 Assembly of this proposed constitutional amendment, the
21 Secretary of the Commonwealth shall proceed immediately to
22 comply with the advertising requirements of section 1 of Article
23 XI of the Constitution of Pennsylvania and shall transmit the
24 required advertisements to two newspapers in every county in
25 which such newspapers are published in sufficient time after
26 passage of this proposed constitutional amendment.

27 (b) Upon the second passage by the General Assembly of this
28 proposed constitutional amendment, the Secretary of the
29 Commonwealth shall proceed immediately to comply with the
30 advertising requirements of section 1 of Article XI of the

1 Constitution of Pennsylvania and shall transmit the required
2 advertisements to two newspapers in every county in which such
3 newspapers are published in sufficient time after passage of
4 this proposed constitutional amendment. The Secretary of the
5 Commonwealth shall submit this proposed constitutional amendment
6 to the qualified electors of this Commonwealth at the first
7 primary, general or municipal election which meets the
8 requirements of and is in conformance with section 1 of Article
9 XI of the Constitution of Pennsylvania and which occurs at least
10 three months after the proposed constitutional amendment is
11 passed by the General Assembly.