

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1262 Session of
2007

INTRODUCED BY SCHRODER, BENNINGHOFF, BOYD, COX, CUTLER, EVERETT,
FAIRCHILD, GINGRICH, HERSHEY, HESS, HUTCHINSON, KAUFFMAN,
KILLION, KORTZ, MILNE, MURT, MUSTIO, ROHRER, ROSS, SAYLOR AND
STEIL, JUNE 5, 2007

REFERRED TO COMMITTEE ON INSURANCE, JUNE 5, 2007

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing, in
3 provisions relating to particular rights and immunities, for
4 punitive damages.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 8372. Limitations on recovery of punitive damages.

10 (a) Standard for award.--In an action alleging damages for
11 death, for injury to person or property or for economic loss, a
12 plaintiff must establish a defendant's liability for punitive
13 damages beyond a reasonable doubt.

14 (b) Distribution of award.--Following an award of punitive
15 damages, 80% of the amount awarded shall be paid directly to the
16 Medical Care Availability and Reduction of Error (Mcare) Fund.

17 (c) Audit.--The Auditor General shall review collections and
18 expenditures made pursuant to subsection (b) and report its

1 findings to the General Assembly annually.

2 (d) Exception.--The limitations contained in this section
3 shall not apply to an action alleging damages for death, injury
4 to person or property or economic loss where the action relates
5 to an incident or occurrence for which an individual has been
6 charged and convicted of a criminal act for which a period of
7 incarceration is or may be a part of the sentence.

8 Section 2. This act shall apply to all pending actions in
9 which trial has not commenced on the effective date of this
10 section.

11 Section 3. This act shall take effect immediately.