

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1943 Session of
2008

INTRODUCED BY QUIGLEY, BENNINGHOFF, BEYER, DALLY, DENLINGER,
EVERETT, GEIST, GILLESPIE, GINGRICH, GRELL, HARHART,
HUTCHINSON, KAUFFMAN, M. KELLER, KILLION, MACKERETH, MARSICO,
PYLE, REED, ROSS, SCHRODER, R. STEVENSON AND TURZAI,
FEBRUARY 4, 2008

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 4, 2008

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in civil actions and
3 proceedings, providing for consideration of collateral
4 sources.

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 § 7104. Consideration of collateral sources.

10 (a) General rule.--In any civil action, whether in tort or
11 in contract, in which the claimant seeks to recover damages for
12 personal injury or wrongful death occurring on or after the
13 effective date of this section, the claimant is precluded from
14 recovering damages for past medical expenses or past lost
15 earnings incurred prior to the time of trial to the extent that
16 the loss is covered by a private or public benefit or gratuity
17 that the claimant has received prior to trial.

1 (b) Option of claimant.--The claimant has the option to
2 introduce into evidence at trial the amount of medical expenses
3 actually incurred, but the claimant shall not be permitted to
4 recover for those expenses as part of any verdict except to the
5 extent that the claimant remains legally responsible for the
6 payment.

7 (c) No subrogation.--There shall be no right of subrogation
8 or reimbursement from a claimant's tort recovery with respect to
9 a public or private benefit covered in subsection (a).

10 (d) Exceptions.--The collateral source provisions set forth
11 in subsection (a) shall not apply to the following:

12 (1) Life insurance, pension or profit-sharing plans or
13 other deferred compensation plans, including agreements
14 pertaining to the purchase or sale of a business.

15 (2) Social Security benefits.

16 (3) Cash or medical assistance benefits subject to
17 repayment to the Department of Public Welfare.

18 (4) Public benefits paid or payable under a program that
19 under Federal statute provides for a right of reimbursement
20 that supersedes State law for the amount of benefits paid
21 from a verdict or settlement.

22 (e) Instructions for trier of fact.--The court shall direct
23 the trier of fact to make a determination with separate findings
24 for each claimant specifying the amount of damages for past
25 medical expenses and past lost earnings for purposes of
26 implementing this section.

27 (f) Construction.--Nothing in this section shall be
28 construed to affect the rights of claimants or apply to the
29 actions subject to section 508 of the act of March 20, 2002
30 (P.L.154, No.13), known as the Medical Care Availability and

1 Reduction of Error (Mcare) Act.

2 Section 2. This act shall take effect in 60 days.