

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1228 Session of  
2009

INTRODUCED BY SCHRODER, BARRAR, BOYD, CREIGHTON, CUTLER,  
FAIRCHILD, GINGRICH, GRELL, GROVE, KAUFFMAN, REED, ROCK,  
ROHRER, SIPTROTH, STERN AND VULAKOVICH, APRIL 7, 2009

REFERRED TO COMMITTEE ON INSURANCE, APRIL 7, 2009

AN ACT

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