

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 1300

PRINTER NO. 1925

AMOUNT

See Fiscal Impact

FUND

General Fund
Local Government Funds

DATE INTRODUCED

July 25, 2024

PRIME SPONSOR

Senator Langerholc

DESCRIPTION

Senate Bill 1300 amends Title 42 (Judiciary and Judicial Procedure) to provide for limitations on damages relating to actions against parties.

Section 8528 (relating to limitations on damages) is amended to establish an increased cap, in actions against Commonwealth parties, of \$1 million in favor of any plaintiff or \$2 million in the aggregate in cases involving permanent dismemberment or death, which had arisen from the same cause of action or transaction or occurrence.

Section 8553 (relating to limitations on damages) is amended to establish an increased cap, in actions against local parties, of \$1 million in the aggregate in cases involving permanent dismemberment or death, which had arisen from the same cause of action or transaction or occurrence. Additionally, the amount of medical and dental expenses that shall be recoverable is increased from \$1,500 to \$10,000.

Finally, the legislation clarifies the act shall apply to all causes of action or transactions or occurrences that occurred on or after the effective date of this act.

This act shall take effect in 60 days.

FISCAL IMPACT:

According to a report released by the Legislative Budget and Finance Committee on the "Limitations on Liability Under Pennsylvania's Sovereign and Governmental Immunity Laws" (released 6/22/2022), the current statutory caps for damages set in § 8528 and § 8553 (established in 1978) are sufficient for over 99% of claims against the Commonwealth and local governments.

Additionally, the report found the following:

- For the most recent ten-year period (2010 through 2020), only 0.2% of all claims against the Commonwealth resulted in a payment greater than or equal to \$200,000; and

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- Less than 1% of all claims against local governments resulted in payouts from \$250,000 to the current cap of \$500,000.

Although enactment of this legislation may result in additional costs to the Commonwealth and local governments by exposing them to higher statutory caps, these additional costs are expected to be minimal due to the higher caps only being applicable to catastrophic cases involving permanent dismemberment or death.