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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 427 Session of  
2007

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INTRODUCED BY GODSHALL, BEYER, BOYD, CAUSER, CLYMER, COX,  
CREIGHTON, CUTLER, EVERETT, FAIRCHILD, HARHART, HERSHEY,  
HUTCHINSON, KAUFFMAN, KILLION, MARSHALL, MARSICO, McILHATTAN,  
MOYER, O'NEILL, PETRI, PHILLIPS, PICKETT, PYLE, RAPP, REED,  
REICHLEY, ROAE, ROSS, RUBLEY, SCAVELLO, SCHRODER, SONNEY,  
STERN, R. STEVENSON, SWANGER AND YOUNGBLOOD,  
FEBRUARY 13, 2007

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REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 13, 2007

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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] thereof. 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.