THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 167 Session of 2005

INTRODUCED BY GODSHALL, BENNINGHOFF, BALDWIN, BOYD, CAPPELLI,
    CLYMER, CORNELL, CRAHALLA, CREIGHTON, DENLINGER, FAIRCHILD,
    HERSHEY, HUTCHINSON, KILLION, LEH, MAHER, McILHATTAN,
    O'NEILL, PHILLIPS, PICKETT, PYLE, REED, REICHLEY, ROSS,
    RUBLEY, SCAVELLO, SCHRODER, SEMMEL, TRUE, TURZAI, WATSON,
    WILT, WRIGHT AND YOUNGBLOOD, FEBRUARY 1, 2005

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 1, 2005

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

1 death, and regardless of fault of employer or employee, and

2 fixing the basis of ascertainment of such compensation and the

3 maximum and minimum limits thereof, and providing special or

4 general remedies for the collection thereof[; but in no other

5 cases shall the General Assembly limit the amount to be

6 recovered for injuries resulting in death, or for injuries to

7 persons or property, and in] In case of death from such

8 injuries, the right of action shall survive, and the General

9 Assembly shall prescribe for whose benefit such actions shall be

10 prosecuted. No act shall prescribe any limitations of time

11 within which suits may be brought against corporations for

12 injuries to persons or property, or for other causes different

13 from those fixed by general laws regulating actions against

14 natural persons, and such acts now existing are avoided.

15   (b) The General Assembly may enact laws limiting the amount

16 of recovery for noneconomic damages and punitive damages in

17 medical malpractice actions.

18   (c) In no other cases shall the General Assembly limit the

19 amount to be recovered for injuries resulting in death, or for

20 injuries to persons or property.

21   Section 2. (a) Upon the first passage by the General

22 Assembly of this proposed constitutional amendment, the

23 Secretary of the Commonwealth shall proceed immediately to

24 comply with the advertising requirements of section 1 of Article

25 XI of the Constitution of Pennsylvania and shall transmit the

26 required advertisements to two newspapers in every county in

27 which such newspapers are published in sufficient time after

28 passage of this proposed constitutional amendment.

29   (b) Upon the second passage by the General Assembly of this

30 proposed constitutional amendment, the Secretary of the

1 Commonwealth shall proceed immediately to comply with the

2 advertising requirements of section 1 of Article XI of the

3 Constitution of Pennsylvania and shall transmit the required

4 advertisements to two newspapers in every county in which such

5 newspapers are published in sufficient time after passage of

6 this proposed constitutional amendment. The Secretary of the

7 Commonwealth shall submit this proposed constitutional amendment

8 to the qualified electors of this Commonwealth at the first

9 primary, general or municipal election which meets the

10 requirements of and is in conformance with section 1 of Article

11 XI of the Constitution of Pennsylvania and which occurs at least

12 three months after the proposed constitutional amendment is

13 passed by the General Assembly.