

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JUNE 13, 1989

SESSION OF 1989

173D OF THE GENERAL ASSEMBLY

No. 42

HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.d.t.

THE SPEAKER (JAMES J. MANDERINO) IN THE CHAIR PRAYER

REV. CLYDE W. ROACH, Chaplain of the House of Representatives, from Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

Gracious God, our Father, this morning we lift our prayers to You on behalf of the leadership of this body. Bless our Speaker, our majority and minority leaders, the whips, and their support staffs.

We are very grateful for Your raising them up to be leaders among leaders. We thank You for the special graces and abilities vouchsafed unto them. May they use them judiciously.

Let them delight in Your law, and in that law may they meditate day and night. Make them as trees planted by rivers of waters, that bring forth rich fruit for the advancement of Your kingdom here on Earth. Be gracious unto them, we pray. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by members and visitors.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, we will postpone until printed the approval of the Journal dated Monday, June 12, 1989. The Speaker hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1679 By Representatives CORRIGAN, PESCI, BUNT, KOSINSKI, HALUSKA, MELIO, PISTELLA, STABACK, DALEY, ROBINSON, DeWEESE, TRELLO, BELARDI, KASUNIC and HECKLER

An Act amending the act of August 12, 1971 (P. L. 313, No. 78), entitled "An act providing for elimination of discriminatory provisions relating to compensation for services and treatment

under sickness and accident insurance contracts and providing for nondiscriminatory reimbursement of sickness and bodily injury claims thereunder," prohibiting the rejection of a claim as medically unnecessary unless reviewed by a like licensed person.

Referred to Committee on INSURANCE, June 13, 1989.

No. 1680 By Representatives LEH, FARGO, ANGSTADT, E. Z. TAYLOR, ROBINSON, PHILLIPS, TRELLO, GLADECK, G. SNYDER, DISTLER, HALUSKA, CAWLEY, D. F. CLARK, NOYE, DAVIES, RICHARDSON and SERAFINI

An Act amending the act of July 28, 1988 (P. L. 556, No. 101), known as the "Municipal Waste Planning, Recycling and Waste Reduction Act," further providing for powers and duties of municipalities other than counties.

Referred to Committee on CONSERVATION, June 13, 1989.

No. 1681 By Representatives GEORGE, WOZNIAK, DOMBROWSKI, MICHLOVIC, TRELLO, KOSINSKI, ITKIN, HALUSKA, HECKLER, HERMAN, LEH, S. H. SMITH, COLAIZZO, CHADWICK, DALEY, COLE, BILLOW, RYBAK, STABACK, LLOYD, DIETTERICK, RUDY, STUBAN, STISH, J. L. WRIGHT, DISTLER, PESCI, PISTELLA, MORRIS, MELIO and TRICH

An Act amending the act of July 28, 1988 (P. L. 556, No. 101), known as the "Municipal Waste Planning, Recycling and Waste Reduction Act," further prohibiting the transport of food and other materials in vehicles that transport certain waste.

Referred to Committee on CONSERVATION, June 13, 1989.

No. 1682 By Representatives O'BRIEN, GIGLIOTTI, KOSINSKI, GEIST, BILLOW, E. Z. TAYLOR, TRELLO, BISHOP, VROON, CORRIGAN and CIVERA

An Act providing for leases in vacation home parks; providing for causes of action and for remedies; and conferring powers and duties on the Attorney General and district attorneys.

Referred to Committee on CONSUMER AFFAIRS, June 13, 1989.

No. 1683 By Representatives LINTON, CALTAGIRONE, KUKOVICH, HAYDEN,

ACOSTA, FREEMAN, PRESSMANN, RITTER, ROEBUCK, EVANS, HOWLETT, JOSEPHS, THOMAS, McHALE, BORTNER, KOSINSKI, VAN HORNE, PRESTON, ITKIN, ROBINSON, RICHARDSON, DeWEESE, VEON, BISHOP, D. W. SNYDER, PISTELLA, CORRIGAN, FOX, MELIO, STABACK, TRELLO and HAGARTY

An Act amending the act of November 22, 1978 (P. L. 1166, No. 274), referred to as the "Pennsylvania Commission on Crime and Delinquency Law," further providing for powers and duties of the commission.

Referred to Committee on JUDICIARY, June 13, 1989.

No. 1684 By Representatives LINTON, COWELL, RICHARDSON, DeWEESE, BISHOP, JAMES, FREEMAN, PRESTON, MELIO, BORTNER, ACOSTA, THOMAS and ROEBUCK

An Act amending the act of January 25, 1966 (1965 P. L. 1546, No. 541), entitled "An act providing scholarships and providing funds to secure Federal funds for qualified students of the Commonwealth of Pennsylvania who need financial assistance to attend postsecondary institutions of higher learning, making an appropriation, and providing for the administration of this act," providing that scholarships awarded under the act shall be known as "Irvis Grants."

Referred to Committee on EDUCATION, June 13, 1989.

No. 1685 By Representatives LINTON, COWELL, RICHARDSON, DeWEESE, BISHOP, JAMES, FREEMAN, PRESTON, MELIO, BORTNER, THOMAS and ROEBUCK

An Act amending the act of August 7, 1963 (P. L. 549, No. 290), referred to as the "Pennsylvania Higher Education Assistance Agency Act," providing that loans made or guaranteed under the act shall be known as "Gallagher Loans."

Referred to Committee on EDUCATION, June 13, 1989.

No. 1686 By Representatives LINTON, OLIVER, BISHOP, KOSINSKI, TIGUE, McVERRY, NAHILL, BATTISTO, JOSEPHS, GODSHALL, BARLEY, J. TAYLOR, HAYDEN, JAMES, DeLUCA, WOZNIAK, VEON, D. W. SNYDER, CARN, ROBINSON, BILLOW, E. Z. TAYLOR, BUNT and EVANS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for removal of vehicle from property and notice to owner and lienholders of abandoned vehicles.

Referred to Committee on TRANSPORTATION, June 13, 1989.

No. 1689 By Representatives GAMBLE, DeLUCA, KASUNIC, FLEAGLE, SEMMEL, FEE, GIGLIOTTI, PITTS, MARSICO,

JACKSON, SAURMAN, CARLSON, WOGAN, CLYMER, J. L. WRIGHT, PHILLIPS, MRKONIC, LEH, DIETTERICK, FARGO, MAIALE, HOWLETT, BELARDI, MELIO, SERAFINI, TRELLO, GEIST, JOHNSON, E. Z. TAYLOR, BILLOW, DEMPSEY, JADLOWIEC, COLAIZZO, HESS, BURD, BUNT, DOMBROWSKI, ROBINSON, BISHOP, HECKLER, LAUGHLIN, ADOLPH, FOSTER, CIVERA, HARPER, MICHLOVIC and OLASZ

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for an offense relating to the sale of certain recordings.

Referred to Committee on JUDICIARY, June 13, 1989.

No. 1690 By Representatives S. H. SMITH, OLASZ, GEIST, DeWEESE, DISTLER, FARGO, CARLSON, COLAFELLA, FOX, J. L. WRIGHT, REBER, McVERRY, TANGRETTI, MRKONIC, MORRIS, TRICH, WOZNIAK, HALUSKA, MARSICO, DIETTERICK, LAUGHLIN, LEVDANSKY, STAIRS, RAYMOND, ITKIN, E. Z. TAYLOR, SERAFINI and BISHOP

An Act amending the act of July 2, 1984 (P. L. 520, No. 105), known as the "Business Infrastructure Development Act," further providing for grant and loan procedures.

Referred to Committee on APPROPRIATIONS, June 13, 1989.

No. 1691 By Representatives S. H. SMITH, OLASZ, GEIST, DISTLER, FARGO, CARLSON, COLAFELLA, FOX, J. L. WRIGHT, REBER, McVERRY, TANGRETTI, MRKONIC, MORRIS, WOZNIAK, HALUSKA, MARSICO, DIETTERICK, LAUGHLIN, STAIRS, RAYMOND, E. Z. TAYLOR, SERAFINI, BISHOP and ITKIN

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), known as the "Capital Loan Fund Act," further providing for loan eligibility.

Referred to Committee on APPROPRIATIONS, June 13, 1989.

No. 1692 By Representatives S. H. SMITH, ITKIN, GEIST, DISTLER, FARGO, COLAFELLA, FOX, J. L. WRIGHT, REBER, McVERRY, TANGRETTI, MRKONIC, MORRIS, WOZNIAK, HALUSKA, MARSICO, DIETTERICK, LAUGHLIN, STAIRS, RAYMOND, E. Z. TAYLOR, SERAFINI and BISHOP

An Act amending the act of July 2, 1984 (P. L. 555, No. 111), known as the "Small Business Incubators Act," further providing for grant conditions.

Referred to Committee on APPROPRIATIONS, June 13, 1989.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 144 By Representatives MICHLOVIC, MAINE, McVERRY, PESCI, STISH, COY, GIGLIOTTI, NOYE, NAHILL, JACKSON, WAMBACH, FLEAGLE, WILLIAMS, ANGSTADT, G. SNYDER, MELIO, MARKOSEK, BUNT, FARMER, McHALE, KENNEY, E. Z. TAYLOR, PISTELLA, TIGUE, STABACK, J. H. CLARK, KUKOVICH, ITKIN, WASS, BURD, LANGTRY, OLASZ, ROBINSON, HERMAN, DeWEESE, JOHNSON, TRELLO, SERAFINI, BELARDI and PETRARCA

Designating June 18 through 24, 1989, as "Psychologists Week."

Referred to Committee on RULES, June 13, 1989.

No. 145 By Representatives DISTLER, GEORGE, HASAY, HALUSKA, LETTERMAN, TIGUE, HESS, JOHNSON, DIETTERICK, MELIO, FAIRCHILD, NAHILL, ROBINSON, FOX, JACKSON, MILLER, TRELLO, DeLUCA, D. W. SNYDER, REBER, CARLSON, JADLOWIEC, BUNT, STABACK, CIVERA, LASHINGER, ROBBINS, ALLEN and S. H. SMITH

Directing the Conservation Committee to investigate the supply and adequacy of landfill space and why certain counties are being targeted for intense landfill development.

Referred to Committee on RULES, June 13, 1989.

No. 146 By Representatives LINTON, KUKOVICH, HAYDEN, ACOSTA, FREEMAN, PRESSMANN, RITTER, ROEBUCK, EVANS, HOWLETT, JOSEPHS, THOMAS, McHALE, CALTAGIRONE, ITKIN, ROBINSON, RICHARDSON, DeWEESE, VEON, BISHOP, D. W. SNYDER, PISTELLA, CORRIGAN, FOX, MELIO, STABACK, TRELLO, BORTNER, KOSINSKI, VAN HORNE and PRESTON

Amending House Rule 19(a).

Referred to Committee on RULES, June 13, 1989.

No. 147 By Representatives LANGTRY, BISHOP, HECKLER, GEIST, FLICK, ADOLPH, TANGRETTI, GODSHALL, JOHNSON,

CARLSON, McVERRY, HERSHEY, MOWERY, D. F. CLARK, WOGAN, SCHEETZ, BUNT, CIVERA and O'BRIEN

Memorializing Congress to establish a procedure for the conduct of Constitutional Conventions limited to consideration of amendments relating to specific identified issues.

Referred to Committee on RULES, June 13, 1989.

No. 148 By Representatives JAROLIN, REBER, CORNELL, PRESSMANN, STISH, RUDY, TIGUE, MORRIS, RAYMOND, BATTISTO, FREEMAN, DALEY, HALUSKA, CARLSON, G. SNYDER, McHALE, KOSINSKI, STABACK, COY, PESCI, ROBINSON, CORRIGAN, SALOOM, BUNT, ANGSTADT, ACOSTA, MELIO, DIETTERICK, FARMER, COLAIZZO, KONDRICH, HESS, DISTLER, FOX, CIVERA, DeLUCA, LESCOVITZ, TRELLO, JOHNSON, BELARDI, KASUNIC, JAMES, BILLOW, SERAFINI, FREIND, MAINE and HASAY

Memorializing local law enforcement agencies and school districts to organize against drug abuse; and providing for the appointment of a special committee to explore new legislative approaches to the problem of drug abuse.

Referred to Committee on RULES, June 13, 1989.

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bills for concurrence:

SB 430, PN 1101

Referred to Committee on PROFESSIONAL LICENSURE, June 13, 1989.

SB 576, PN 1176

Referred to Committee on STATE GOVERNMENT, June 13, 1989.

SENATE RESOLUTION FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following resolution for concurrence:

SR 75, PN 1177

Referred to Committee on RULES, June 13, 1989.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1016, PN 1158**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," providing for payment of the cost of burial of indigent persons in State institutions.

On the question,
Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 1016, PN 1158, be recommitted to the Appropriations Committee for a fiscal note.

On the question,
Will the House agree to the motion?
Motion was agreed to.

* * *

The following bill, having been called up, was considered for the second time and agreed to, and ordered transcribed for third consideration:

HB 1038, PN 1909.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, the Speaker will announce the voting schedule, as announced by the majority leader, for today's session. On page 2 of today's calendar, HB 1518, HB 1519, HB 1520, and HB 1521 are on today's voting schedule. On page 3 of today's calendar, HB 1522 is on the voting schedule. On page 4, HB 426 is on today's voting schedule, and on page 5, the following four bills are on today's voting schedule: HB 431, HB 567, HB 589, and HB 685.

The balance of today's calendar, with the exception of the bills that the Speaker just read which are on today's voting schedule, are all marked to go over in order. All remaining bills are marked to go over in order, and without objection, we will go over all the other bills on today's calendar. The Speaker hears no objection.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate
June 12, 1989

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 19, 1989, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, June 19, 1989, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

LEAVES OF ABSENCE

The SPEAKER. Without objection, the Speaker turns to leaves of absence.

Are there leaves of absence from the majority party? The indication is in the negative.

Are there leaves of absence from the minority party? The indication is in the negative.

MASTER ROLL CALL

The SPEAKER. The Speaker is about to take the master roll call. Members are to indicate their presence by voting "yea" on the master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—203

Acosta	Donatucci	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Letterman	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McHale	Schuler
Black	Freeman	McNally	Scrimenti
Blaum	Freind	McVerry	Semmel
Bortner	Gallen	Majale	Serafini
Bowley	Gamble	Maine	Smith, B.
Boyes	Gannon	Markosek	Smith, S. H.
Brandt	Geist	Marsico	Snyder, D. W.
Broujos	George	Mayernik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burd	Gladeck	Merry	Stairs
Burns	Godshall	Michlovic	Steighner
Bush	Gruitza	Micozzie	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Carr	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Taylor, J.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	O'Donnell	Trich
Clymer	Howlett	Olasz	Van Horne
Cohen	Hughes	Oliver	Veon
Colafella	Itkin	Perzel	Vroon
Colaizzo	Jackson	Pesci	Wambach
Cole	Jadlowiec	Petrarca	Wass
Cornell	James	Petrone	Weston
Corrigan	Jarolin	Phillips	Williams
Cowell	Johnson	Piccola	Wilson
Coy	Josephs	Pievsky	Wogan
DeLuca	Kaiser	Pistella	Wozniak
DeWeese	Kasunic	Pitts	Wright, D. R.
Daley	Kenney	Pressmann	Wright, J. L.
Davies	Kondrich	Preston	Wright, R. C.

Dempsey	Kosinski	Raymond	Yandrisevits
Dietterick	Kukovich	Reber	
Dininni	LaGrotta	Reinard	Manderino,
Distler	Langtry	Richardson	Speaker
Dombrowski			

ADDITIONS—0

NOT VOTING—0

EXCUSED—0

LEAVES ADDED—1

Dininni

FILMING PERMISSION

The SPEAKER. The Speaker, for the information of the members, announces that John Dille of "The People's Business" will be filming, videotaping, the entire proceedings for "The People's Business." The gentleman is in the well of the House immediately in front of the Speaker.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1518, PN 1772**, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—203

Acosta	Donatucci	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Letterman	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McHale	Schuler
Black	Freeman	McNally	Scrimenti
Blaum	Freind	McVerry	Semmel
Bortner	Gallen	Maiale	Serafini
Bowley	Gamble	Maine	Smith, B.
Boyes	Gannon	Markosek	Smith, S. H.
Brandt	Geist	Marsico	Snyder, D. W.
Broujos	George	Mayernik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burd	Gladeck	Merry	Stairs
Burns	Godshall	Michlovic	Steighner
Bush	Gruitza	Micozzie	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban

Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Taylor, J.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	O'Donnell	Trich
Clymer	Howlett	Olasz	Van Horne
Cohen	Hughes	Oliver	Veon
Colaella	Itkin	Perzel	Vroon
Colaizzo	Jackson	Pesci	Wambach
Cole	Jadlowiec	Petrarca	Wass
Cornell	James	Petrone	Weston
Corrigan	Jarolin	Phillips	Williams
Cowell	Johnson	Piccola	Wilson
Coy	Josephs	Pievsky	Wogan
DeLuca	Kaiser	Pistella	Wozniak
DeWeese	Kasunic	Pitts	Wright, D. R.
Daley	Kenney	Pressmann	Wright, J. L.
Davies	Kondrich	Preston	Wright, R. C.
Dempsey	Kosinski	Raymond	Yandrisevits
Dietterick	Kukovich	Reber	
Dininni	LaGrotta	Reinard	Manderino,
Distler	Langtry	Richardson	Speaker
Dombrowski			

NAYS—0

NOT VOTING—0

EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **HB 1519, PN 1773**, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1989, to June 30, 1990, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1989.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—202

Acosta	Dombrowski	Langtry	Richardson
Adolph	Donatucci	Lashinger	Rieger
Allen	Dorr	Laughlin	Ritter
Angstadt	Durham	Lee	Robbins
Argall	Evans	Leh	Robinson
Barley	Fairchild	Lescovitz	Roebuck
Battisto	Fargo	Letterman	Rudy
Belardi	Farmer	Levdansky	Ryan
Belfanti	Fee	Linton	Rybak
Billow	Fleagle	Lloyd	Saloom
Birmelin	Flick	Lucyk	Saurman

Bishop	Foster	McCall	Scheetz
Black	Fox	McHale	Schuler
Blaum	Freeman	McNally	Scrimenti
Bortner	Freind	McVerry	Semmel
Bowley	Gallen	Maiale	Serafini
Boyes	Gamble	Maine	Smith, B.
Brandt	Gannon	Markosek	Smith, S. H.
Broujos	Geist	Marsico	Snyder, D. W.
Bunt	George	Mayernik	Snyder, G.
Burd	Gigliotti	Melio	Staback
Burns	Gladeck	Merry	Stairs
Bush	Godshall	Michlovic	Steighner
Caltagirone	Gruitza	Micozzie	Stish
Cappabianca	Gruppo	Miller	Strittmatter
Carlson	Hagarty	Moehlmann	Suban
Carn	Haluska	Morris	Tangretti
Cawley	Harper	Mowery	Taylor, E. Z.
Cessar	Hasay	Mrkonic	Taylor, F.
Chadwick	Hayden	Murphy	Taylor, J.
Civera	Hayes	Nahill	Telek
Clark, B. D.	Heckler	Nailor	Thomas
Clark, D. F.	Herman	Noye	Tigue
Clark, J. H.	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Trich
Cohen	Howlett	Olasz	Van Horne
Colafella	Hughes	Oliver	Veon
Colaizzo	Itkin	Perzel	Vroon
Cole	Jackson	Pesci	Wambach
Cornell	Jadlowiec	Petrarca	Wass
Corrigan	James	Petrone	Weston
Cowell	Jarolin	Phillips	Williams
Coy	Johnson	Piccola	Wilson
DeLuca	Josephs	Pievsky	Wogan
DeWeese	Kaiser	Pistella	Wozniak
Daley	Kasunic	Pitts	Wright, D. R.
Davies	Kenney	Pressmann	Wright, J. L.
Dempsey	Kondrich	Preston	Yandrisevits
Dietterick	Kosinski	Raymond	
Dininni	Kukovich	Reber	Manderino,
Distler	LaGrotta	Reinard	Speaker

NAYS—0

NOT VOTING—1

Wright, R. C.

EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **HB 1520, PN 1774**, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1989, to June 30, 1990, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1989.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The **SPEAKER**. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—202

Acosta	Dombrowski	Langtry	• Richardson
Adolph	Donatucci	Lashinger	Rieger
Allen	Dorr	Laughlin	Ritter
Angstadt	Durham	Lee	Robbins
Argall	Evans	Leh	Robinson
Barley	Fairchild	Lescovitz	Roebuck
Battisto	Fargo	Letterman	Rudy
Belardi	Farmer	Levdansky	Ryan
Belfanti	Fee	Linton	Rybak
Billow	Fleagle	Lloyd	Saloom
Birmelin	Flick	Lucyk	Saurman
Bishop	Foster	McCall	Scheetz
Black	Fox	McHale	Schuler
Blaum	Freeman	McNally	Scrimenti
Bortner	Freind	McVerry	Semmel
Bowley	Gallen	Maiale	Serafini
Boyes	Gamble	Maine	Smith, B.
Brandt	Gannon	Markosek	Smith, S. H.
Broujos	Geist	Marsico	Snyder, D. W.
Bunt	George	Mayernik	Snyder, G.
Burd	Gigliotti	Melio	Staback
Burns	Gladeck	Merry	Stairs
Bush	Godshall	Michlovic	Steighner
Caltagirone	Gruitza	Micozzie	Stish
Cappabianca	Gruppo	Miller	Strittmatter
Carlson	Hagarty	Moehlmann	Suban
Carn	Haluska	Morris	Tangretti
Cawley	Harper	Mowery	Taylor, E. Z.
Cessar	Hasay	Mrkonic	Taylor, F.
Chadwick	Hayden	Murphy	Taylor, J.
Civera	Hayes	Nahill	Telek
Clark, B. D.	Heckler	Nailor	Thomas
Clark, D. F.	Herman	Noye	Tigue
Clark, J. H.	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Trich
Cohen	Howlett	Olasz	Van Horne
Colafella	Hughes	Oliver	Veon
Colaizzo	Itkin	Perzel	Vroon
Cole	Jackson	Pesci	Wambach
Cornell	Jadlowiec	Petrarca	Wass
Corrigan	James	Petrone	Weston
Cowell	Jarolin	Phillips	Williams
Coy	Johnson	Piccola	Wilson
DeLuca	Josephs	Pievsky	Wogan
DeWeese	Kaiser	Pistella	Wozniak
Daley	Kasunic	Pitts	Wright, D. R.
Davies	Kenney	Pressmann	Wright, J. L.
Dempsey	Kondrich	Preston	Yandrisevits
Dietterick	Kosinski	Raymond	
Dininni	Kukovich	Reber	Manderino,
Distler	LaGrotta	Reinard	Speaker

NAYS—0

NOT VOTING—1

Wright, R. C.

EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **HB 1521, PN 1775**, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1989, to June 30, 1990, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1989.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

The **SPEAKER**. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—203

Acosta	Donatucci	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Letterman	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McHale	Schuler
Black	Freeman	McNally	Scrimenti
Blaum	Freind	McVerry	Semmel
Bortner	Gallen	Maiale	Serafini
Bowley	Gamble	Maine	Smith, B.
Boyes	Gannon	Markosek	Smith, S. H.
Brandt	Geist	Marsico	Snyder, D. W.
Broujos	George	Mayermik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burd	Gladeck	Merry	Stairs
Burns	Godshall	Michlovic	Steighner
Bush	Gruitza	Micozzie	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Suban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Taylor, J.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	O'Donnell	Trich
Clymer	Howlett	Olasz	Van Horne
Cohen	Hughes	Oliver	Veon
Colaifella	Itkin	Perzel	Vroon
Colaizzo	Jackson	Pesci	Wambach
Cole	Jadlowiec	Petrarca	Wass
Cornell	James	Petrone	Weston
Corrigan	Jarolin	Phillips	Williams
Cowell	Johnson	Piccola	Wilson
Coy	Josephs	Pievsky	Wogan
DeLuca	Kaiser	Pistella	Wozniak
DeWeese	Kasunic	Pitts	Wright, D. R.
Daley	Kenney	Pressmann	Wright, J. L.
Davies	Kondrich	Preston	Wright, R. C.
Dempsey	Kosinski	Raymond	Yandrisevits
Dietterick	Kukovich	Reber	
Dininni	LaGrotta	Reinard	Manderino,

Distler Langtry Richardson Speaker
Dombrowski

NAYS—0

NOT VOTING—0

EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **HB 1522, PN 1776**, entitled:

An Act making appropriations to the Treasury Department out of various funds for payment of general obligation debt service.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

The **SPEAKER**. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—203

Acosta	Donatucci	Lashinger	Rieger
Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Letterman	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fee	Linton	Rybak
Belfanti	Fleagle	Lloyd	Saloom
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McHale	Schuler
Black	Freeman	McNally	Scrimenti
Blaum	Freind	McVerry	Semmel
Bortner	Gallen	Maiale	Serafini
Bowley	Gamble	Maine	Smith, B.
Boyes	Gannon	Markosek	Smith, S. H.
Brandt	Geist	Marsico	Snyder, D. W.
Broujos	George	Mayermik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burd	Gladeck	Merry	Stairs
Burns	Godshall	Michlovic	Steighner
Bush	Gruitza	Micozzie	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Suban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Taylor, J.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	O'Donnell	Trich
Clymer	Howlett	Olasz	Van Horne
Cohen	Hughes	Oliver	Veon
Colaifella	Itkin	Perzel	Vroon
Colaizzo	Jackson	Pesci	Wambach
Cole	Jadlowiec	Petrarca	Wass
Cornell	James	Petrone	Weston

Corrigan	Jarolin	Phillips	Williams
Cowell	Johnson	Piccola	Wilson
Coy	Josephs	Pievsky	Wogan
DeLuca	Kaiser	Pistella	Wozniak
DeWeese	Kasunic	Pitts	Wright, D. R.
Daley	Kenney	Pressmann	Wright, J. L.
Davies	Kondrich	Preston	Wright, R. C.
Dempsey	Kosinski	Raymond	Yandrisevits
Dietterick	Kukovich	Reber	
Dininni	LaGrotta	Reinard	Manderino,
Distler	Langtry	Richardson	Speaker
Dombrowski			

NAYS—0

NOT VOTING—0

EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES**

HB 222, PN 2031 (Amended)

By Rep. OLIVER

An Act authorizing and directing the Department of General Services and the General State Authority, with the approval of the Governor, to convey to Westmoreland County a tract of land situate in Hempfield Township, Westmoreland County.

STATE GOVERNMENT.

HB 319, PN 351

By Rep. OLIVER

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, including parole and probation agents employed by the Pennsylvania Board of Probation and Parole within the definition of "correction officer" for retirement purposes.

STATE GOVERNMENT.

HB 375, PN 2032 (Amended)

By Rep. OLIVER

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," providing for the continuation of medical insurance coverage for survivor-spouse annuitants.

STATE GOVERNMENT.

HB 575, PN 637

By Rep. OLIVER

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, including enforcement officers and investigators in the Office of Attorney General within the definition of "enforcement officer" for retirement purposes.

STATE GOVERNMENT.

HB 591, PN 653

By Rep. OLIVER

An Act amending the act of July 15, 1976 (P. L. 1036, No. 208), known as the "Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act," providing for an exception to loan limits.

STATE GOVERNMENT.

HB 695, PN 776

By Rep. OLIVER

An Act authorizing the Secretary of General Services to reimburse volunteer fire, ambulance and rescue companies who respond to fires or other emergencies on State-owned property; and making an appropriation.

STATE GOVERNMENT.

HB 723, PN 804

By Rep. OLIVER

An Act providing a toll-free number for individuals to use in order to provide information to the Pennsylvania State Police regarding evidence of drug abuse.

STATE GOVERNMENT.

HB 876, PN 2028 (Amended)

By Rep. LETTERMAN

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the powers and duties of Game Commission officers.

GAME AND FISHERIES.

HB 877, PN 2029 (Amended)

By Rep. LETTERMAN

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the collective bargaining status of Game Commission officers.

GAME AND FISHERIES.

HB 878, PN 2030 (Amended)

By Rep. LETTERMAN

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for the collective bargaining status of Pennsylvania Fish Commission officers.

GAME AND FISHERIES.

HB 1069, PN 1217

By Rep. OLIVER

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for the compensation and classification of persons appointed by the Public School Employees' Retirement Board and the State Employees' Retirement Board.

STATE GOVERNMENT.

HB 1125, PN 2033 (Amended)

By Rep. OLIVER

An Act providing for the preservation of historic burial places and tombs, monuments and gravestones; and imposing penalties.

STATE GOVERNMENT.

HB 1126, PN 1286

By Rep. OLIVER

An Act encouraging caretaker organizations to assume responsibility for restoration and maintenance of historic burial places by limiting liability in connection therewith.

STATE GOVERNMENT.

HB 1302, PN 1505

By Rep. COWELL

An Act amending the act of July 2, 1984 (P. L. 553, No. 110), known as the "Engineering School Equipment Act," further providing for acquisition and upgrading of equipment and for the expiration of the act.

EDUCATION.

HB 1608, PN 1887

By Rep. COWELL

An Act amending the act of June 14, 1961 (P. L. 324, No. 188), known as "The Library Code," providing for higher education library grants; and making an appropriation.

EDUCATION.

CONSERVATION COMMITTEE MEETING

The SPEAKER. The gentleman from Clearfield County, Representative George, is recognized, without objection, for the purpose of an announcement.

Mr. GEORGE. Mr. Speaker, I would like to call a meeting of the Conservation Committee for 10 a.m. in room 418 on Wednesday morning. We will be addressing HB 1618, which deals with the garbage trucks that are being employed as dual purpose, and I would urge all members to be there.

The SPEAKER. Representative George, chairman of the Conservation Committee, announces a meeting of that committee tomorrow morning at 10 a.m. Members of the Conservation Committee are to observe that a meeting will be held tomorrow morning at 10 a.m.

WELCOMES

The SPEAKER. The Chair is happy to welcome to the hall of the House this morning a group of senior citizens from the Benjamin H. Wilson Senior Center, from Warminster, Pennsylvania. They are the guests of Representative Jean Wilson. They are in the gallery. *Will they please stand.*

The Chair welcomes to the hall of the House Kristen Rudisill and Jenni Peterson of Monroe Township, Cumberland County. They are the guests of Representative Jerry Nailor, and they are also in the balcony. *Will they please stand for the recognition of the House.*

The Chair also welcomes a group of senior citizens from Asheville, who are here for a tour of the Capitol. They are the guests of Representative Haluska.

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 1694 By Representatives COWELL, LESCOVITZ
and BURNS

An Act amending the act of December 15, 1986 (P. L. 1585, No. 174), known as the "Private Licensed Schools Act," creating a special fund to serve as repository for license fees authorized by the act.

Referred to Committee on EDUCATION, June 13, 1989.

HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority leader, Representative O'Donnell, from Philadelphia.

Mr. O'DONNELL. Mr. Speaker, rather than waste the time of the members of the House, a number of amendments

to the bills that we are going to consider today have just now been handed in, and as a result, they need to be duplicated and circulated, and rather than waste your time, what I would suggest to the Chair is a recess until 1 o'clock, at which time we are going to come back and we are going to begin running the bills. We are going to run them in calendar order, and we are going to run them with whatever amendments have been prepared and circulated at that time. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the majority leader.

The Chair would ask the staff to attempt to have the amendments returned to the House floor by 1 o'clock so that we may proceed in the order planned.

RECESS

The SPEAKER. If there is no further business to come before the House at this time, this House stands in recess until 1 p.m.

AFTER RECESS

The time of recess having expired, the House was called to order.

**CALENDAR CONTINUED
BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 426, PN 1953**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for surrender of registration plates and cards and licenses, for proof of financial responsibility and for certificates of inspection; and imposing penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. HAYDEN offered the following amendments No. A1702:

Amend Sec. 1, page 1, line 8, by striking out "AND" and inserting a comma

Amend Sec. 1, page 1, line 9, by inserting after "1540(C)"
, 1782 and 1783

Amend Sec. 1, page 6, by inserting between lines 10 and 11
§ 1782. Manner of providing proof of financial responsibility.

(a) General rule.—Proof of financial responsibility may be furnished by filing evidence satisfactory to the department that all motor vehicles registered in a person's name are covered by motor vehicle liability insurance or by a program of self-insurance as provided by section 1787 (relating to self-insurance) or other reliable financial arrangements, deposits, resources or commitments acceptable to the department.

(b) Nonresident.—The nonresident owner of a motor vehicle not registered in this Commonwealth may give proof of financial responsibility by filing with the department a written certificate or certificates of an insurance company authorized to transact business in the state in which the motor vehicle or motor vehicles described in the certificate are registered or, if the nonresident does not own a motor vehicle, then evidence satisfactory to the department that the person does not own a motor vehicle. The department shall accept the certificate upon condition that

the insurance company complies with the following provisions with respect to the policies so certified:

(1) The insurance company shall execute a power of attorney authorizing the department to accept service on its behalf or process in any action arising out of a motor vehicle accident in this Commonwealth.

(2) The insurance company shall agree in writing that the policies shall be deemed to conform with the laws of this Commonwealth relating to the terms of motor vehicle liability policies issued in this Commonwealth.

(c) Default by foreign insurance company.—If any insurance company not authorized to transact business in this Commonwealth, which has qualified to furnish proof of financial responsibility, defaults in any undertakings or agreements, the department shall not thereafter accept as proof any certificate of the company whether theretofore filed or thereafter tendered as proof as long as the default continues.

(d) Financial responsibility identification cards.—Insurers shall provide financial responsibility identification cards to insureds which shall be valid only for the period for which coverage has been paid by the insured. Financial responsibility identification cards shall disclose the period for which coverage has been paid by the insured and shall contain such other information as required by the Insurance Department.

§ 1783. Proof of financial responsibility before restoring operating privilege or registration.

(a) General rule.—Whenever the department suspends or revokes the operating privilege of any person or the registration of any vehicle pursuant to section 1532 (relating to revocation or suspension of operating privilege), 1542 (relating to revocation of habitual offender's license), 1772 (relating to suspension for non-payment of judgments), 1784 (relating to proof of financial responsibility following violation) or 1785 (relating to proof of financial responsibility following accident), or upon receiving the record of a conviction or forfeiture of bail, the department shall not restore the operating privilege or the applicable registration until the person furnishes proof of financial responsibility.

(b) Notice.—An insurer who has issued a contract of motor vehicle liability insurance, or any approved self-insurance entity, shall notify the department within ten days of the cancellation, nonrenewal or termination of the insurance by the insurer or insured in a method prescribed by regulations promulgated by the department.

On the question,

Will the House agree to the amendments?

WELCOMES

The SPEAKER. The Speaker is happy to welcome to the hall of the House this afternoon the mayor of Nanticoke, Pennsylvania, Walter Sokolowski, and councilmen John Gorka and Mark Yeager, and Joseph Zak, who is the program manager for the Nanticoke Community Development Corporation. They are here today as the guests of Representative Stanley Jarolin, and they are to the left of the Speaker. Will they please stand.

The Chair is happy to recognize a group of constituents from Clearfield County, constituents of Representative Camille George, who are the guests of Representative Camille George. Will they please stand. They are in the balcony.

CONSIDERATION OF HB 426 CONTINUED

The SPEAKER. The question is, will the House agree to the Hayden amendment? On that question, the Chair recognizes the author of the amendment, Representative Hayden, from Philadelphia.

Mr. HAYDEN. Thank you, Mr. Speaker.

The first amendment, amendment A1702, amends HB 426. Generally speaking, HB 426 was the work product of the Insurance Committee to deal with the issue about proof of financial responsibility and to cover some of the problems in which people were driving without insurance but had some indication that at one point they did have insurance. This amendment would simply tighten up some of those requirements in that it would provide that the financial responsibility identification cards, which are provided by the insurer, would only be dated for the dates that the coverage applies. Secondly, it would require the insurer to notify the department within 10 days of the notice of cancellation, nonrenewal, or termination to better enable the department to determine who is and who is not driving with the required financial responsibility. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the Hayden amendment? On that question, from Indiana County, Representative Wass is recognized.

Mr. WASS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER. The gentleman indicates he will consent to interrogation. Mr. Wass may proceed.

Mr. WASS. Mr. Speaker, if I may, this is a very, very close issue with me. I am really concerned about this card, and would you help me to understand how that is going to work?

Mr. HAYDEN. Sure.

Mr. WASS. I understand that the card is going to be allocated for the time that the payment was made. Is that right? Will you go through that for me?

Mr. HAYDEN. Certainly.

Mr. Speaker, in response to the gentleman's question, right now what often happens is when you purchase automobile insurance, you receive a card back from your insurer which has the effective date. It has the beginning date of when the policy commences, but it does not have the finishing date of the coverage.

If you buy your insurance and you pay on a quarterly basis, you will get a card which says effective date, say, for instance, 1/1/89. If you buy for a quarter, it will say through the end date of March 1989, to cover one quarter. If you then get your renewal premium notice and you send that money in again, you will get another card back which says effective date, and once again it will pick up the end of March through the next 3 months. If you pay on an installment plan in which you send in a payment every month, every time you send that payment in and the insurance company receives that payment, they will send you back that card for that relevant month, the idea being we did not want people who purchased a 30-day policy to be able to have a motor vehicle financial responsibility card

which could arguably cover the entire year, the position being that if police would pull somebody over and ask for proof of that financial responsibility and they saw the card, there would be no way for the police officer at that point to be able to determine whether there was coverage there or not. The second reason for that is to require insurance companies to help the department run down those people who are driving uninsured, and that is why the notice requirement is triggered on behalf of the insurance companies.

Mr. WASS. Mr. Speaker, if I may continue. When I receive a card and my card expires waiting for my next installment payment—okay?—now, the insurance company will wait a grace period; they will wait like 17 days before they penalize me for not having insurance. Okay? Then we have the delays where there could be a month or two go by before the gentleman is identified as a noninsured. How are you going to control that?

Mr. HAYDEN. The gentleman raises an issue that others have raised. We have a subsequent amendment. The next amendment deals with—

Mr. LETTERMAN. Mr. Speaker, can we have some order? We cannot hear.

The SPEAKER. The gentleman is asking that the Speaker call this House to order so that he may hear the debate. Members who are engaging in conversation ought not to wait until someone must complain about the level of noise. They should realize that their conversation disturbs other members who are trying to listen to the debate.

Will this House please be in order. Will conversation cease. You may proceed.

Mr. HAYDEN. Thank you, Mr. Speaker.

Mr. WASS, you raised the question of the fairness issue as to whether someone did not get notification back from their insurer that they do have the policy, and that is certainly a concern that many have. We have a subsequent amendment, which will be offered right after this amendment, which defines other methods of proof of financial responsibility; for instance, in that definition, if you can show that you have a policy, the face page of your policy, a certificate of financial responsibility, or a valid binder of insurance. So what that would mean would be if you received a citation from a police officer, you could then go and defend yourself to say that, I did not get that back from the insurance company; I have a binder; I have the face page of my policy. And if you go before a district justice, that should be substantial proof of financial responsibility.

Mr. WASS. Thank you, Mr. Speaker. If I may just continue.

I have a concern that the insurance companies have been negligent in informing the Department of Transportation that that insurance has been canceled. In your amendment, at what point does the insurance company make the report that their insured is delinquent?

Mr. HAYDEN. Mr. Speaker, if you look on page 2 of the amendment under the notice requirement, subsection (b), that requires that the insurer notify the department within 10 days

of the cancellation, nonrenewal, or termination of the insurance by the insurer, and the department anticipates that they will enact regulations that the insurance companies could use so they can figure out what method of notification they are going to use with the department.

So the triggering mechanism is 10 days from the date of the cancellation or nonrenewal.

Mr. WASS. That is on the card. If my insurance card says that my insurance policy ends on March 30, within 10 days then, no grace period. Is there a grace period?

Mr. HAYDEN. No. What the insurers are required to do—to use your hypothetical—if your coverage expires on March 30, 1989, by 10 days or after they must notify the department of the cancellation or the nonrenewal. Now, of course, that does not eliminate the optional alternative on the part of one of our constituents who wants to go out and buy his or her insurance elsewhere. That simply is a recordkeeping requirement, as you mentioned, to require a greater sense of obligation on the part of the insurance companies to let us know when people are driving around out there without insurance.

Mr. WASS. Thank you, Mr. Speaker.

Mr. Speaker, that completes my interrogation.

The SPEAKER. The Chair thanks the gentleman.

The question is, will the House agree to the amendment? On that question, the gentleman from Centre County, Mr. Letterman, is recognized.

Mr. LETTERMAN. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment.

The SPEAKER. The gentleman indicates he will consent to interrogation. You may proceed.

Mr. LETTERMAN. Mr. Speaker, on page 2 under "Notice," what penalty do we have on an insurance company if they do not follow through on what you require of them?

Mr. HAYDEN. Well, Mr. Speaker, that issue has not been addressed specifically in the bill or in this amendment because the Insurance Department is going to have to enact regulations to determine what are they going to do for noncompliance on behalf of the insurance companies.

Mr. LETTERMAN. Well, I do not see anything in that part that says the Insurance Department has to put a penalty against them for not following through. That is what concerns me.

Mr. HAYDEN. I understand that.

Mr. LETTERMAN. I think that is where the failure of the amendment has been over the past years. I am very concerned that we go ahead and pass something that really has no teeth in it whatsoever, and that is, as far as reading your amendment, I see something we are passing that has no teeth in it against the insurance companies whatsoever. Is that correct?

Mr. HAYDEN. Mr. Speaker, what I could tell you is that the language has a "shall" provision which would trigger the requirement. It is not discretionary. However, the method prescribed by regulations promulgated by the department seemed to be the way the Insurance Commissioner wanted to go about trying to address the issue. Frankly, at this point this requirement does not already exist in the law. This will make

it law for the first time. They have not determined what is the best way to enforce that provision. So the feeling is that this bill, in conjunction with the other bills we are going to consider, is going to give the Insurance Department and the Insurance Commissioner enough discretion to put those teeth into the bill.

Mr. LETTERMAN. Thank you, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The question is, will the House agree to the amendment? On that question, the chairman of the Insurance Committee, Representative Rybak, from Northampton, is recognized.

Mr. RYBAK. Thank you, Mr. Speaker.

Mr. Speaker, we have come to the moment of truth. This is the first bill for this chamber and the other chamber to give us insurance reform, hopefully insurance reform that will be in the best interest of the people. That is why we are here.

This bill, very simply, permits the constables, the deputies, the sheriffs, to go out and pick up those people who are not complying with the law and provide a fee therefor, and those who are driving without insurance to pay a \$300 fine, to be assessed five points—okay?—and to be suspended for 60 days. This also applies to the driver who knows that that vehicle he is driving is not insured. This bill also requires proof of insurance when you go to get your car inspected.

It is a simple bill. It is something that we know we need, because we know that there are thousands and thousands of people for whatever reason not carrying insurance, and this amendment presented by Representative Hayden is nothing more than an additional safeguard to get those who will continue to do this thing. We all know, and the record will show, and we have been at it a long time, that one of the causes of our problem today in insurance, the high rates, is the fact that we have a lot of uninsured people.

So I would support this amendment. I would support the bill as amended and ask for a unanimous vote. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment? On that question, the Chair recognizes, from Delaware County, Representative Freind.

Mr. FREIND. Thank you, Mr. Speaker.

Very briefly, I rise to support the amendment.

This amendment is the first in a series of amendments which is the result of negotiations with members on both sides of the aisle and with the Office of the Governor. I think the salient feature of this amendment is the fact that it makes the insurance identification card mean something. In the past when companies permitted installment payments, they gave out the card for the entire year, regardless of whether or not you stopped making your payments. This rectifies this error.

It is a good amendment. I hope we support it. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment? On that question, the gentleman from Indiana, Mr. Wass, is recognized for the second time.

Mr. WASS. Thank you very much, Mr. Speaker.

Mr. Speaker, may I continue my interrogation of Mr. Hayden, the maker of the amendment?

The SPEAKER. Will the gentleman consent to interrogation? He indicates he will. You may proceed.

Mr. WASS. Mr. Speaker, a colleague earlier addressed the— What is the penalty to the insurance company if they are negligent in alerting the Department of Transportation in 10 days? What happens to the insurance company if they do not carry out that mandate?

Mr. HAYDEN. Mr. Speaker, I will give you the same answer that I gave Mr. Letterman. The fact of the matter is that this amendment and this bill, HB 426, do not spell out what the enforcement would be against the company in the event of that occurrence. We are going to permit some input by both consumers and by the insurance companies and by others to participate during the regulatory process to establish a method that we think would be the most efficient in terms of deciding who is and who is not going to have automobile insurance registration cards. The issue is not answered in the bill. It is going to be addressed by regulation. That is the answer I have for you.

Mr. WASS. So, Mr. Speaker, at this point the insurance companies are at liberty to do whatever they want as far as the report is concerned. There is no penalty that they have to be concerned with in the legislation. Is that right?

Mr. HAYDEN. That is not entirely correct. Let me correct the gentleman's statement.

Mr. WASS. Excuse me, sir. If you understand, I am really concerned, because I think that is the key - getting the word over to the Department of Transportation that this gentleman or woman does not have insurance. That is the key, and I would like to know what the penalty is if they do not carry out that part of the legislation.

Mr. HAYDEN. I cannot tell you yet.

Mr. WASS. Thank you very much, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence.

The gentleman from Dauphin, Mr. DININNI, is now on leave of absence for today. The Chair hears no objection to the granting of the leave.

CONSIDERATION OF HB 426 CONTINUED

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—198

Acosta	Dombrowski	LaGrotta	Rieger
Adolph	Donatucci	Langtry	Ritter
Allen	Dorr	Lashingier	Robbins
Angstadt	Durham	Laughlin	Robinson
Argall	Evans	Lee	Roebuck
Barley	Fairchild	Leh	Rudy
Battisto	Fargo	Lescovitz	Ryan
Belardi	Farmer	Levdansky	Rybak
Belfanti	Fee	Linton	Saloom
Billow	Fleagle	Lloyd	Saurman

Birmelin	Flick	Lucyk	Scheetz
Bishop	Foster	McCall	Schuler
Black	Fox	McHale	Scrimenti
Blaum	Freeman	McNally	Semmel
Bortner	Freind	McVerry	Serafini
Bowley	Gallen	Maiale	Smith, B.
Boyes	Gamble	Maine	Smith, S. H.
Brandt	Gannon	Markosek	Snyder, D. W.
Broujos	Geist	Marsico	Snyder, G.
Bunt	George	Mayernik	Staback
Burd	Gigliotti	Melio	Stairs
Burns	Gladeck	Merry	Steighner
Bush	Godshall	Micozzie	Stish
Caltagirone	Gruitza	Miller	Strittmatter
Cappabianca	Gruppo	Moehlmann	Stuban
Carlson	Hagarty	Morris	Tangretti
Carn	Haluska	Mowery	Taylor, E. Z.
Cawley	Harper	Mrkonic	Taylor, F.
Cessar	Hasay	Murphy	Taylor, J.
Chadwick	Hayden	Nahill	Telek
Civera	Hayes	Nailor	Thomas
Clark, B. D.	Heckler	Noye	Tigue
Clark, D. F.	Herman	O'Brien	Trello
Clark, J. H.	Hershey	O'Donnell	Trich
Clymer	Hess	Oliver	Van Horne
Cohen	Howlett	Perzel	Veon
Colafella	Hughes	Pesci	Vroon
Colaizzo	Itkin	Petrarca	Wambach
Cole	Jackson	Petrone	Wass
Cornell	Jadlowiec	Phillips	Weston
Corrigan	James	Piccola	Wilson
Cowell	Jarolin	Pievsky	Wogan
Coy	Johnson	Pistella	Wozniak
DeLuca	Josephs	Pitts	Wright, D. R.
DeWeese	Kaiser	Pressmann	Wright, J. L.
Daley	Kasunic	Preston	Wright, R. C.
Davies	Kenney	RDaymond	Yandrisevits
Dempsey	Kondrich	Reber	
Dietterick	Kosinski	Reinard	Manderino,
Distler	Kukovich	Richardson	Speaker

NAYS—1

Letterman

NOT VOTING—3

Michlovic

Olasz

Williams

EXCUSED—1

Dininni

The question was determined in the affirmative, and the amendments were agreed to.

On the question,

Will the House agree to the bill on third consideration as amended?

Mr. HAYDEN offered the following amendments No. A1801:

Amend Bill, page 1, lines 8 through 10, by striking out all of said lines and inserting

Section 1. Section 1306 of Title 75 of the Pennsylvania Consolidated Statutes, repealed in part April 26, 1989 (P.L. 13, No. 4), is amended to read:

§ 1306. Grounds for refusing registration.

The department shall refuse registration or renewal or transfer of registration when any of the following circumstances exists:

(1) The applicant is not entitled to registration under the provisions of this chapter.

(2) The applicant has at registration or titling neglected or refused to furnish the department with the information required on the appropriate official form, or any reasonable additional information required by the department.

(3) The department has reasonable grounds to believe that the application contains false or fraudulent information, or that the vehicle is stolen, which fact the department shall ascertain by reference to the stolen vehicle file required to be maintained under section 7114 (relating to records of stolen vehicles), or that the granting of registration would constitute a fraud against the rightful owner or other person having a valid lien upon the vehicle.

(4) The fees required by law have not been paid.

(5) The vehicle is not constructed or equipped as required by this title.

(6) The registration of the vehicle stands suspended or revoked for any reason as provided for in this title.

Section 2. Title 75 is amended by adding a section to read:

§ 1318. Duties of agents.

(a) Verification of financial responsibility.—An agent who is authorized to issue on behalf of the department a vehicle registration renewal or temporary registration shall be required to verify financial responsibility prior to issuance.

(b) Proof.—Proof of financial responsibility shall be verified by examining one of the following documents:

(1) An identification card as required by regulations promulgated by the Insurance Department.

(2) The declaration page of an insurance policy.

(3) A certificate of financial responsibility.

(4) A valid binder of insurance issued by an insurance company licensed to sell automobile liability insurance in Pennsylvania.

Section 3. Sections 1371, 1376, 1377, 1535, 1540(c) and 1781 of Title 75 are amended to read:

§ 1371. Operation following suspension or revocation of registration.

(a) General rule.—No person shall operate and no owner shall permit to be operated upon any highway a vehicle the registration of which has been suspended or revoked.

(b) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$100 nor more than \$500.

Amend Sec. 1 (Sec. 1376), page 1, line 12, by inserting after "SUSPENSION"

or revocation

Amend Sec. 1 (Sec. 1376), page 1, line 13, by inserting after "SUSPENDING"

or revoking

Amend Sec. 1 (Sec. 1376), page 2, line 28, by inserting after "SUSPENDED"

or revoked

Amend Bill, page 3, by inserting between lines 2 and 3

§ 1377. Judicial review of denial [or], suspension or revocation of registration.

Any person whose registration has been denied [or], suspended or revoked by the department shall have the right to appeal to the court vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure). The filing of the appeal shall act as a supersedeas and the suspension of registration shall not be imposed until determination of the matter as provided in this section. The court shall set the matter down for hearing upon 30 days written notice to the department, and thereupon take testimony and examine into the facts of the case and determine whether the petitioner is entitled to registration or subject to suspension of registration under the provisions of this title.

Amend Bill, page 6, by inserting between lines 10 and 11

§ 1781. Notice of sanction for not evidencing financial responsibility.

An applicant for registration of a vehicle shall acknowledge on a form developed by the Department of Transportation that the applicant knows he may lose his operating privilege or vehicle

registrations if he fails to [evidence financial responsibility for the purposes described in section 1772 (relating to suspension for nonpayment of judgments), 1783 (relating to proof of financial responsibility before restoring operating privilege or registration), 1784 (relating to proof of financial responsibility following violation) or 1785 (relating to proof of financial responsibility following accident).] maintain financial responsibility on the currently registered vehicle for the period of registration.

Section 4. Section 1785 of Title 75 is repealed.

Amend Sec. 2, page 6, line 11, by striking out "2" and inserting

5

Amend Bill, page 7, by inserting between lines 26 and 27

Section 6. Section 1960 of Title 75 is amended to read:

§ 1960. Reinstatement of registration or operating privilege.

The department shall charge a fee of [\$25] \$50 to restore a registration or a person's operating privilege following a suspension or revocation.

Amend Sec. 3, page 7, line 27, by striking out "3" and inserting

7

Amend Bill, page 8, lines 6 and 7, by striking out all of said lines and inserting

Section 8. The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Section 9. All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 10. This act shall take effect October 1, 1989.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the author of the amendment, from Philadelphia, Representative Hayden, is recognized.

Mr. HAYDEN. Thank you, Mr. Speaker.

This is amendment 1801. First, I would like to clarify what it does not do, because there seemed to have been some confusion about this.

If you look on page 1 of the amendment, it makes reference to duties of agents. The definition of "agents" here does not refer to or in any way deal with an insurance agent. It deals with those agents who have responsibility within the Transportation Department to verify the source of financial responsibility before they issue a license. So it does not deal with insurance agents; it deals with agents within the Transportation Department.

What this bill does is it permits various options for verifying the proof of financial responsibility. So if you run into the situation that Mr. Wass raised before whereas your company has not gotten you back your card yet, there are other methods for you to be able to verify the proof of your financial responsibility. This is particularly important with a valid binder of insurance when you just purchase a car. The department is authorized to accept that as a method of financial responsibility that they should honor. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—201

Acosta	Donatucci	Lashinger	Ritter
Adolph	Dorr	Laughlin	Robbins
Allen	Durham	Lee	Robinson
Angstadt	Evans	Leh	Roebuck
Argall	Fairchild	Lescovitz	Rudy
Barley	Fargo	Letterman	Ryan
Battisto	Farmer	Levdansky	Rybak
Belardi	Fee	Linton	Saloom
Belfanti	Fleagle	Lloyd	Saurman
Billow	Flick	Lucyk	Scheetz
Birmelin	Foster	McCall	Schuler
Bishop	Fox	McHale	Scrimenti
Black	Freeman	McNally	Semmel
Blaum	Freind	McVerry	Serafini
Bortner	Gallen	Maiale	Smith, B.
Bowley	Gamble	Maine	Smith, S. H.
Boyes	Gannon	Markosek	Snyder, D. W.
Brandt	Geist	Marsico	Snyder, G.
Broujos	George	Mayernik	Staback
Bunt	Gigliotti	Melio	Stairs
Burd	Gladeck	Merry	Steighner
Burns	Godshall	Michlovic	Stish
Bush	Gruitza	Micozzie	Strittmatter
Caltagirone	Gruppo	Miller	Stuban
Cappabianca	Hagarty	Moehlmann	Tangretti
Carlson	Haluska	Morris	Taylor, E. Z.
Carn	Harper	Mowery	Taylor, F.
Cawley	Hasay	Mrkonic	Taylor, J.
Cessar	Hayden	Murphy	Telek
Chadwick	Hayes	Nahill	Thomas
Civera	Heckler	Nailor	Tigue
Clark, B. D.	Herman	Noye	Trello
Clark, D. F.	Hershey	O'Brien	Trich
Clark, J. H.	Hess	O'Donnell	Van Horne
Clymer	Howlett	Oliver	Veon
Cohen	Hughes	Perzel	Vroon
Colafella	Itkin	Pesci	Wambach
Colaizzo	Jackson	Petrarca	Wass
Cole	Jadlowiec	Petrone	Weston
Cornell	James	Phillips	Williams
Corrigan	Jarolin	Piccola	Wilson
Cowell	Johnson	Pievsky	Wogan
Coy	Josephs	Pistella	Wozniak
DeLuca	Kaiser	Pitts	Wright, D. R.
DeWeese	Kasunic	Pressmann	Wright, J. L.
Daley	Kenney	Preston	Wright, R. C.
Davies	Kondrich	Raymond	Yandrisevits
Dempsey	Kosinski	Reber	
Dietterick	Kukovich	Reinard	Manderino,
Distler	LaGrotta	Richardson	Speaker
Dombrowski	Langtry	Rieger	

NAYS—0

NOT VOTING—1

Olasz

EXCUSED—1

Dininni

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. FOX offered the following amendments No. A1800:

Amend Title, page 1, line 4, by inserting after "responsibility"

for reports of insurance cancellation or termination

Amend Sec. 1, page 1, lines 8 and 9, by striking out "AND 1540(C)" and inserting

, 1/2% 1/2?(c) and 1786

Amend Sec. 1, page 6, by inserting between lines 10 and 11 § 1786. [Self-certification of financial responsibility] Proof of financial responsibility upon registration and renewal.

The Department of Transportation shall require that each motor vehicle registrant [certify that the registrant is financially responsible] provide proof of financial responsibility at the time of registration or renewal thereof. The department shall refuse to register or renew the registration of a vehicle for failure to comply with this requirement or [falsification of self-certification] for providing false information.

Amend Sec. 2, page 6, line 11, by striking out "A SECTION" and inserting sections

Amend Bill, page 7, by inserting between lines 26 and 27 § 1789. Obligations upon termination of insurance.

(a) Notice required.—An insurer which has issued a contract of motor vehicle liability insurance and knows or has reason to believe that the contract is for the purpose of providing financial responsibility, shall immediately notify the Department of Transportation if the insurance is canceled or terminated by the insured or by the insurer. The insurer shall so notify the department not later than ten days following the effective date of the cancellation or termination. This requirement shall not apply to a policy which has been in effect for more than six months from the date the policy was initially issued.

(b) Form of notice.—The notice of cancellation or termination of motor vehicle liability insurance coverage shall be provided by the insurer in the manner prescribed in department regulations.

(c) Notice to policyholder.—After receipt of the notice of cancellation or termination by the department, the department shall notify the policyholder that his vehicle registration will be suspended unless he provides the department with evidence of financial responsibility within ten days of the date printed on the notice.

(d) Suspension of vehicle registration.—Upon failure of the owner to provide the department with the required evidence of financial responsibility, the department shall:

(1) Suspend the registration of the vehicle or vehicles for which the owner has ceased to maintain financial responsibility after first giving the owner written notice.

(2) Notify the Pennsylvania State Police of the suspension of the vehicle registration or registrations, and the Pennsylvania State Police shall notify the appropriate local police.

On the question, Will the House agree to the amendments?

The SPEAKER. On the question of agreeing to this amendment, the Chair recognizes its author, from Montgomery County, Representative Fox.

Mr. FOX. Thank you, Mr. Speaker.

This amendment is a logical extension of the first Hayden amendment which we had in the afternoon session. We have had the problem in this State of uninsured motorists and the higher rates that are alongside that for those who are insured. We partially answered the problem by having an Insurance Advocate to get lower rates so people can become insured, and this further assists the problem, because, frankly, those

who do pay insurance deserve the right to have their rates go down by having more people become insured.

What this amendment would do, it would take care of the lack of notification presently by insurance companies and also put some teeth into the law by requiring that within 10 days of notification by PennDOT to the policyholder, they have 10 days to cure and get insurance or else they would lose their right to drive, and it would also suspend the vehicle registration, which is on the back portion of the amendment.

This answers the questions that were raised earlier by Representative Wass. I believe this helps to strengthen the law, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The question is, will the House agree to the amendment? On that question, from Philadelphia, Representative Hayden is recognized.

Mr. HAYDEN. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment?

The SPEAKER. The gentleman indicates that he will stand for interrogation. You may proceed.

Mr. HAYDEN. Thank you.

I would like you to refer to your section 1789 down at the bottom of the page in which you say, "This requirement shall not apply to a policy which has been in effect for more than six months from the date the policy was initially issued." I am unclear as to what kind of situation you are trying to address there.

The SPEAKER. Are you waiting for a question or an answer?

Mr. FOX. An answer, Mr. Speaker.

Mr. HAYDEN. Mr. Speaker, an answer.

Mr. FOX. Mr. Speaker, can I have a moment, please?

The SPEAKER. The House will be at ease for a minute.

AMENDMENTS WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman, Mr. Fox.

Mr. FOX. Mr. Speaker, the amendment that we have, A1800, has been covered by the Hayden amendment, so therefore we withdraw.

The SPEAKER. The gentleman indicates, without objection, he will withdraw the amendment. The Chair hears no objection.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. CARN offered the following amendment No. A1820:

Amend Sec. 2 (Sec. 1788), page 6, line 17, by inserting after 9"RESPONSIBILITY."

If an owner of a motor vehicle is unable to purchase auto insurance coverage because of excessively high rates, the Insurance Commissioner shall direct the owner to a source of insurance with suitable rates from which the owner may purchase insurance. Until such time as the Insurance Commissioner directs an owner to a source of insurance, the owner shall not be found guilty of violating the financial responsibility provisions of this section.

On the question,
Will the House agree to the amendment?

The SPEAKER. On that question, the gentleman from Philadelphia, the author of the amendment, Andrew Carn, is recognized.

Mr. CARN. Thank you, Mr. Speaker.

I bring before the House of Representatives amendment 1820. What it does is add a phrase to the bill which states:

If an owner of a motor vehicle is unable to purchase auto insurance coverage because of excessively high rates, the Insurance Commissioner shall direct the owner to a source of insurance with suitable rates from which the owner may purchase insurance. Until such time as the Insurance Commissioner directs an owner to a source of insurance, the owner shall not be found guilty of violating the financial responsibility provisions of this section.

Mr. Speaker, the reason that I introduced this amendment is because there are thousands of Pennsylvanians unable to find a source of insurance for no reasons of their own.

I would like, if I may, to read a letter from my former insurance carrier, Nationwide. "Dear Mr. Carn... You are being rated at Territory 01, your...Philadelphia...address.... Our base rate for Territory 01 for driving to work is \$6,728." The application of a 3-point surcharge takes my premium to \$15,694.

Mr. Speaker, before I vote to increase penalties for any Pennsylvanian for not having financial responsibility auto insurance, I think it is important that we make sure that they have access to fair auto rates.

I ask this House for an affirmative vote.

The SPEAKER. The question is, will the House agree to the amendment? On that question, from Delaware County, the gentleman, Mr. Freind, is recognized.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to strenuously oppose this amendment. It runs absolutely contrary to one of the main things we are attempting to do with auto insurance reform.

What we are attempting to do is to deal with the problem of the uninsured motorist, and this package tries to do that in two ways: one, to bring about meaningful reform which will reduce rates and make it accessible, and the second is to crack down on those people who still continue to drive without insurance to the peril of all the rest of us.

Now, if you read the words of this amendment, the first thing it says is if a person, an owner, cannot buy auto insurance because of excessively high rates. So the first question is, what are excessively high rates? Who is the arbiter there? All you are going to do is any savings you may have in insurance is put in the pocket of attorneys, because it is going to end up in court as to what are excessively high rates.

The next problem is it puts an arm of government, the Insurance Department, into the referral system. The Insurance Department is obligated to refer to various specific insurance companies. Vastly inappropriate. And the third thing says, until that happens, you can break the law and you can drive without insurance.

I do not think that is what any of us intend. I think this package, when taken in its entirety, deals with the problem of uninsured motorists, and I do know this is not the way to deal with that problem. I hope we reject it. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment? On that question, the gentleman from Philadelphia County, Representative Cohen, is recognized.

Mr. COHEN. Mr. Speaker, Mr. Freind has very articulately discussed what will happen if this package as a whole passes. The problem is that there is no guarantee that this package as a whole will pass. There is nothing whatsoever stopping the Senate from not passing the rest of the package and just passing this bill.

The fact is that for many people throughout the Commonwealth of Pennsylvania, insurance is not affordable. That is why they do not have insurance. That is why we have a multi-bill package before us, and this is not the only bill we have. The problem is that this bill could pass separately from the rest of the package, and Representative Carn's amendment is a very vital safeguard to all Pennsylvanians in case the Senate does not pass the rest of this package.

I strongly urge the support of the Carn amendment.

The SPEAKER. The question is on the amendment, and on that question, from Dauphin County, Representative Piccola is recognized.

Mr. PICCOLA. Thank you, Mr. Speaker.

I would strongly urge the defeat of this amendment.

Insurance is a very complicated and sometimes ununderstandable field, but I think we all acknowledge that one of the reasons for the high cost of automobile insurance in Pennsylvania is the fact of the uninsured motorist. As I read this amendment, this legalizes uninsured motorists. It permits them to go uninsured without any sanctions whatsoever. If we are going to do that, then we are just going to exacerbate the problem for those constituents of ours who are purchasing insurance.

This is definitely the wrong way to go. I urge the defeat of the amendment.

The SPEAKER. The question is on the amendment. On that question, from Philadelphia, the Chair recognizes Representative Linton.

Mr. LINTON. Thank you very much, Mr. Speaker.

Mr. Speaker, I have some mixed emotions about Representative Carn's proposal. Still at this point I am not quite sure how I plan to vote, but I think there is an underlying message that needs to be heard loud and clear by the members of this House, that far too often we speak of the uninsured driver as somebody who is shiftless, irresponsible, and someone who in fact does not want to fulfill their obligations to the insurance industry. I think Representative Carn is saying that very often that uninsured driver is someone who does not have accessible or affordable insurance and has to make decisions as to whether or not to feed their family or buy auto insurance, and those are the choices that we are forcing on them. With all of the packages that are before us today, none of them is going

to solve the problem for many of my constituents unless it means that they are going to have affordable, accessible insurance. I think that is the underlying message that Representative Carn wants to insure.

For the last 7 years that I have been in this House, we have heard from the insurance industry, the trial lawyers, the doctors, the chamber of commerce. Everyone has assured us that their proposal is a proposal to make sure that insurance is affordable and accessible. Out of all of that, we still have a problem for most of the constituents in districts that are in my district and districts near me. That is what Representative Carn is trying to achieve, to make sure that there is access to insurance for those people who are now uninsured who desire to be insured. Thank you very much.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—42

Acosta	Godshall	McCall	Roebuck
Bishop	Harper	McNally	Saloom
Caltagirone	Hayden	Maiale	Taylor, J.
Carn	Howlett	O'Donnell	Thomas
Clark, B. D.	Hughes	Oliver	Trich
Cohen	James	Pievsky	Veon
Cole	Josephs	Preston	Williams
DeWeese	Kosinski	Richardson	Wright, D. R.
Donatucci	Kukovich	Rieger	Wright, R. C.
Evans	Linton	Robinson	Yandrisevits
Fox	Lucy		

NAYS—158

Adolph	Dietterick	Langtry	Reinard
Allen	Distler	Lashingner	Ritter
Angstadt	Dombrowski	Laughlin	Robbins
Argall	Dorr	Lee	Rudy
Barley	Durham	Leh	Ryan
Battisto	Fairchild	Lescovitz	Rybak
Belardi	Fargo	Letterman	Saurman
Belfanti	Farmer	Levdansky	Scheetz
Billow	Fee	Lloyd	Schuler
Birmelin	Fleagle	McHale	Scrimenti
P Black	Flick	McVerry	Semmel
Blaum	Foster	Maine	Serafini
Bortner	Freeman	Markosek	Smith, B.
Bowley	Freind	Marsico	Smith, S. H.
Boyes	Gallen	Mayermik	Snyder, D. W.
Brandt	Gamble	Melio	Snyder, G.
Broujos	Gannon	Merry	Staback
Bunt	Geist	Michlovic	Stairs
Burd	George	Micozzie	Steighner
Burns	Gigliotti	Miller	Stish
Bush	Gladeck	Moehlmann	Strittmatter
Cappabianca	Gruitza	Morris	Stuban
Carlson	Gruppo	Mowery	Tangretti
Cawley	Hagarty	Mrkonic	Taylor, E. Z.
Cessar	Haluska	Murphy	Taylor, F.
Chadwick	Hasay	Nahill	Telek
Civera	Hayes	Nailor	Tigue
Clark, D. F.	Heckler	Noye	Trello
Clark, J. H.	Herman	O'Brien	Van Horne
Clymer	Hershey	Perzel	Vroon
Colafiglia	Hess	Pesci	Wambach
2 Colaizzo	Itkin	Petrarca	Wass
Cornell	Jackson	Petrone	Weston
Corrigan	Jadlowiec	Phillips	Wilson
Cowell	Johnson	Piccola	Wogan
Coy	Kaiser	Pistella	Wozniak
DeLuca	Kasunic	Pitts	Wright, J. L.

Daley	Kenney	Pressmann	
Davies	Kondrich	Raymond	Manderino,
Dempsey	LaGrotta	Reber	Speaker

NOT VOTING—2

Jarolin Olasz

EXCUSED—1

Dininni

The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. PERZEL offered the following amendments No. A1708:

Amend Title, page 1, line 2, by inserting after "for" proof of financial responsibility and for
Amend Sec. 1, page 1, line 5, by striking out "Section" where it appears the second time and inserting
Sections 1785 and
Amend Sec. 1, page 1, line 6, by striking out "is" and inserting
are

Amend Bill, page 1, by inserting between lines 6 and 7 § 1785. Proof of financial responsibility following accident.

(a) Suspension by department.—If the department determines that the owner of a motor vehicle involved in an accident requiring notice to a police department pursuant to section 3746 (relating to immediate notice of accident to police department) did not maintain financial responsibility on the motor vehicle at the time of the accident, the department shall suspend the operating privilege of the owner, where applicable, and the department shall revoke the registration of the vehicle.

(b) Confiscation by policy officer.—If a driver cannot show proof of financial responsibility at the scene of an accident or when stopped by a police officer for any reason, the police officer shall immediately confiscate the registration plate of the vehicle and not permit the driver to continue driving. The driver shall have 72 hours to show proof of financial responsibility in order to reclaim the registration plate from the police department. If the driver does not show such proof within 72 hours, the plate shall be returned to the department. Proof of financial responsibility and a \$25 restoration fee shall be required to restore the registration plate.

On the question,
Will the House agree to the amendments?

The SPEAKER. On the question of adopting this amendment, the Chair recognizes, from Philadelphia, Representative Perzel.

Mr. PERZEL. Mr. Speaker, I think the amendment is pretty well self-explanatory. Basically, what we want to do with the amendment is take the tag off anyone who does not have automobile insurance.

What you have happening in the city of Philadelphia is when someone gets in an automobile accident—

The SPEAKER. Will the gentleman suspend. It is the belief of the reading clerk and the Parliamentarian that you forwarded the wrong amendment to the reading clerk. Was the correct amendment read?

Will the clerk read the amendment again.

Mr. PERZEL offered the following amendments No. A1828:

Amend Title, page 1, line 2, by inserting after "for" proof of financial responsibility and for

Amend Sec. 1, page 1, line 8, by striking out "AND" and inserting a comma

Amend Sec. 1, page 1, line 9, by inserting after "1540(C)" and 1785

Amend Sec. 1, page 6, by inserting between lines 10 and 11 § 1785. Proof of financial responsibility following accident.

(a) Suspension by department.—If the department determines that the owner of a motor vehicle involved in an accident requiring notice to a police department pursuant to section 3746 (relating to immediate notice of accident to police department) did not maintain financial responsibility on the motor vehicle at the time of the accident, the department shall suspend the operating privilege of the owner, where applicable, and the department shall revoke the registration of the vehicle.

(b) Confiscation by policy officer.—If a driver cannot show proof of financial responsibility at the scene of an accident or when stopped by a police officer for any reason, the police officer shall immediately confiscate the registration plate of the vehicle and not permit the driver to continue driving. The driver shall have 72 hours to show proof of financial responsibility in order to reclaim the registration plate from the police department. If the driver does not show such proof within 72 hours, the plate shall be returned to the department. Proof of financial responsibility and a \$25 restoration fee shall be required to restore the registration plate.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the question of agreeing to the amendment, Representative Perzel is recognized.

Mr. PERZEL. Mr. Speaker, 1828 is the amendment.

The SPEAKER. We are in order. You may proceed with the discussion of the amendment.

Mr. PERZEL. Okay.

Mr. Speaker, what we have happening right now is in the city of Philadelphia if someone gets involved in an automobile accident and does not have a license or insurance, the police officer simply issues two tickets - one for not having automobile insurance and one for not having a driver's license - then lets the person drive away.

I feel that that is not a very fair way of doing things, Mr. Speaker. This would allow the police officer to immediately confiscate the tag. That way the person could not drive away from the scene of the accident.

The SPEAKER. The question is, will the House agree to the amendment? On that question, the gentleman from Centre, Mr. Letterman, is recognized.

Mr. LETTERMAN. Point of information, Mr. Speaker.

In the amendment, Mr. Speaker, under "Confiscation by policy officer." If we vote this, would that be correct or should we make the correction before? If you look under section (b), it says, "Confiscation by policy officer." I understand that would not be correct—

The SPEAKER. The Parliamentarian indicates to me that that is obviously a clerical error and can be molded and corrected by the Reference Bureau to "police."

Mr. LETTERMAN. I would request it be done before we vote the amendment.

The SPEAKER. It will not be done before we vote the bill. It is—

Mr. LETTERMAN. Can we do it on the House floor?

The SPEAKER. If the gentleman will listen, the Legislative Reference Bureau will make the correction to "police." I have put that on the record. They have the ability to do that. It is obviously a clerical error and will be corrected to "police."

Mr. LETTERMAN. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment? On that question, Representative Bowley, from Warren County, is recognized.

Mr. BOWLEY. Mr. Speaker, may I please interrogate the maker of this amendment?

The SPEAKER. The gentleman indicates he will consent to interrogation.

Mr. BOWLEY. Mr. Speaker, if I may give you a hypothetical situation to see whether this amendment as you have drafted it would apply.

When I leave Harrisburg this week and I am driving home to my district and for some unknown reason one of my taillights is out, if this was in law at this given time and I was stopped by a police officer for, as your amendment said, any reason, for a burned-out taillight, and unbeknownst to me my financial responsibility card was removed out of the glove compartment by my wife by mistake, under your given amendment the police officer could confiscate my registration plate and I could not continue to drive home. Is that correct under your drafted amendment?

Mr. PERZEL. You are correct, and that is also required under current law. You are required to carry that card under current law.

Mr. BOWLEY. Yes, but under current law the police officer cannot confiscate my registration plate.

Mr. PERZEL. That is why I have introduced the amendment, Mr. Speaker.

Mr. BOWLEY. Thank you.

Mr. Speaker, if I may speak on the amendment.

The SPEAKER. The gentleman is in order to make remarks on the amendment.

Mr. BOWLEY. Mr. Speaker, with the answer to that hypothetical situation being yes, that the police officer could immediately confiscate my registration plate and prohibit me from driving home, I think that should be a clear enough indication to everyone in this hall that this is a bad amendment. For someone who has paid their financial responsibility for a number of years and just for whatever reason does not have his financial responsibility card with him at that given time, to me is not enough reason to confiscate the registration plate off that vehicle to prohibit that person from driving home, and I daresay that is going to happen to one of us in this chamber if this becomes law.

I ask for a negative vote.

The SPEAKER. The Chair thanks the Representative from Warren County.

The Chair recognizes, from Philadelphia County, Representative Acosta.

Mr. ACOSTA. Thank you, Mr. Speaker.

I am in support of Representative Perzel's amendment. Coming from a district that has all kinds of uninsured motorists and witnessing many accidents almost every day, I would say that this amendment will have these people who drive every day with no insurance put out of business, put out of the streets of the city or any State highway. I would say that this amendment really helps some of the people who are out there breaking the law and doing everything they please with no insurance.

So I am for Mr. Perzel's amendment.

The SPEAKER. The Chair recognizes, on the amendment, from Washington County, Representative Lescovitz.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Mr. Speaker, I would also like to oppose this amendment.

Pennsylvania is a very big State. If an individual from Pittsburgh for some reason ends up in Philadelphia in an accident but does not have proof of financial responsibility, that person would be stuck there until they could get that financial responsibility sent from their home 6 hours away.

I think this sets up something that makes it very difficult. It may be good in a regional area, but in a State like Pennsylvania where one person lives on one side and gets stopped on another side of the State, I think it is very difficult to get that information transferred, and therefore, I would oppose this amendment.

The SPEAKER. On agreeing to the amendment, the Chair recognizes, from Montgomery County, Representative Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I was going to interrogate, but I think I know the answer, and perhaps if I am incorrect, the maker of the amendment would correct me.

But if in fact we pass this amendment and a police officer could take the registration plate and there would be a 72-hour period before that individual could come back and claim his automobile, there are sections, let us say, of the Commonwealth where, when he comes back, he may not find his automobile, let alone reclaim it. I think that there would be a tremendously difficult situation as far as liability on the part of the police station either to impound this automobile if the plate was taken or somehow to provide security for it.

I think this is a dangerous thing to do from that point of view and therefore would ask for a "no" vote on this amendment.

The SPEAKER. On agreeing to the amendment, the Chair recognizes, from Philadelphia, Representative Thomas.

Mr. THOMAS. Mr. Speaker, I rise to strongly oppose this amendment.

This amendment should be opposed for several reasons. Number one, do we want the police departments in our counties now engaged in the business of confiscating license plates? I think we have enough problems for the police departments to deal with in our respective counties, and I do not think we

need to burden them with having to confiscate license plates where they are unable to verify financial responsibility. I think current law provides sufficient circumstances for verification and for loss of registration in circumstances where we cannot provide financial responsibility.

Also, Mr. Speaker, I would say that we have seen that history is replete with instances where, in our efforts to bring about reform, we create a whole vacuum of different circumstances, and I can see a situation being created, if we support this amendment, where we have uninsured motorists and other people throughout the Commonwealth running around taking tags from one place or the other to make sure that they are not put in a difficult position when stopped by a police officer. I can see illegal tags all over the place. I can see people engaging in other kinds of illegal conduct to get past this financial responsibility requirement.

I would ask bipartisan opposition to this amendment. This amendment serves us no real purpose on this side or that side of the aisle. I think it is in our best interests and I think that our constituents would demand that we oppose this amendment out of hand. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes, from Somerset County, Representative Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I oppose the amendment for a different reason. As I read the amendment, what would happen is, if somebody gets stopped and does not currently have insurance in effect, his license plate would be taken, and he could redeem that license plate within 72 hours if he goes out and buys insurance and then shows up at the police station and says, now I have proof of financial responsibility. I do not know if that is what the gentleman intended when he drafted the amendment, but there is nothing in this amendment which says that the financial responsibility which he shows up with in 3 days has to have been in effect at the time that he got stopped.

We have provisions like that in the law - a grace period. If you get stopped and do not have your driver's license with you, you can avoid a penalty if you show up within 5 days. But this appears to be an invitation to people to go ahead and drive without insurance, because if you get stopped, yes, there is an inconvenience; you are going to lose your plate, but you still have the chance, after you get stopped, to go out and buy the insurance and avoid the punishment. That seems to be the wrong amendment. That seems to be to say, do not buy insurance until you get caught, and I think that that is going to lead to more uninsured motorists, not fewer.

For that reason, Mr. Speaker, I urge a "no" vote.

The SPEAKER. On the amendment, from Delaware County, the Chair recognizes Representative Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I have listened to some of the arguments being presented here, but let me say this: I think we all realize or know that operating a motor vehicle in Pennsylvania is a privilege, not a right. Secondly, good or bad, this legislature

has mandated that drivers will carry automobile insurance, and we have attached to that certain penalties if they do not. I think that the Perzel amendment is a step in the right direction in addressing perhaps the most serious problem that we are confronted with in this insurance crisis, and that is getting the uninsured driver off the streets.

Now, I have listened to the arguments of the opponents of this amendment, and it comes to this: They say, oh, sure the law requires me to carry my proof of financial responsibility and sure the law requires me to have automobile insurance, but golly, if I get stopped and you take my registration plate, even though I have broken the law, I do not want to be inconvenienced. It is going to be inconvenient for me to have to go down to that police department and show them proof of financial responsibility, irrespective of whether I had it at the time of the accident or I purchased it subsequent to the accident. But I do not think there is anything wrong with a police officer who is going to show up at the scene of a serious accident to say to the driver who is responsible, do you have insurance? And if that driver says, by golly, I do not, but please, do not inconvenience me; I have an appointment to keep and I want to go, that police officer can say, I am sorry; I am lifting your registration plate; the car stays here; you have 72 hours to show responsibility.

I do not see anything wrong with that, Mr. Speaker, and I think it addresses the most serious problem we have with escalating insurance costs. Word will get out. Word will get out very quickly in those areas of the State where they scoff at the insurance laws, and they will know that if you are involved in an accident and you do not have insurance, you are going to have to walk home.

Mr. Speaker, I urge a "yes" vote on this amendment.

The SPEAKER. On agreeing to the amendment, the Chair recognizes, from Philadelphia County, Representative Oliver.

Mr. OLIVER. Thank you, Mr. Speaker.

Mr. Speaker, I also rise in opposition to this amendment, although my reasons differ from maybe some of the other speakers.

In the city of Philadelphia, when tags are removed from a car or no tags are on a car, it is considered an abandoned vehicle, and I can assure you, Mr. Speaker, if that car sits there with no tags on it for a period of time, when that owner comes back there, that owner will be lucky if he has anything left.

So because of that, Mr. Speaker, I would oppose that amendment, and I would ask all the members to vote against it.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—86

Acosta	Donatucci	Hess	Ryan
Adolph	Dorr	Johnson	Schuler
Allen	Durham	Kaiser	Semmel
Angstadt	Fairchild	Kenney	Serafini
Argall	Fargo	Kosinski	Smith, B.
Barley	Fleagle	Langtry	Smith, S. H.
Belfanti	Flick	Lashingner	Snyder, D. W.

Birmelin	Foster	McVerry	Snyder, G.
Black	Fox	Marsico	Stairs
Boyes	Freind	Merry	Strittmatter
Brandt	Gallen	Micozzie	Stuban
Bunt	Gannon	Nahill	Taylor, E. Z.
Burns	Geist	Nailor	Taylor, J.
Carlson	Gladeck	Noye	Telek
Cawley	Godshall	Perzel	Vroon
Cessar	Gruppo	Phillips	Wass
Chadwick	Hagarty	Piccola	Weston
Civera	Hasay	Pitts	Wilson
Clark, D. F.	Hayes	Raymond	Wogan
Coy	Heckler	Reinard	Wozniak
Davies	Herman	Robbins	Wright, D. R.
Dietterick	Hershey		

NAYS—115

Battisto	Farmer	Lloyd	Rieger
Belardi	Fee	Lucyk	Ritter
Billow	Freeman	McCall	Robinson
Bishop	Gamble	McHale	Roebuck
Blaum	George	McNally	Rudy
Bortner	Gigliotti	Maiale	Rybak
Bowley	Gruitza	Maine	Saloom
Broujos	Haluska	Markosek	Saurman
Burd	Harper	Mayernik	Scheetz
Bush	Hayden	Melio	Scrimenti
Caltagirone	Howlett	Michlovic	Staback
Cappabianca	Hughes	Miller	Steighner
Carn	Itkin	Moehlmann	Stish
Clark, B. D.	Jackson	Morris	Tangretti
Clark, J. H.	Jadlowiec	Mowery	Taylor, F.
Clymer	James	Mrkonic	Thomas
Cohen	Jarolin	Murphy	Tigue
Colaella	Josephs	O'Brien	Trello
Colaizzo	Kasunic	O'Donnell	Trich
Cole	Kondrich	Oliver	Van Horne
Cornell	Kukovich	Pesci	Veon
Corrigan	LaGrotta	Petrarca	Wambach
Cowell	Laughlin	Petrone	Williams
DeLuca	Lee	Pievsky	Wright, J. L.
DeWeese	Leh	Pistella	Wright, R. C.
Daley	Lescovitz	Pressmann	Yandrisevits
Dempsey	Letterman	Preston	
Distler	Levdansky	Reber	Manderino,
Dombrowski	Linton	Richardson	Speaker
Evans			

NOT VOTING—1

Olasz

EXCUSED—1

Dininni

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

(A roll-call vote was taken, but due to a malfunction the vote was not recorded.)

VOTE RETAKEN

The SPEAKER. Would you believe a malfunction?

The yeas and nays will now be taken on final passage of HB 426. I kid you not. I do not know where the malfunction was - machine, mechanical, human - a malfunction.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—198

Adolph	Durham	Laughlin	Ritter
Allen	Evans	Lee	Robbins
Angstadt	Fairchild	Leh	Robinson
Argall	Fargo	Lescovitz	Roebuck
Barley	Farmer	Letterman	Rudy
Battisto	Fee	Levdansky	Ryan
Belardi	Fleagle	Linton	Rybak
Belfanti	Flick	Lloyd	Saloom
Billow	Foster	Lucyk	Saurman
Birmelin	Fox	McCall	Scheetz
Bishop	Freeman	McHale	Schuler
Black	Freind	McNally	Scrimenti
Blaum	Gallen	McVerry	Semmel
Bortner	Gamble	Maiale	Serafini
Bowley	Gannon	Maine	Smith, B.
Boyes	Geist	Markosek	Smith, S. H.
Brandt	George	Marsico	Snyder, D. W.
Broujos	Gigliotti	Mayernik	Snyder, G.
Bunt	Gladeck	Melio	Staback
Burd	Godshall	Merry	Stairs
Burns	Gruitza	Michlovic	Steighner
Bush	Gruppo	Micozzie	Stish
Caltagirone	Hagarty	Miller	Strittmatter
Cappabianca	Haluska	Moehlmann	Stuban
Carlson	Harper	Morris	Tangretti
Cawley	Hasay	Mowery	Taylor, E. Z.
Cessar	Hayden	Mrkonic	Taylor, F.
Chadwick	Hayes	Murphy	Taylor, J.
Civera	Heckler	Nahill	Telek
Clark, B. D.	Herman	Nailor	Thomas
Clark, D. F.	Hershey	Noye	Tigue
Clark, J. H.	Hess	O'Brien	Trello
Clymer	Howlett	O'Donnell	Trich
Colafrilla	Hughes	Oliver	Van Horne
Colaizzo	Itkin	Perzel	Veon
Cole	Jackson	Pesci	Vroon
Cornell	Jadlowiec	Petrarca	Wambach
Corrigan	James	Petrone	Wass
Cowell	Jarolin	Phillips	Weston
Coy	Johnson	Piccola	Williams
DeLuca	Josephs	Pievsky	Wilson
DeWeese	Kaiser	Pistella	Wogan
Daley	Kasunic	Pitts	Wozniak
Davies	Kenney	Pressmann	Wright, D. R.
Dempsey	Kondrich	Preston	Wright, J. L.
Dietterick	Kosinski	Raymond	Wright, R. C.
Distler	Kukovich	Reber	Yandrisevits
Dombrowski	LaGrotta	Reinard	
Donatucci	Langtry	Richardson	Manderino,
Dorr	Lashinger	Rieger	Speaker

NAYS—3

Acosta	Carn	Cohen
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NOT VOTING—1

Olasz

EXCUSED—1

Dininni

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **HB 431, PN 1954**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the surrender of drivers' licenses, registration plates and registration cards to sheriffs and constables upon suspension; establishing certain fees; further providing for certain benefits and coverage; providing for financial responsibility verification, for an insurance data bank for detection of fraud and abuse, for challenges to reasonableness of treatment and for pleadings; requiring insurers to report cancellation or termination of insurance; adding provisions relating to deductibles; and providing for review of insurer profits for private passenger automobile insurance.

On the question,
Will the House agree to the bill on third consideration?

Mr. RYBAK offered the following amendments No. A1690:

Amend Title, page 1, lines 2 through 12, by striking out "providing for the surrender of drivers' licenses," in line 2 and all of lines 3 through 12 and inserting further providing for liability insurance availability and benefits, uninsured and underinsured motorist coverage, the Assigned Risk Plan, stacking of limits of coverage, deductibles, insurance premium rates and surcharges, and charges for treatment for injuries.

Amend Sec. 3, page 24, line 18, by striking out all of said line and inserting

Section 3. Section 1712 of Title 75 is

Amend Bill, page 26, by inserting between lines 8 and 9

Section 4. Section 1715(a) of the act, amended April 26, 1989 (P.L.13, No.4), is amended to read:

Amend Bill, page 27, by inserting between lines 7 and 8

Section 5. Section 1717 of Title 75 is amended to read:

Amend Sec. 4, page 27, line 16, by striking out "4" and inserting

6

Amend Sec. 5, page 27, line 17, by striking out "5" and inserting

7

Amend Sec. 6, page 27, line 28, by striking out "6" and inserting

8

Amend Sec. 7, page 27, line 30, by striking out "7" and inserting

9

Amend Sec. 8, page 28, line 14, by striking out "8" and inserting

10

Amend Sec. 9, page 29, line 16, by striking out "9" and inserting

11

Amend Sec. 9 (Sec. 1791), page 30, by inserting between lines 3 and 4

(1.1) Extraordinary medical benefits, from \$100,000 to \$1,100,000 which may be offered in increments of \$100,000.

Amend Sec. 9 (Sec. 1791), page 30, line 14, by inserting after "\$2,500"

, provided that nothing contained in this subsection shall be construed to limit, reduce, modify or change the provisions of section 1715(d) (relating to availability of adequate limits)

Amend Sec. 10, page 31, line 9, by striking out "10" and inserting

12

Amend Sec. 11, page 35, line 7, by striking out "11" and inserting

13

Amend Sec. 12, page 37, line 9, by striking out "12" and inserting

14

Amend Sec. 13, page 37, line 11, by striking out "13" and inserting

15

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the gentleman from Northampton, Mr. Rybak, is recognized.

Mr. RYBAK. Thank you, Mr. Speaker.

Mr. Speaker, this is a simple amendment. It is a technical amendment. All it does is make the language fit the amendments that were put into the bill in the Appropriations Committee.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—201

Acosta	Donatucci	Lashinger	Ritter
Adolph	Dorr	Laughlin	Robbins
Allen	Durham	Lee	Robinson
Angstadt	Evans	Leh	Roebuck
Argall	Fairchild	Lescovitz	Rudy
Barley	Fargo	Letterman	Ryan
Battisto	Farmer	Levdansky	Rybak
Belardi	Fee	Linton	Saloom
Belfanti	Fleagle	Lloyd	Saurman
Billow	Flick	Lucyk	Scheetz
Birmelin	Foster	McCall	Schuler
Bishop	Fox	McHale	Scrimenti
Black	Freeman	McNally	Semmel
Blaum	Freind	McVerry	Serafini
Bortner	Gallen	Majale	Smith, B.
Bowley	Gamble	Maine	Smith, S. H.
Boyes	Gannon	Markosek	Snyder, D. W.
Brandt	Geist	Marsico	Snyder, G.
Broujos	George	Mayermik	Staback
Bunt	Gigliotti	Melio	Stairs
Burd	Gladeck	Merry	Steighner
Burns	Godshall	Michlovic	Stish
Bush	Gruitza	Micozzie	Strittmatter
Caltagirone	Gruppo	Miller	Stuban
Cappabianca	Hagarty	Mochlmann	Tangretti
Carlson	Haluska	Morris	Taylor, E. Z.
Carn	Harper	Mowery	Taylor, F.
Cawley	Hasay	Mrkonic	Taylor, J.
Cessar	Hayden	Murphy	Telek
Chadwick	Hayes	Nahill	Thomas
Civera	Heckler	Nailor	Tigue
Clark, B. D.	Herman	Noye	Trello
Clark, D. F.	Hershey	O'Brien	Trich
Clark, J. H.	Hess	O'Donnell	Van Horne

Clymer	Howlett	Oliver	Veon
Cohen	Hughes	Perzel	Vroon
Colaifella	Itkin	Pesci	Wambach
Colaizzo	Jackson	Petrarca	Wass
Cole	Jadlowiec	Petrone	Weston
Cornell	James	Phillips	Williams
Corrigan	Jarolin	Piccola	Wilson
Cowell	Johnson	Pievsky	Wogan
Coy	Josephs	Pistella	Wozniak
DeLuca	Kaiser	Pitts	Wright, D. R.
DeWeese	Kasunic	Pressmann	Wright, J. L.
Daley	Kenney	Preston	Wright, R. C.
Davies	Kondrich	Raymond	Yandrisevits
Dempsey	Kosinski	Reber	
Dietterick	Kukovich	Reinard	Manderino,
Distler	LaGrotta	Richardson	Speaker
Dombrowski	Langtry	Rieger	

NAYS—0

NOT VOTING—1

Olasz

EXCUSED—1

Dininni

The question was determined in the affirmative, and the amendments were agreed to.

On the question,

Will the House agree to the bill on third consideration as amended?

Mr. HAYDEN offered the following amendments No. A1803:

Amend Sec. 1 (Sec. 1702), page 24, line 4, by striking out "SERVICES OR ACCOMMODATIONS" and inserting

Treatment, accommodations, products or services

Amend Sec. 1 (Sec. 1702), page 24, line 10, by striking out "OF" where it appears the first time and inserting

or

Amend Sec. 3, page 24, line 18, by striking out "SECTIONS 1712, 1715(A) AND 1717 OF TITLE 75 ARE" and inserting

Section 1712 of Title 75 is

Amend Sec. 3 (Sec. 1712), page 24, line 29, by inserting brackets before and after "COVERAGE" and inserting immediately thereafter

Subject to the limitations of section 1797 (relating to customary charges for treatment), coverage

Amend Bill, page 26, by inserting between lines 8 and 9

Section 4. Section 1715(a) of Title 75, amended April 26, 1989 (P.L.13, No.4), is amended to read:

Amend Sec. 3 (Sec. 1715), page 26, line 24, by inserting brackets before and after "\$277,500" and inserting immediately thereafter

\$177,500

Amend Bill, page 27, by inserting between lines 7 and 8

Section 5. Section 1717 of Title 75 is amended to read:

Amend Sec. 4, page 27, line 16, by striking out "4" and inserting

6

Amend Bill, page 27, by inserting between lines 16 and 17

Section 7. Section 1722 of Title 75, amended April 26, 1989 (P.L.13, No.4), is amended to read:

§ 1722. Preclusion of pleading, proving and recovering required benefits.

In any action for damages against a tortfeasor arising out of the maintenance or use of a motor vehicle, a person who is eligible to receive benefits under the coverages set forth in [section 1711 (relating to required benefits) or the coverage set forth in

section 1715(a)(1.1) (relating to availability of adequate limits)] this subchapter shall be precluded from pleading, introducing into evidence or recovering the amount of benefits paid or payable under [section 1711 or 1715(a)(1.1)]. This preclusion applies only to the amount of benefits set forth in sections 1711 and 1715(a)(1.1)] this subchapter.

Amend Sec. 5, page 27, line 17, by striking out "5" and inserting

8

Amend Sec. 6, page 27, line 28, by striking out "6" and inserting

9

Amend Sec. 6, page 27, line 28, by striking out "1731(A), 1732 AND 1734" and inserting
1731(a) and 1732

Amend Bill, page 27, line 30, by striking out all of said line and inserting

Section 10. Sections 1733, 1734 and 1741 of Title 75 are amended to read:

§ 1733. Priority of recovery.

[Where multiple policies apply, payment shall be made in the following order of priority:

(1) A policy covering a motor vehicle occupied by the injured person at the time of the accident.

(2) A policy covering a motor vehicle not involved in the accident with respect to which the injured person is an insured.]

(a) General rule.—A person shall recover uninsured and underinsured benefits against applicable insurance coverage in the following order of priority:

(1) For a named insured, the policy on which he is the named insured.

(2) For an insured, the policy covering the insured.

(b) Multiple sources of equal priority.—The insurer against whom a claim is asserted first under the priorities set forth in subsection (a) shall process and pay the claim as if wholly responsible. The insurer is thereafter entitled to recover contribution pro rata from any other insurer for the benefits paid and the costs of processing the claim.

§ 1734. Request for lower [or higher] limits of coverage.

A named insured may request in writing the issuance of coverages under section 1731 (relating to scope and amount of coverage) in amounts equal to or less than the limits of liability for bodily injury but in no event less than the amounts required by this chapter for bodily injury. [If the named insured has selected uninsured and underinsured motorist coverage in connection with a policy previously issued to him by the same insurer under section 1731, the coverages offered need not be provided in excess of the limits of liability previously issued for uninsured and underinsured motorist coverage unless the named insured requests in writing higher limits of liability for those coverages.]

Amend Sec. 8, page 28, line 14, by striking out "8" and inserting

11

Amend Bill, page 29, by inserting between lines 15 and 16

Section 12. Sections 1753 and 1754 of Title 75 are amended to read:

§ 1753. Benefits available.

An eligible claimant may recover medical benefits, as described in section 1712(1) (relating to availability of benefits), up to a maximum of [\$5,000] \$10,000. No income loss benefit or accidental death benefit shall be payable under this subchapter. Funeral expenses, as described in section 1712(4), in the amount of \$1,500 shall also be recoverable [as an offset to the maximum amount of medical benefits available under this section].

§ 1754. Additional coverage.

An eligible claimant who has sustained a serious injury and has no other source of applicable uninsured motorist coverage

and is otherwise entitled to recover in an action in tort against a party who has failed to comply with this chapter may recover for losses or damages suffered as a result of the injury up to \$15,000 subject to an aggregate limit for all claims arising out of any one motor vehicle accident of \$30,000. [If a claimant recovers medical benefits under section 1753 (relating to benefits available), the amount of medical benefits recovered or recoverable up to \$5,000 shall be set off against any amounts recoverable in this section.]

Amend Sec. 9, page 29, line 16, by striking out "9" and inserting

13

Amend Sec. 9 (Sec. 1791), page 30, line 10, by inserting brackets before and after "\$277,500" and inserting

\$177,500

Amend Sec. 10, page 31, line 9, by striking out all of said line and inserting

Section 14. Section 1792 of Title 75 is amended

Amend Sec. 10 (Sec. 1792), page 31, line 12, by inserting after "COVERAGES"

and physical damages

Amend Sec. 10 (Sec. 1793), page 32, lines 7 through 30; pages 33 and 34, lines 1 through 30; page 35, lines 1 through 6, by striking out all of said lines on said pages

Amend Sec. 11, page 35, line 7, by striking out "11" and inserting

15

Amend Sec. 11 (Sec. 1797), page 35, lines 14 and 15, by inserting brackets before and after "MAKE A CHARGE" and inserting immediately thereafter

require, request or accept payment

Amend Sec. 11 (Sec. 1797), page 35, line 20, by striking out "OR" and inserting a comma

Amend Sec. 11 (Sec. 1797), page 35, line 20, by inserting after "CHARGE,"

or diagnostic related groups,

Amend Sec. 11 (Sec. 1797), page 35, line 24, by inserting after "LESS."

Providers subject to this section may not bill the insured directly but must bill the insurer for a determination of the amount payable. The provider shall not bill or otherwise attempt to collect from the insured the difference between the provider's full charge and the amount paid by the insurer.

Amend Sec. 11 (Sec. 1797), page 35, lines 26 through 30; page 36, line 1, by striking out all of lines 26 through 30, page 35, and "ADJUDICATING SUCH CHALLENGES." in line 1, page 36 and inserting

(1) Peer review plan.—Insurers shall contract jointly or separately with any peer review organization established for the purpose of evaluating treatment, health care services, products or accommodations provided to any injured person. The peer review plan of each insurer and all amendments thereto shall be subject to the approval of the commissioner. The initial peer review plan shall be filed within 120 days of the effective date of this section. Such evaluation shall be for the purpose of confirming that such treatment, products, services or accommodations conform to the professional standards of performance.

Amend Sec. 11 (Sec. 1797), page 36, line 12, by inserting after "PRO."

The insured may not be billed for any treatment, accommodations, products or services during the peer review process.

Amend Sec. 11 (Sec. 1797), page 36, line 25, by striking out "SUBSECTION (A)" and inserting

paragraph (4)

Amend Bill, page 37, lines 9 through 11, by striking out all of said lines and inserting

Section 16. The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Section 17. All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 18. This act shall apply to insurance policies issued or renewed on or after the effective date of this act.

Section 19. This act shall take effect October 1, 1989.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, Representative Hayden from Philadelphia is recognized.

Mr. HAYDEN. Thank you, Mr. Speaker.

This amendment is offered primarily as a cleanup amendment to be consistent with the medical care cost-containment provisions which are already in HB 431 as one of the additional methods to control costs in the auto insurance premium area. In addition, it also establishes a priority of recovery for uninsured- and underinsured-motorist cases. It prevents insurers from billing our insureds directly for any balance on the balanced billing, and it sets up a timetable for the peer review plans that are already in HB 431.

I would request an affirmative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—199

Acosta	Donatucci	Laughlin	Ritter
Adolph	Dorr	Lee	Robbins
Allen	Durham	Leh	Robinson
Angstadt	Evans	Lescovitz	Roebuck
Argall	Fairchild	Letterman	Rudy
Barley	Fargo	Levdansky	Ryan
Battisto	Farmer	Linton	Rybak
Belardi	Fee	Lloyd	Saloom
Belfanti	Fleagle	Lucyk	Saurman
Billow	Flick	McCall	Scheetz
Birmelin	Foster	McHale	Schuler
Bishop	Fox	McNally	Scrimenti
Black	Freeman	McVerry	Semmel
Blaum	Freind	Maiale	Serafini
Bortner	Gallen	Maine	Smith, B.
Bowley	Gamble	Markosek	Smith, S. H.
Boyes	Gannon	Marsico	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G.
Broujos	George	Melio	Staback
Bunt	Gigliotti	Merry	Stairs
Burd	Godshall	Michlovic	Steighner
Burns	Gruitza	Micozzie	Stish
Bush	Gruppo	Miller	Strittmatter
Caltagirone	Hagarty	Moehlmann	Stuban
Cappabianca	Haluska	Morris	Tangretti
Carlson	Harper	Mowery	Taylor, E. Z.
Carn	Hasay	Mrkonic	Taylor, F.
Cawley	Hayden	Murphy	Taylor, J.
Cessar	Hayes	Nahill	Telek
Chadwick	Heckler	Nailor	Thomas
Civera	Herman	Noye	Tigue
Clark, B. D.	Hershey	O'Brien	Trello
Clark, D. F.	Hess	O'Donnell	Trich
Clark, J. H.	Howlett	Oliver	Van Horne
Clymer	Hughes	Perzel	Veon
Cohen	Itkin	Pesci	Vroon
Colafiglia	Jackson	Petrarca	Wambach

Colaizzo	Jadlowiec	Petrone	Wass
Cole	James	Phillips	Weston
Cornell	Jarolin	Piccola	Williams
Corrigan	Johnson	Pievsky	Wilson
Cowell	Josephs	Pistella	Wogan
Coy	Kaiser	Pitts	Wozniak
DeLuca	Kasunic	Pressmann	Wright, D. R.
DeWeese	Kenney	Preston	Wright, J. L.
Daley	Kosinski	Raymond	Wright, R. C.
Davies	Kukovich	Reber	Yandrisevits
Dempsey	LaGrotta	Reinard	
Dietterick	Langtry	Richardson	Manderino,
Distler	Lashingier	Rieger	Speaker
Dombrowski			

NAYS—1

Kondrich

NOT VOTING—2

Gladeck

Olasz

EXCUSED—1

Dininni

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Ms. RITTER offered the following amendments No. A1715:

Amend Sec. 2, page 24, line 17, by striking out all of said line and inserting

Section 2. Section 1711 of Title 75, amended April 26, 1989 (P.L.13, No.4), is amended to read:

§ 1711. Required benefits.

An insurer issuing or delivering liability insurance policies covering any motor vehicle of the type required to be registered under this title, except recreational vehicles not intended for highway use, motorcycles, motor-driven cycles or motorized pedalcycles or like type vehicles, registered and operated in this Commonwealth, shall include coverage providing a medical benefit in the amount of \$10,000[,] and an income loss benefit up to a monthly maximum of \$1,000 up to a maximum benefit of \$5,000 [and a funeral benefit in the amount of \$1,500], as defined in section 1712 (relating to availability of benefits), with respect to injury arising out of the maintenance or use of a motor vehicle. The income loss benefit provided under this section may be expressly waived by the named insured provided the named insured has no expectation of actual income loss due to age, disability or lack of employment history. At the election of the named insured, such policy shall also include an extraordinary medical benefit as described in section 1715(a)(1.1) and (d) (relating to availability of adequate limits).

Amend Sec. 4, page 27, line 16, by striking out all of said line

Amend Sec. 5, page 27, line 17, by striking out "5" and inserting

4

Amend Sec. 6, page 27, line 28, by striking out "6" and inserting

5

Amend Sec. 7, page 27, line 30, by striking out "7" and inserting

6

Amend Sec. 8, page 28, line 14, by striking out "8" and inserting

7

Amend Sec. 9, page 29, line 16, by striking out "9" and inserting

8

Amend Sec. 10, page 31, line 9, by striking out "10" and inserting

9

Amend Sec. 11, page 35, line 7, by striking out "11" and inserting

10

Amend Sec. 12, page 37, line 9, by striking out "12" and inserting

11

Amend Sec. 13, page 37, line 11, by striking out "13" and inserting

12

On the question,

Will the House agree to the amendments?

FILMING PERMISSION

The SPEAKER. Prior to recognizing the author of the amendment, the Chair would like to inform the House that John Sanks from WPVI has been granted 10 minutes to videotape on the House floor. The gentleman is to the left of the Speaker in the far aisle.

CONSIDERATION OF HB 431 CONTINUED

The SPEAKER. The Chair recognizes, on the question of agreeing to the amendment, the lady from Lehigh, Representative Ritter.

Ms. RITTER. Thank you, Mr. Speaker.

This is also known as the Veon-Ritter amendment. You may have gotten some correspondence about it.

There were two amendments that were very similar - one drafted by Representative Veon and one drafted by myself - and it was determined today that this was the one we wanted to offer.

What it does, basically, is reinstate the mandatory first-party medical benefits as well as the income loss benefits that were deleted from HB 431. In addition to that, the amendment also restores the priority for the auto insurance medical benefit over any other health benefit, as it is in current law. So basically we are putting section 1711 back into the bill with a slight change, which is deleting the requirement for the funeral benefit, and we are also reinserting section 1719, which was deleted in the original bill.

The reason for this amendment is to prevent the shifting from your auto insurance policy, shifting the costs over to your health insurance policy. It was felt that by deviating from current law, by changing the current law to make these things optional and not maintaining the priority for the auto insurance, people were going to see an increase in their health insurance cost. So the employers would have an increase in their costs, and individuals who pay their own health insurance would have an increase in that cost. Even employees who have their benefits paid by their employer would suffer when they got to the negotiating table with their employers facing increased health costs.

So I would ask the members for an affirmative vote on this amendment.

The SPEAKER. On the amendment, the Chair recognizes, from Beaver County, Representative Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, so that there is no confusion, this is the amendment that will be offered to put back into HB 431 the mandated \$10,000 medical coverage.

Mr. Speaker, we ask for an affirmative vote on this amendment for three reasons. Representative Ritter has already talked about the direct shift of costs from the auto policy to the health policy. Reason number two: In Beaver County, as in many counties, there are many individuals with no health coverage whatsoever, and this clearly would only exacerbate the problem of uncompensated care in Pennsylvania. Reason number three: Not only would this in fact result in a direct shift of costs onto the health coverage, but it could in fact also add to the out-of-pocket costs of many consumers in Pennsylvania.

As most of you are aware, your health coverage many times has a copayment or a deductible on the front end, so that consumer who is using his or her health policy in Pennsylvania may in fact be required to pay some out-of-pocket expenses prior to receiving any coverage from their health coverage, or they may in fact be required to have some copayment that goes right along with that coverage in their health coverage. In the auto policy coverage that we have in Pennsylvania today, that is not the case, and it is a first-dollar coverage, so that individual has in fact no out-of-pocket expenses. So not only would you have a direct shift of costs from auto insurance health coverage over to the health coverage of the individual, but I think, in my opinion, you would also have some more direct out-of-pocket costs to that same consumer.

For those reasons, Mr. Speaker, we would ask for an affirmative vote on this amendment. Thank you.

The SPEAKER. On agreeing to the amendment, the Chair recognizes, from Philadelphia, the majority leader, Representative O'Donnell.

Mr. O'DONNELL. Thank you, Mr. Speaker.

This amendment, I think, brings us to the heart of the matter. There are three issues that we have to consider in insurance. First, why should anyone be required to buy insurance? The argument was made yesterday that insurance is a commodity like any other commodity. It should be treated as such, and free enterprise should be given play to set rates and determine availability. The difference between insurance and any other commodity is that we require it. Why? Why in the world would we impose on our citizens the requirement that they buy any product, particularly one so highly priced? The only basis, in my opinion, for requiring people to buy insurance is the very simple fact that people want to drive, and by driving, they are moving around a lot of steel at very high speeds and creating what I think is a very unreasonable risk for their fellow citizens. In my opinion, if we want the freedom to drive, and we therefore incur risk, it seems to me we have the obligation to protect other people from the harm that will necessarily arise by virtue of the negligence.

So the only justification, in my opinion, for requiring people to buy insurance is so that we can be protected from the negligence of other drivers. There is no basis for requiring people to insure themselves. We do not require people to buy Blue Cross and Blue Shield, we do not require them to buy life insurance, and we should not require them to buy first-party benefits.

The second consideration that this amendment raises is, very simply, who should pay? When there is an automobile accident and an injury results and damages are sustained, who should pay for the damages? HB 431 says that the person who caused the harm, the person who was negligent - that is the person who should bear the risk. That is the person who should pay for the harm that he has caused. The Veon amendment reverses that. The Veon amendment and the Ritter amendment says that that should be transferred back to you in your first-party benefits. I say that that harm should be paid for by the person who was negligent in a liability policy.

The final question is, if we have decided that we are going to require insurance, if we have decided who it is who should pay for the harm, the final question is, how much should people pay? When we discussed this, one of the insurance companies provided us with sample policies randomly selected from around the State, and we have run this amendment against those policies.

If you live in North Philadelphia, over 30 years old, driving less than 8,000 miles a year, if the Veon amendment goes in, your rates will be increased a minimum of 23.6 percent. If you live in Scranton, for example, and you drive less than 8,000 miles annually, you are a 19-year-old occasional driver, your rates will increase 26.9 percent as a minimum. If you live in Dauphin County, you drive your car to work more than 8,000 miles, you are over 20 years old, your rates will increase 24 percent. If you live on the north side of Pittsburgh, you drive to work more than 8,000 miles annually, you are married, over 55 years old, your rates will increase 20.1 percent if you vote for this amendment.

There are three substantial reasons to vote against this amendment: One, it runs counter to the philosophy of why we are going to try and make people buy insurance. Second, it puts the burden in the wrong place. The people that should pay for this harm are the people who are causing it. And finally, how much. The Veon amendment costs too much.

I urge its defeat.

The SPEAKER. The question is on the amendment. On that question, from Northampton County, Representative Rybak is recognized.

Mr. RYBAK. Mr. Speaker, would the lady from Lehigh County submit to interrogation?

The SPEAKER. The lady indicates she will stand for interrogation. You may proceed.

Mr. RYBAK. Mr. Speaker, how much will be cost-shifted if your amendment is adopted?

Ms. RITTER. I cannot say for sure, Mr. Speaker, but Blue Cross/Blue Shield has estimated the cost at \$250 million per year, and that is the figure we are using as a shift from the auto insurance industry to the health care industry.

Mr. RYBAK. Mr. Speaker, if you would check the record, the Insurance Department figures, you will find that the shift is small and that it is insignificant. The Insurance Department estimates that if the first-party benefits were reduced to \$5,000 as is provided in the original bill, there would be a cost shift of \$13.8 million to \$27.6 million against a total whooping net premium of \$5.3 billion. That translates, according to my figures, to three-tenths of 1 percent, or at the most, six-tenths of 1 percent.

In addition, in addition, the argument was put forward that many people cannot afford to buy Blue Cross/Blue Shield. Many people cannot afford to buy auto insurance. The main thrust of the arguments on the legislation that we are considering and will be considering hereafter seems to be, whether it is my plan, whether it is the Governor's plan, or whether it is the freedom-of-choice plan—my friend, Representative Freind, over there seems to be freedom of choice—there is a choice in the provisions of the bill—okay?—which will impact on the rates, and that is what we are about here by giving the people an option whether they want to take the mandatory as it is under no-fault or whether they want to take the plan of reducing to \$5,000.

With that kind of a shift, my feeling is that it ought to remain as it is. Thank you.

The SPEAKER. The question is, will the House agree to the amendment? On that question, from Delaware County, the Chair recognizes Representative Freind.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to support the Ritter amendment for a number of reasons. The first is a very pragmatic one. Each of us has received letters from Blue Cross/Blue Shield, labor - AFL-CIO - and the chamber. Blue Cross/Blue Shield estimates the shift will be \$250 million, labor estimates the shift will be \$225 million, and the chamber estimates the shift will be \$230 million onto business and labor and their employees and members. And to be completely pragmatic about it, I do not think this is an exercise in futility today. I think we want to have a meaningful package adopted and passed in both the House and the Senate, and I think that is a valid consideration.

Number two, with respect to the numbers that Mr. O'Donnell gave. When he gave you those numbers on how much more it would cost you, those percentages were not based on your overall insurance premium. Those percentages were merely based on the premium you pay for your first-party benefit, which in the average insurance policy, as far as expense, is third or fourth; liability, then generally underinsured/uninsured, and then close between collision or first-party benefits.

Number three, when you listen to Mr. Rybak and he tells you the cost savings, he is using data based on the original bill, not the bill we are considering now. The original bill reduced first-party benefits to \$5,000. What we have now, unless this amendment passes, is no first-party coverage whatsoever. The reason why his cost savings were so accurate is because in the average accident, the average cost for medical

expenses is about \$2,700. So the premiums for that first \$5,000 are extremely important.

Number four, and I think it is something to weigh, you will be called upon not too far in the future today to decide whether or not you want to adopt a freedom-of-choice plan permitting people to decide whether or not they want to keep tort or they want a limited no-fault. For both pragmatic and constitutional reasons, if you opt for the no-fault, it is essential that there be some minimum first-party benefits.

Finally, Mr. Speaker, and perhaps most importantly, I support this amendment because it is always a pleasure to support any amendment introduced by my friend, colleague, and admirer, the lady from Lehigh County, Ms. Ritter. Thank you.

WELCOME

The SPEAKER. Before taking further debate, the Chair is happy to welcome to the hall of the House this afternoon Emery Brewer, who is a councilman from North Belle Vernon and also president of the Belle Vernon Golden Age Assembly. He is in the balcony with members of the Golden Age Assembly from Belle Vernon. They are guests of the Speaker. Will they please stand.

CONSIDERATION OF HB 431 CONTINUED

The SPEAKER. The Chair recognizes, on the amendment, the minority leader, Matthew Ryan, from Delaware County.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I really do not think it is important whether Mr. O'Donnell is right on the amount of the savings, whether Mr. Freind is right on the amount of the savings. I will tell you why I say that.

These insurance companies are not losing money on insurance today. If Blue Cross and Blue Shield say that there is an additional 250 million dollars' worth of insurance claims that will now come against them, it means there will be \$250 million less in insurance claims against the automobile carriers. If today our job, as you see it, as we see it, is to try and make policies more readily available, more easily affordable, by our constituents and our job is not to worry today on these bills about the effect on big business or the chamber of commerce and we are trying to make it more affordable, then you make the shift, because insurance is insurance. It is either going to be paid for and the premiums paid for to Blue Cross and Blue Shield or some third-party carrier or it is going to be paid for to the Nationwides and the State Farms of the world.

So I agree with Mr. O'Donnell that there are going to be savings. Those savings are going to be in the medical protection portion of the coverage, not the overall policy. I do not think anyone misunderstood Mr. O'Donnell to be saying that the total policy cost was going to go down 20 percent; it is that portion that will go down 20 percent. And you know what? There will be a corresponding increase in third-party coverage on your Blue Cross or your Blue Shield to you or to your employer, because those premiums are going to be paid to

whoever is providing the coverage. Now do you want the coverage to be provided by the insurance carrier at an increased policy cost or covered by your Blue Cross and Blue Shield? And if today we are trying to save money on insurance policies, then I suggest that we reject the amendment.

The SPEAKER. The question is on the amendment. On that question, from Delaware County, Representative Adolph is recognized.

Mr. ADOLPH. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment.

The SPEAKER. The lady indicates she will stand for interrogation.

Mr. ADOLPH. I have a question concerning the income loss.

Ms. RITTER. Yes.

Mr. ADOLPH. If a resident currently has a \$2,500 income loss, under your amendment, would you be able to have any more than \$1,000 a month?

Ms. RITTER. This amendment does not change the current law in terms of first-party medical and income loss, so whatever the current law provides would be the same under this amendment. What we are doing is we are reinstating it in the bill, because section 1711, which provides for mandatory coverage, was deleted in HB 431. We are simply putting it back in as it is in current law. The only thing we are dropping from mandatory coverage is the funeral benefit.

Mr. ADOLPH. So if you presently have coverage for \$2,500 a month, you can still have this?

Ms. RITTER. Yes.

Mr. ADOLPH. Now, on the section where you say "...the named insured has no expectation of actual income loss due to age, disability or lack of employment history," how about if the insured just does not want to pay the premium? Is that allowed?

Ms. RITTER. I do not think so. The Insurance Department, I believe, makes regulations that determine whether or not someone can qualify for that waiver for the income loss, but I am not sure how that works exactly. Again, this is not changing current law, so whatever the current law provides. If they are currently required to have income loss coverage because of their circumstances, they would be required to have it under this law, and if they have filed a waiver under current law, they would still be able to file the waiver.

Mr. ADOLPH. Thank you, Mr. Speaker.

The SPEAKER. On the question of agreeing to the amendment, the gentleman, Mr. Carn, from Philadelphia, is recognized.

Mr. CARN. Thank you, Mr. Speaker.

I rise to oppose the Ritter amendment. Any effort to decrease the amount of premiums is welcome by many people in Pennsylvania, and we do not feel that it is necessary to require individuals to purchase first-party benefits when they are covered responsibly with liability coverage, so hopefully this would in fact decrease our premium rates and decrease the number of uninsured drivers that presently exist.

I ask for a "no" vote on the amendment.

The SPEAKER. The Chair recognizes, from Philadelphia, Representative Cohen, on the amendment.

Mr. COHEN. Thank you, Mr. Speaker.

I join the majority and minority leaders in opposing this amendment.

We have slightly different figures as to what the cost is to Blue Cross/Blue Shield in Pennsylvania. We are told \$230 or \$250 million a year. Whatever the exact figure is, that is nothing. There are at least 4 million workers in Pennsylvania with Blue Cross/Blue Shield coverage. Dividing 4 million into \$230 or \$250 million, it comes out to about \$60 per worker per year or about \$1 a week. This is not going to lead to any great increases for corporations. A dollar a week, \$1.20 a week, does not make very much difference. But what happens if we save business and labor \$1.20 a week? What happens is that the people who buy the insurance individually are going to pay a lot more money, because employers negotiate special rates. When you get Blue Cross/Blue Shield through an employer, you pay a lot less money than you do as an individual, because the employer is able to negotiate special rates, so the cost per worker is going to be far, far less in money actually paid out than the money that is going to be paid out for each individual.

This has no meaningful effect on business. This has no meaningful effect on labor. The only effect of this amendment is to raise auto insurance costs. I urge its defeat.

The SPEAKER. The question is on the amendment. On that question, the gentleman from Somerset County, Representative Lloyd, is recognized.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, the problem with the argument that we are hearing today is that the supporters of this amendment seem to assume that the world has always been as we currently find it, that somehow the right of the health insurance coverage to be freed from any costs associated with auto accidents was a divine decree which came down from the beginning. In fact, that is a decree which has been in effect since only 1984.

Prior to no-fault car insurance, there was no requirement in Pennsylvania that anybody buy first-party medical coverage. If he did not buy it and he had an accident, he could sue somebody for it or he could look to his health insurance policy. Starting with no-fault, from 1974 to 1984, the law was that you would look to your car insurance policy unless you elected to make your health insurance policy primary. Many, many, many of our constituents did that in order to save themselves money on their car insurance. Unfortunately, the groups who are supporting and writing us letters to vote for this amendment today were part of a deal in 1984, a deal that led to the defeat, the repeal, of no-fault car insurance, and that deal was that some of us organizations will stop opposing this legislation if we get protected from this cost shift. So in 1984 when a lot of people thought they were acting to cut car insurance rates for their constituents, what they found out was that the net effect was to raise them, and the reason was because all of the cost-saving things were more than offset by

the fact that motorists could no longer take their health insurance as primary.

Mr. Speaker, this cost savings for the health insurance industry was not decreed from the Almighty. This is something which the State legislature did in 1984. This is something that has cost our constituents more money on their car insurance, and this is something we can correct today. The policy contained in the bill at the present time has been the law of this State for a much, much, much longer time than the provision which Ms. Ritter and Mr. Veon are trying to put back into the bill with this amendment.

Therefore, Mr. Speaker, I urge that we vote "no" on this amendment. Thank you.

The SPEAKER. The Chair recognizes, from Lehigh County, Representative Pressmann.

Mr. PRESSMANN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the amendment.

Mr. Speaker, when the majority leader spoke, he talked about who should pay, who should have the responsibility of paying for the health care. Let us talk about a couple facts. One, you are driving a car; you have put yourself at a certain amount of risk. Should you not have the responsibility then of providing yourself with insurance to pay for the cost of that risk? If Mr. O'Donnell's plan goes through, health care insurance for everybody will rise. The little old lady on the bus in his district who does not own a car, who does not drive a car, who knows that medicare does not cover enough of her insurance, who goes out and buys Blue Cross and Blue Shield, her rates will go up to cut Mr. O'Donnell's car insurance rates. That is patently unfair.

Mr. Speaker, if a person chooses not to have any health care insurance on their car and buys no health insurance for themselves and if their employer provides no health care insurance, who is going to pay for it? We are all going to pay for it through medicaid. The bottom line, though, as Mr. O'Donnell says, is, who should pay? Should not the responsibility for the paying be with the people who have the responsibility, who cause the accidents, which is all of us, all of us who drive? Should we not be the ones who pay, not the little lady on the bus who does not own a car? Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

WELCOME

The SPEAKER. The Chair is happy to welcome to the hall of the House this afternoon a Youth Leadership Group from the 190th Legislative District, with Donna Frisby, their coordinator. They are here as the guests of Representative Hughes, and they are seated in the balcony.

CONSIDERATION OF HB 431 CONTINUED

The SPEAKER. The question is, will the House agree to the amendment? On that question, from York County, Representative Dorr is recognized.

Mr. DORR. Mr. Speaker, I rise to support the amendment. I would like to make just two points.

I do not think we are talking about history today. I think we are talking about what is current today and what we might have under this bill. There are many small businesses out in Pennsylvania who are right on the line of whether they provide insurance - health insurance, that is - for their employees or not. If we take the current law and change it so that we shift costs onto health insurers, what we are going to do is drive that line farther and farther away from those small businesses. That is going to create more uninsured Pennsylvanians, for health insurance purposes, than we have currently, and that is a problem, as we all know. Those uninsured Pennsylvanians—this is the second point—will in effect cost-shift back onto all of us when they have an automobile accident.

So the double whammy that is created by what the current bill says would drive costs up overall for all Pennsylvanians, and I believe it is better to have the current law - that is, what is in the Ritter amendment - back in the law so that we keep the status quo with regard to those people who are providing health insurance and cause at least that number of Pennsylvanians to insure themselves for that particular health insurance risk - that is, the risk of being in an automobile accident and being injured. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of agreeing to the amendment, the Speaker recognizes for the second time, from Lehigh County, Representative Ritter.

Ms. RITTER. Thank you, Mr. Speaker.

I want to point out that this amendment restores the Hayden amendment, which we will be voting on later, to the original Casey plan, so those of you who read about the Governor's plan when it was originally introduced, it did include a requirement for these mandatory benefits. So what we are doing is reinstating that into this bill so that it is going to reflect the Governor's plan.

So you did have a letter from the AFL-CIO supporting the Governor's plan, but that was only with this mandatory provision included. So you got another letter today which reflects support for this amendment from the AFL-CIO. You also got a letter from the chamber of commerce which reflects their support for this amendment. So the Governor supports this, and labor supports it, and business supports it, and Steve Freind and Karen Ritter support it, and I do not know how anybody else could be against it.

I just want to say in closing, Mr. Speaker, that it gratifies me to know that the gentleman, Mr. Freind, enjoys voting for my amendments, and I want him to know that we will keep a copy of the minutes of today's proceedings, and I hope to give him a lot of enjoyment later this year. Thank you.

Mr. FREIND. I do not know exactly how to take that, but it sounds great. Thank you.

The SPEAKER. On the amendment, the gentleman, Mr. O'Donnell, the majority leader, is recognized.

Mr. O'DONNELL. Thank you, Mr. Speaker.

Not only apparently does this amendment bring all the major philosophical issues to bear but it has also brought all

the major players to bear. We have a decree from the Almighty; we have the support of the Governor; we have the urge to be pragmatic and to recognize the weight of Blue Cross, labor, and the chamber, and presumably lurking behind those major actors, in an equally cogent call to pragmatism, will be the trial lawyers and the insurance companies.

I am prepared to concede right now that all of those actors, except the Almighty, are deeply involved in this and perhaps, if they could be polled, would support the Ritter amendment. There is only one group of people that are left out, and that group of people is only asking for one thing: they want a choice. This amendment prevents choice. The bill does not shift anything. It gives people the opportunity to buy the kind of insurance they want, and the will of those people, in my opinion, is stronger and more worthy of respect than the combined effort of Blue Cross/Blue Shield, the trial lawyers, the insurance companies, the Governor, and Representatives Ritter and Freind.

The SPEAKER. The question is on the amendment. On that question, the gentleman from Delaware, the minority leader, Matthew Ryan, is recognized.

Mr. RYAN. Mr. Speaker, in conclusion on this subject, I would like to read a memorandum on this question dealing with the removal of mandated first-party benefits.

At present, the law requires each motorist to carry \$10,000 in first party medical benefits, \$5,000 in disability benefits and \$1,500 in death benefits. The O'Donnell package would eliminate all of these mandates. Not a bad idea. This proposal provides more flexibility to motorists. The mandated first party benefits were placed in the 1984 law as a concession to both business and labor. Many individuals have existing health coverage which would obviate the need for these mandated benefits. The elimination of these benefits would, by definition, reduce auto insurance rates.

Stephen Freind.

The SPEAKER. The question is on the amendment. On that question, the gentleman from Delaware, Mr. Freind, asks for recognition and is recognized.

Mr. FREIND. I was totally unaware that we were having a situation with my good friend and grandfather, the minority leader, where we would use on the floor a memo sent to Republican members, but let us take the context in what that was sent from. That was before a whole lot happened in the last week and a half. The whole thrust today is to pass a package which mandates, in a meaningful way, substantial reductions in auto insurance premiums. One of the ways that can be accomplished—and I cannot debate a further amendment—is the choice plan. From an absolutely pragmatic and constitutional standpoint, it is essential that the mandated first-party benefits be in there because of the fact that the court has ruled in the past when we had no-fault before—a bad no-fault plan—that there had to be a commensurate benefit. So when the train began to move, I am pragmatic enough to know that we want to serve all of the people of

Pennsylvania: We have to put this package together, and part of this package is the adoption of the Ritter-Veon amendment.

But thank you, Mr. Speaker, for the publicity. Anytime I get publicity for anything I write, I greatly appreciate it. Thank you.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—151

Adolph	Donatucci	Kosinski	Rieger
Allen	Dorr	LaGrotta	Ritter
Angstadt	Durham	Langtry	Robbins
Argall	Fairchild	Lashinger	Robinson
Belardi	Fargo	Laughlin	Rudy
Belfanti	Farmer	Lee	Saurman
Billow	Fee	Leh	Scheetz
Birmelin	Fleagle	Lescovitz	Schuler
Black	Foster	Letterman	Scrimenti
Blaum	Fox	Levdansky	Semmel
Bortner	Freeman	Lucyk	Serafini
Bowley	Freind	McCall	Smith, B.
Boyes	Gallen	McHale	Smith, S. H.
Broujos	Gamble	McNally	Snyder, G.
Bunt	Geist	Maine	Staback
Burd	George	Markosek	Stairs
Burns	Gigliotti	Marsico	Steighner
Caltagirone	Gladeck	Mayernik	Stish
Cappabianca	Godshall	Merry	Stuban
Carlson	Gruitza	Miller	Tangretti
Cessar	Gruppo	Moehlmann	Taylor, E. Z.
Chadwick	Haluska	Morris	Taylor, F.
Clark, B. D.	Hasay	Mowery	Telek
Clark, D. F.	Hayden	Mrkonic	Trello
Clark, J. H.	Hayes	Murphy	Trich
Clymer	Heckler	Nahill	Van Horne
Colafigli	Herman	Nailor	Veon
Colaizzo	Hershey	Noye	Vroon
Cole	Hess	Petrarca	Wambach
Corrigan	Howlett	Petrone	Wass
Cowell	Itkin	Phillips	Wilson
DeLuca	Jackson	Piccola	Wozniak
DeWeese	Jadlowiec	Pievsy	Wright, D. R.
Daley	Jarolin	Pistella	Wright, J. L.
Davies	Josephs	Pitts	Wright, R. C.
Dempsey	Kaiser	Pressmann	
Dietterick	Kasunic	Preston	Manderino,
Distler	Kondrich	Reinard	Speaker
Dombrowski			

NAYS—50

Acosta	Flick	Melio	Ryan
Barley	Gannon	Michlovic	Rybak
Battisto	Hagarty	Micozzie	Saloom
Bishop	Harper	O'Brien	Snyder, D. W.
Brandt	Hughes	O'Donnell	Strittmatter
Bush	James	Oliver	Taylor, J.
Carn	Johnson	Perzel	Thomas
Cawley	Kenny	Pesci	Tigue
Civera	Kukovich	Raymond	Weston
Cohen	Linton	Reber	Williams
Cornell	Lloyd	Richardson	Wogan
Coy	McVerry	Roebuck	Yandrisevits
Evans	Maiale		

NOT VOTING—1

Olasz

EXCUSED—1

Dininni

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. HAYDEN offered the following amendments No. A1774:

Amend Title, page 1, lines 2 through 12 by striking out "providing for the surrender of drivers' licenses," in line 2, all of lines 3 through 12 and inserting

further providing for financial responsibility.

Amend Bill, page 1, by inserting between lines 14 and 15

Section 1. Section 1701 of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 1701. Short title of chapter.

This chapter shall be known and may be cited as the [Motor Vehicle Financial Responsibility Law] Consumer Automobile Insurance Reform Act.

Section 2. Title 75 is amended by adding a section to read:

§ 1701.1. Findings and purposes.

(a) Findings.—The General Assembly hereby finds and declares that:

(1) A reasonable, comprehensive and fair Statewide system for compensating and restoring motor vehicle accident victims is necessary for the protection of the citizens of this Commonwealth.

(2) It is the Commonwealth's obligation to ensure that mandatory auto insurance coverage is available at a reasonable cost for all its citizens in order that they may comply with the law.

(3) Many Commonwealth citizens are unable to obtain the basic minimum automobile insurance coverage required by the Motor Vehicle Financial Responsibility Law due to the unavailability of the coverage in their area of the Commonwealth and due to the unreasonable cost of the coverage. Consequently, many citizens do not maintain required automobile insurance, thereby depriving themselves of coverage for medical expenses, and often precluding innocent victims from obtaining reasonable compensation for injuries suffered.

(4) Automobile insurance rates have increased at least 20% since late 1986 and will continue to escalate under the Motor Vehicle Financial Responsibility Law, rendering basic minimum coverage unaffordable to a large number of this Commonwealth's citizens.

(5) The major cause for escalating auto insurance rates is the high frequency of small bodily injury claims.

(6) The establishment of an optional verbal claims threshold in conjunction with mandatory first party benefits will eliminate up to 90% of bodily injury liability claims resulting from minor motor vehicle accidents for those electing the limited tort option. The threshold will serve to reduce the cost of providing auto insurance while providing for the adequate protection of injured victims.

(b) Purpose.—It is hereby declared to be the policy of the General Assembly to establish a comprehensive system which will assure the availability and reasonable cost of automobile insurance coverage through the private sector. The establishment of a fair and equitable motor vehicle insurance system will further the health and welfare of the citizens of this Commonwealth by providing prompt medical care to motor vehicle accident victims and providing reasonable compensation to seriously injured motor vehicle accident victims.

Amend Sec. 1, page 23, line 8, by striking out "1" and inserting

3

Amend Sec. 1, page 23, line 9, by striking out "OF THE PENNSYLVANIA CONSOLIDATED STATUTES"

Amend Sec. 1 (Sec. 1702), page 23, by inserting between lines 15 and 16

"Commissioner." The Insurance Commissioner of the Commonwealth.

Amend Sec. 1 (Sec. 1702), page 24, by inserting between lines 7 and 8

"Noneconomic loss." Pain and suffering and similar non-monetary detriment.

Amend Sec. 1 (Sec. 1702), page 24, by inserting between lines 15 and 16

"Private passenger motor vehicle." A motor vehicle of the private passenger or station wagon type that is not used as a public or livery conveyance for passengers and is not rented to others, or any four-wheel motor vehicle with a gross weight not exceeding 9,000 pounds which is not principally used in the occupation, profession or business of the insured other than farming. The term does not include any motor vehicle insured under a policy covering garage, automobile sales agency repair shop, service stations or public parking place operation hazards.

"Serious injury." A personal injury resulting in death, serious impairment of body function or permanent serious disfigurement.

Amend Bill, page 24, lines 17 through 19, by striking out all of said lines and inserting

Section 4. Title 75 is amended by adding a section to read:

§ 1705. Election of tort options.

(a) Financial responsibility requirements.—

(1) Each insurer, prior to issuance or renewal of a motor vehicle liability insurance policy on and after October 1, 1989, shall notify, in writing, each applicant and each named insured of the availability of the two alternatives of full tort insurance and limited tort insurance described in subsections (b) and (c). The notice shall be in a standardized form promulgated by the commissioner and shall include a comparison of the premiums that would be charged under each option. Any person signing, or otherwise bound by, a document containing such terms is bound by such election and is precluded from claiming liability of any person based upon being inadequately informed in making the election between full tort or limited tort alternatives.

(2) If an insured or any person who receives a notice under paragraph (1) and does not indicate a choice, the owner and those he is empowered by this section to bind by his choice are presumed to have chosen the full tort alternative until such time as a written election is received by the insurer. If an insured fails to respond to the notice required by paragraph (1), the insurer shall send a second notice.

(3) An owner of a currently registered motor vehicle who does not have financial responsibility shall be deemed to have chosen the limited tort alternative.

(4) Nothing in this section changes or modifies the existing requirement that owners of registered vehicles maintain bodily injury and property damage liability insurance arising out of the ownership, maintenance or use of a motor vehicle.

(b) Full tort insurance alternative.—

(1) Full tort insurance covers each person who is:

(i) A named insured under a motor vehicle insurance policy.

(ii) The spouse, other relative or dependent residing in the same household of a named insured.

(iii) Anyone operating the vehicle with the permission of the owner.

Full tort insurance coverage shall be for the legal liability for bodily injury, including death, and property damage arising out of the ownership, maintenance or use of the vehicle to the applicable limits of liability, exclusive of interest and costs.

(2) Each person who is a named insured under a full tort insurance policy, each person bound by the election of the named insured and covered under a policy issued under the full tort alternative, and each person who is an occupant of a motor vehicle insured under the full tort insurance alternative, unless such person is an insured under an insurance policy issued under the limited tort alternative, may obtain compensation for noneconomic loss claimed and economic loss sustained in excess of applicable coverage limits in a motor vehicle accident as the consequence of the fault of another person pursuant to applicable tort law.

(c) Limited tort insurance alternative.—

(1) Limited tort insurance covers each person who is:

(i) A named insured under a motor vehicle insurance policy.

(ii) The spouse, other relative or dependent residing in the same household of a named insured.

(iii) Anyone operating the vehicle with the permission of the owner.

(2) Each person who is a named insured under a limited tort insurance policy, each person bound by the election of the named insured and covered under a policy issued under the limited tort alternative, and each person who is an occupant of a motor vehicle insured under the limited tort alternative, unless such person is an insured under an insurance policy issued under the full tort insurance alternative, shall be precluded from maintaining an action for any bodily injury damages, including, but not limited to, noneconomic loss, unless the injury sustained is a serious injury or as otherwise provided in paragraph (3).

(3) The tort limitation under this subsection shall not apply in any of the following circumstances:

(i) The named insured or other operator of the covered motor vehicle who is bound by the election of the limited tort insurance alternative and who sustains damages in a motor vehicle accident as the consequence of the fault of another person who is convicted of driving under the influence of alcohol or a controlled or illegal drug or substance may recover damages as if the individual damaged had elected the full tort alternative.

(ii) A person in the business of designing, manufacturing, repairing, servicing or otherwise maintaining motor vehicles remains liable for injury arising out of a defect in such motor vehicle which is caused by or not corrected by an act or omission in the course of such business, other than a defect in a motor vehicle which is operated by such business.

(iii) A person remains liable for intentionally injuring himself or another person. An individual does not intentionally injure himself or another individual merely because his act or failure to act is intentional or done with his realization that it creates a grave risk of causing injury or the act or omission causing the injury is for the purpose of averting bodily harm to himself or another individual.

(iv) The named insured or other operator of the covered motor vehicle who is bound by the election of the limited tort insurance alternative and who sustains damages in a motor vehicle accident as the consequence of the fault of another person who has not maintained financial responsibility as required by this chapter may recover from the personal assets of the at-fault person.

Nothing in this subparagraph shall effect the limitation of section 1731(d)(2) (relating to availability, scope and amount of coverage).

Section 5. Section 1711 of Title 75, amended April 26, 1989 (P.L.13, No.4), is amended to read:

§ 1711. Required benefits.

An insurer issuing or delivering liability insurance policies covering any motor vehicle of the type required to be registered under this title, except recreational vehicles not intended for highway use, motorcycles, motor-driven cycles or motorized pedalcycles or like type vehicles, registered and operated in this Commonwealth, shall include coverage providing a medical benefit in the amount of \$10,000[,] and an income loss benefit up to a monthly maximum of \$1,000 up to a maximum benefit of \$5,000 [and a funeral benefit in the amount of \$1,500], as defined in section 1712 (relating to availability of benefits), with respect to injury arising out of the maintenance or use of a motor vehicle. The income loss benefit provided under this section may be expressly waived by the named insured provided the named insured has no expectation of actual income loss due to age, disability or lack of employment history. At the election of the named insured, such policy shall also include an extraordinary medical benefit as described in section 1715(a)(1.1) and (d) (relating to availability of adequate limits).

Section 6. Section 1712 of Title 75 is amended to read:

Amend Bill, page 26, by inserting between lines 8 and 9

Section 7. Section 1715(a) of Title 75, amended April 26, 1989 (P.L.13, No.4), is amended to read:

Amend Bill, page 27, by inserting between lines 7 and 8

Section 8. Section 1717 of Title 75 is amended to read:

Amend Sec. 4, page 27, line 16, by striking out "4" and inserting

9

Amend Sec. 5, page 27, line 17, by striking out "5" and inserting

10

Amend Bill, page 27, by inserting between lines 27 and 28

Section 11. Section 1731(a) and (d) of Title 75 are amended to read:

§ 1731. [Scope] Availability, scope and amount of coverage.

(a) [General rule] Mandatory offering.—No motor vehicle liability insurance policy shall be delivered or issued for delivery in this Commonwealth, with respect to any motor vehicle registered or principally garaged in this Commonwealth, unless uninsured motorist and underinsured motorist coverages are [provided] offered therein or supplemental thereto in amounts [equal to the bodily injury liability coverage except] as provided in section 1734 (relating to request for lower or higher limits of coverage). Purchase of uninsured motorist and underinsured motorist coverages is optional.

(d) Limitation on recovery.—

(1) A person who recovers damages under uninsured motorist coverage or coverages cannot recover damages under underinsured motorist coverage or coverages for the same accident.

(2) A person precluded from maintaining an action for damages under section 1705(c)(2) (relating to election of tort options) may not recover uninsured motorist coverage or underinsured motorist coverage.

(3) Recovery of underinsured motorist coverage shall not exceed the difference between the applicable underinsured motorist coverage limit and the applicable liability limits.

Amend Sec. 6, page 27, line 28, by striking out "6" and inserting

12

Amend Sec. 6, page 27, line 28, by striking out "1731(A),"

Amend Sec. 7, page 27, line 30, by striking out "7" and inserting

13

Amend Sec. 8, page 28, line 14, by striking out "8" and inserting

14

Amend Sec. 9, page 29, line 16, by striking out "9" and inserting

15

Amend Sec. 10, page 31, line 9, by striking out "10" and inserting

16

Amend Sec. 11, page 35, line 7, by striking out "11" and inserting

17

Amend Bill, page 37, by inserting between lines 8 and 9

Section 18. Title 75 is amended by adding a section to read: § 1799. Rates.

(a) Rate filing.—All insurers must file for new rates within 30 days of the effective date of this section. These rates shall apply to all policies issued and renewed on and after October 1, 1989.

(b) Rate reductions.—The rates charged by insurers under the filing required by subsection (a) shall be reduced from rates in effect July 1, 1989, as follows:

(1) For insureds electing the limited tort option under section 1705(c) (relating to election of tort options):

(i) At least 65% on the minimum required bodily injury financial responsibility.

(ii) At least 80% on the minimum uninsured and underinsured motorist coverage limits allowed by section 1734 (relating to request for lower limits of coverage), prior to the effective date of this section.

(iii) At least 15% on the first party benefit coverage limits required by section 1711 (relating to required benefits), prior to the effective date of this section.

(2) For insureds electing the full tort option under section 1705(b):

(i) At least 5% on the minimum required bodily injury financial responsibility.

(ii) At least 50% on the minimum uninsured and underinsured motorist coverages allowed by section 1734, prior to the effective date of this section.

(iii) At least 15% on the first party benefits required by section 1711, prior to the effective date of this section.

(3) Increased limits factors shall also be appropriately adjusted.

(c) Rate freeze.—No insurer nor the Assigned Risk Plan may increase any rates of an insured electing the limited tort alternative of section 1705(c), other than comprehensive, collision and property damage liability coverage rates, for a period of two years commencing on the date the commissioner approves an insurer's new rate under this section. The rate freeze for those electing the full tort alternative under section 1705(b) shall apply only to first party benefit rates. During the two-year period of the rate freeze, rates and premiums subject to the freeze may only be increased if the Commissioner finds, after a hearing, that current rates are confiscatory.

(d) Calculation of rates.—In all rate filings subsequent to the initial filing required by subsection (a), the bodily injury liability insurance rates for insureds electing the limited tort option shall be calculated as though all motorists elected the limited tort option, and the bodily injury rates for insureds electing the full tort option shall be calculated as though all motorists elected the full tort option.

Amend Sec. 12, page 37, line 9, by striking out "12" and inserting

19

Amend Sec. 13, page 37, line 11, by striking out "13" and inserting

20

On the question,
Will the House agree to the amendments?

The SPEAKER. On that question, the author of the amendment, from Philadelphia, Representative Hayden, is recognized.

Mr. HAYDEN. Thank you, Mr. Speaker.

I first might add that with the passage of the Ritter amendment, we will be withdrawing amendment 1706, and we will run 1774 in lieu of 1706.

The SPEAKER. Has the clerk read the correct amendment? The indication is in the affirmative. You may proceed on discussion of the amendment.

PARLIAMENTARY INQUIRY

REQUEST TO DIVIDE AMENDMENTS

Mr. GANNON. Mr. Speaker?

The SPEAKER. The gentleman from Delaware, Mr. Gannon, is recognized. For what purpose does he rise?

Mr. GANNON. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. State the point of parliamentary inquiry.

Mr. GANNON. Mr. Speaker, I would like to find out if this amendment is divisible, and if so, I would like to move that the amendment be divided.

The SPEAKER. What is the essence of the division that you are asking about?

Mr. GANNON. Mr. Speaker, I would like to divide the amendment beginning on page 1 where it says "Amend Title," of course, on to page 3, ending with the word "disfigurement," and then further divide the amendment beginning with the words "Amend Bill," and then go to page 5, ending with the number "10," and then further divide the amendment beginning with the words "Amend Bill" below the number "10," and then further on page 6, ending with number "17," and further divide the amendment by beginning with the words "Amend Bill."

The SPEAKER. The indication from the Parliamentarian is the amendment is not divisible in the manner in which the individual, Mr. Gannon, has asked. There is language on page 7 of the amendment in section 1799(c) that relates back to areas of the amendment that could well be divided and could not stand alone. The question asked is answered in the negative.

Mr. GANNON. Mr. Speaker, I did not hear what the Speaker said.

The SPEAKER. The answer is no; it is not divisible.

The question is, will the House agree to the amendment? On that question, the gentleman from Philadelphia, Mr. Hayden, is recognized on the amendment.

Mr. HAYDEN. Thank you, Mr. Speaker.

This amendment goes to the very heart of the affordability issue, and it addresses the affordability issue from the per-

spective of the Governor's Office and from the Insurance Commissioner. I would first like to say that I certainly agree with the articulate comments of my majority leader that the people do indeed want to make a choice, and that is what this amendment is all about.

I will explain it briefly. It contains the optional threshold in which at the election of an individual insured, he or she can decide to opt into a system in which they limit their own rights to sue to cases involving serious injury. In exchange for that election, they will receive substantial premium reductions and a rate rollback which is specified in the amendment. In addition, it also contains a provision which would benefit all drivers with respect to the health care cost containment savings.

To those people who have said to me, crisis, what crisis; there is no auto insurance problem in my district, I tell them that this amendment holds them and their constituents harmless. If their constituents find that their automobile insurance policy affords them the kind of coverage they want at the policy they want, then they will retain their rights under existing law. But to those of us who live in districts in which automobile insurance is a serious problem, this offers a rational alternative.

This mirrors some of the concepts of prior approaches of members in this General Assembly. Representative Lloyd, Representative Saurman, and most recently Representative Freind have offered proposals over the course of the last 3 years which would permit individual drivers to make elections about what system they want to participate in. But the problem with some of those proposals that I have had and other members have had is that if we were going to change the law, we needed some source of credibility that that law change would result in reduced premiums for our people. Up until now we have not seen proposals that would do that. Governor Casey's proposal takes a major step forward to do that.

The objective of this amendment is to bring insurance rates down, hold them down, and make insurance more available to our constituents. I would appreciate an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

WELCOMES

The SPEAKER. The Chair is happy to welcome to the hall of the House this afternoon guests seated to the left of the Speaker. Seated to the left of the Speaker is a former page of this House, Annette Dechesne. She is on the floor of the House visiting with members and friends. She is from Florida now. She is the guest of Representative Noye. Will she please stand.

Also to the left of the Speaker is president of the Dolan Construction Company, Joseph Dolan, from Reading, Pennsylvania - the guest of Representatives Gallen and Angstadt. Will he please stand.

CONSIDERATION OF HB 431 CONTINUED

The SPEAKER. The question is, will the House agree to the Hayden amendment? On that question, the Representative from Delaware County, Representative Freind, is recognized.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to strongly support this amendment.

When the Governor introduced his plan last Tuesday, I was absolutely thrilled. I also had, on behalf of a lot of members on this side of the aisle, a considerable amount of pride, because the proposal was very similar to a proposal worked on nonstop for 5 months by the Republican members of the Insurance Committee and introduced a month and a half ago. Since the Governor's proposal was unveiled last Tuesday, there has been a tremendous amount of meaningful exchange from members on both sides of the aisle, which brings us to this very important compromise proposal. It is the heart and the soul of our efforts here to solve the auto insurance problem.

I think we will all agree that there is a huge problem in Pennsylvania with respect to auto insurance. I do not think it is an overstatement to say that it is the single most important problem facing Pennsylvania today, and I think most of us elected officials would agree it is the single most important political problem we face. The time has come to do something. There will only be one thing worse than not doing anything, and that would be doing something as we have done in the past, ballyhoo it to be an improvement, only to find that it is as bad if not worse than the prior laws.

We want to solve this problem once and for all. We do not want to be back here in 6 months or a year. And it is absolutely correct that the train has pulled out of the station, and the people of Pennsylvania are not requesting, they are demanding rate reductions, not a freeze but substantial rate reductions. The nice thing about this proposal is that it does that but it is not phony, because in addition to mandating the rate reductions, what it also does is put into place those cost savings that make the reductions possible. It attacks the two major problems which are skyrocketing our auto insurance: number one, the proliferation of lawsuits. It attacks that by giving to all of us—and I heard eloquent arguments by both the majority leader and the minority leader of the right to choose; it is doing just that. You have the right to make an affirmative choice as to whether or not you want to keep your tort coverage or whether or not you want to choose a limited no-fault with the Michigan threshold. There is not any question whatsoever that the vast majority of Pennsylvanians care first and foremost about the auto insurance premiums, the cost of insurance, and if given the chance, they will choose no-fault to bring down their premiums.

The second thing it does is get a handle on health care costs by mandating 110 percent as part of the existing bill, the prevailing rate on medicare. And remember when you are talking about health care costs, one of the biggest problems in health care costs are the lawsuits. Lawsuits by definition increase health care costs. There is an unwritten rule that when you are suing for pain and suffering and you settle, it is normally

going to be for three to four times the amount of medical bills you have racked up. Therefore, there is an incentive to have treatment and examinations far beyond those necessary to restore the individual to health. So we are getting a handle on it both ways. Take a look at the numbers, and the numbers of the reductions are substantial - very substantial to those who choose no-fault, and there are even reductions for those who maintain their tort coverage.

So that you do not think it is being done with mirrors, the Insurance Department has indicated they have received their data on the rate reductions from the industry filing and proposition 104 in California. Yesterday three actuaries from the insurance industry came up. They met with the actuary from the Insurance Department. They came back to my office and they said those figures are not out in left field. It is tight, but the assumptions cannot be labeled as incorrect.

What we are going to do if we pass this is, one, give people the right to choose, and number two, drastically drive down the skyrocketing auto insurance rates.

I sincerely hope that we pass this amendment, Mr. Speaker, and put the Pennsylvania insurance nightmare where it belongs - in the past tense. Thank you very much.

The SPEAKER. On the amendment, the Chair recognizes, from Northampton County, Representative Yandrisevits.

Mr. YANDRISEVITS. Thank you, Mr. Speaker.

Mr. Speaker, several times this amendment has been referred to as no-fault insurance. In 1983 in this Commonwealth we had no-fault insurance whereby everyone in the Commonwealth gave up the right to sue for noneconomic damages in exchange for unlimited medical benefits. Under this proposal, certain people would either choose or be forced to give up their right for not only noneconomic damages but also economic damages should they rise above the \$10,000 first-party medical benefits or the \$5,000 work loss benefits.

Pennsylvania case law is clear on the subject that this legislature is not authorized to enact a law which violates existing common law by removing a remedy without at the same time statutorily imposing an adequate alternative remedy. I would suggest that for the person who purchases only the minimum amount of \$10,000 of first-party medical benefits and \$5,000 of work loss benefits, that those are not statutorily enacted adequate benefits.

CONSTITUTIONAL POINT OF ORDER

Mr. YANDRISEVITS. Therefore, I would move that this amendment is unconstitutional under Article I, section 11, and Article III, section 18, of the Pennsylvania Constitution. Thank you, Mr. Speaker.

The SPEAKER. The gentleman has suggested that the measure before us is unconstitutional.

The question of constitutionality is for the House to decide. It is debatable only as to the question of constitutionality. The Chair will immediately put the question to the House on whether or not the measure before us stands the constitutionality test.

On the question,

Will the House sustain the constitutionality of the amendments?

The SPEAKER. On the question of constitutionality, the gentleman, Mr. Hayden, from Philadelphia, is recognized on the question.

Mr. HAYDEN. Thank you, Mr. Speaker.

Before we get deeper into the constitutional argument, I might add for the members' information, both the States of Kentucky and New Jersey now employ a system in which an individual is permitted to make a similar type of an option. In both those States—

POINT OF ORDER

Mr. YANDRISEVITS. Point of order, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Yandrisevits, raises a point of order. Would you state your point of order.

Mr. YANDRISEVITS. Yes, Mr. Speaker.

My motion was clearly made under the Pennsylvania Constitution, and I think the gentleman is out of order by referring to any constitutional decisions that may have been made in other States.

The SPEAKER. The question of constitutionality is raised under Pennsylvania's Constitution, as outlined in the contest of constitutionality as raised by Mr. Yandrisevits, and speakers are to be confined to the question of constitutionality as raised. The Pennsylvania Constitution is in question.

Mr. HAYDEN. Thank you, Mr. Speaker.

If we address the Pennsylvania constitutional argument, in 1975 there was a case in which the Pennsylvania Supreme Court addressed the constitutionality of the 1974 no-fault act. That case was *Singer v. Sheppard*. In that case the Supreme Court upheld the Pennsylvania no-fault law against arguments about eliminating a cause of action, against arguments about equal protection problems, against every constitutional argument that was raised by the opponents.

I might add that in a footnote to the opinion, the court also noted that any similar argument advanced in support of the no-fault must rely on an implied consent, since under the no-fault act, coverage is not elective and, therefore, no actual choice is made. It said at the time that the election not to obtain a no-fault policy precludes an individual from the lawful operation of an automobile in Pennsylvania.

We do not have that problem even under this amendment. We have even diffused that argument. What we now have is the opportunity for an individual to limit his or her own rights under this amendment. That diffuses whatever constitutional arguments may even have been mentioned in the *Singer v. Sheppard* case, and I would argue that if you are going to vote against this amendment, you certainly will not do it on strong constitutional grounds.

The SPEAKER. The question before this House is whether or not the Hayden amendment is constitutional under Pennsylvania's Constitution.

The Chair announces, for the members of the House and their information, that on this question of constitutionality, the rules of the House require that each member speak only once.

The question is on the constitutionality. On that question, does the gentleman, Mr. Gannon, seek recognition? The gentleman from Delaware County, Mr. Gannon, is recognized.

Mr. GANNON. Thank you, Mr. Speaker.

I would like to interrogate the sponsor of the amendment, please.

The SPEAKER. The gentleman indicates he will consent to interrogation. You may proceed.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, in reading page 3 of the amendment, I see some key words in the amendment in connection with this selection of full tort or limited tort insurance. But the language that troubles me the most is that section that talks about the owner or the insured where they are making a choice and then binding to that choice made by the owner to those he is empowered by this section to bind. Now, as I read that, we are stating in this—and I want to get to my question—you are stating that I, as the owner or insured of a motor vehicle, can bind other individuals to a choice that I have made. Is that a fair statement of the effect of this amendment?

Mr. HAYDEN. What that section refers to and the issue you raised is the fact that in Pennsylvania we have motor vehicle insurance policies which cover automobiles. We do not have separate requirements that all licensed drivers maintain some sort of automobile insurance policy. So your observation that whatever the policy is for that vehicle governs those who would either ride in that vehicle, be a passenger in that vehicle, and have a claim thereafter is bound by the election is accurate.

Mr. GANNON. Okay.

Now, in reading section 11 of the Pennsylvania Constitution—I believe this is the section that is under debate here—it says, "All courts shall be open; and every man for an injury done him in his...person...shall have remedy by due course of law, and right and justice administered without...denial or delay." Now, where is the precedent, either in statutory law or common law, where I, as an individual, can bind you to give up your constitutional right that I have just cited, which is not, which is not—and I emphasize—it is not a privilege; it is a right that you have. Now, where is the precedent, either in common law or statutory law, where I can bind you to give up your constitutional right?

Mr. HAYDEN. Mr. Speaker, the binding that you refer to in this amendment is no different than the binding we have in existing law. For instance, I have \$100,000/\$300,000 bodily injury liability coverage on my automobile. If you are going to ride in my automobile or drive my automobile, you have then bound yourself to whatever the limits of my coverage are if you do not have automobile insurance.

The problem is the opposite. The problem is not the one that you raised. The problem is if we then go and decide that

we want to insure people and not automobiles, then we open up an equal protection problem under the 14th Amendment of the Constitution. The fact of the matter is, you cannot avail yourself of the kinds of benefits derived in this amendment unless you have that provision in there. It is consistent with existing law. It does not run counter to any constitutional provision of the Pennsylvania Constitution.

Mr. GANNON. Maybe you did not understand my question, Mr. Speaker, and maybe I did not make it precise enough, but I am not concerned about what an insurance policy says or does not say, and I am not concerned about the limits of liability of that insurance policy. What I am concerned about is someone else bargaining away my constitutional right. My question to you is, where is the precedent in common law or statutory law where I, as an individual, can barter or give away your constitutional right, as I just cited under section 11? That is all I am asking.

Mr. HAYDEN. The gentleman may not like my answer; however, I have the same content in the answer.

What you have now is, if you are involved in a situation in which you are an injured party in a car in which the policy is for a limited tort alternative, if you are a passenger and that coverage is not sufficient to cover your damages or losses, you can then access outside coverage. This is not a blanket prohibition that limits an injured passenger or another individual in the car against recovery for additional benefits beyond the policy. It is rationally related to the State's legitimate interest in driving down the cost of automobile insurance rates, which has been a valid legislative interest upheld in *Singer v. Sheppard*.

Mr. GANNON. Well, then do you believe the State has a legitimate interest to provide or mandate, if you will, or give someone else the authority to bargain away someone else's constitutional rights in the name of an insurance policy? Is that what you are telling this General Assembly?

Mr. HAYDEN. You are making the assumption that the State is somehow conditioning the exercise of the right here, and that is actually not the case here. This does not meet the State action threshold to even get you into the argument of equal protection. What this does is, the rights that are conditioned here are chosen and elected by someone other than the State, so you do not even get into the threshold analysis to deal with the constitutionality.

Mr. GANNON. Well, then what you are saying is that—As I understand what you just said, it does not bind anybody else. It can only bind me. If I make this choice, it only binds me. Is that what I just heard you say?

Mr. HAYDEN. No; that is not what I said. What I said was, the binding and the decision as to what the policy level is going to be is made by the individual policyholder. That binding and that contract—this is a contract right—will retain with respect to all of the insureds who would be named insureds.

You may not like the substance of my answer, but that is my answer.

Mr. GANNON. Well, I mean, as I read this amendment, if I make an option for this limited tort insurance alternative, then I am giving up my right to file an action against the person who is responsible for my injury as a result of an automobile accident to recover for my noneconomic loss, let us say.

Mr. HAYDEN. Except in the event of serious injury, which is defined in the amendment.

Mr. GANNON. All right. Now, my question is this: I do not argue with my right to do that. I certainly have the right to give up a right. But my question is, how can I bind somebody else to my action, particularly when it is something so important as right of access to the courts?

Mr. HAYDEN. Because you also have another right, which is called your right to contract, and your right to contract here is your right to make a decision as a policyholder with your insurance company as to which rights and which benefits you are going to select, so this is consistent with the right to contract. It does not run contrary to any Pennsylvania constitutional prohibition.

Mr. GANNON. Well, once again, I have no problem with my right to contract. But where is your authority for me to have the ability or the right to contract on your behalf?

Mr. HAYDEN. Because every time implicit in the right to make the first choice with your policyholder as to what you are going to cover, you are then binding, if you take your binding argument and run with your binding argument. What you are doing is, if you select \$15,000 and \$30,000 coverage for your bodily injury limits and I borrow your car, I do not have any insurance, I drive your car and get injured, what you have done is you have bound me to a \$15,000/\$30,000 BI coverage. There is no prohibition against that. This is a similar kind of analysis here. It addresses a legitimate State interest in bringing down and making more affordable the cost of automobile insurance in Pennsylvania.

Mr. GANNON. Now, excuse me, Mr. Speaker. Are you telling me that under present law, if I only have a \$15,000 policy and I injure you, that all you can recover from me is \$15,000, and that is because of my contract? You are bound by that contract?

Mr. HAYDEN. No. What I am saying, and to use that as an example, is that if I do not have any insurance and I drive your automobile—I do not have any coverage; assume I have no medical coverage, no other potential coverage—the only coverage I can ever hope to access would be your coverage.

The point is, whatever your uninsured motorist, underinsured motorist coverage is, whatever your third-party benefits are, whatever your first-party benefits are, I am bound by your policy. And, you know, for purposes of this hypothetical, which is one that a court will someday consider, you are binding me, and there is nothing in law which would prevent that.

Mr. GANNON. I understand you are driving my car now and you have no personal insurance?

Mr. HAYDEN. You lent it to me.

Mr. GANNON. Well, then now under present law, sobeit that I only have \$15,000 in insurance, but suppose you are a millionaire. Suppose you just hit the lottery. Am I precluded under existing statute and common law from seeking from you, assuming my injuries were serious enough, more than the \$15,000?

Mr. HAYDEN. No, you are not. And the point is that you seem to be making the point, and others who argue on the constitutionality, that nobody can ever limit an individual cause of action, be it a common law cause of action or a statutory cause of action. The cases that I have seen have said that that is not necessarily true. And by analogy, if you look at the workmen's compensation system, that is another kind of system in which people have decided that in exchange for certain benefits, they agree to give up third-party actions against other people. The courts have consistently held in this State, although in limited circumstances, you can condition causes of action. You can restrict certain rights and certain accesses to court.

Mr. GANNON. One final question. The premise for the employer's immunity under the workers' compensation is that he provides unlimited medical benefits to his employee. He provides him full redress for any injury, including his lost wages based upon a schedule. The prior no-fault law was held constitutional, as I recall, because the act provided unlimited benefits. That was the tradeoff when the court said, yes, that passes constitutional muster. Does this provision provide unlimited medical benefits?

Mr. HAYDEN. No, it does not.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. HAYDEN. Well, I will address that issue. If I recall the issue on constitutionality about the availability of medical benefits, I think there is a collective case of amnesia in this General Assembly. We used to have a program after 1984 in which we addressed, they were not unlimited medical benefits but they used to cover up to \$1 million in medical benefits. That proposal was called the CAT Fund. I was one of 15 people who voted against the repealer or the requirement that people maintain those medical benefits. Now those same people who said that people should have a right to decide whether they wanted unlimited medical benefits are now telling me, well, now you are not going to have unlimited medical benefits. I said, yes, well, were you not the same people advocating that that be a choice? So you cannot have it both ways.

Mr. GANNON. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Gannon, has the floor.

Mr. GANNON. Mr. Speaker, on the question of constitutionality, I think the supporter of the amendment gave all the arguments as to why this amendment is unconstitutional. He talked about the workers' compensation statute where unlimited benefits are provided to the injured worker. That passed muster before the court on the question of constitutionality. He discussed the 1974 no-fault law where in *Singer v. Sheppard* the court specifically said that because this provides

for unlimited medical benefits, this passes constitutional muster.

Mr. Speaker, out of his own mouth he said this does not provide for unlimited medical benefits. Yet this very amendment says that I can bind the innocent victim of an automobile accident, I can bind him so that he does not have access to our courts, which the Constitution says that every citizen has the right to.

Mr. Speaker, this amendment is unconstitutional on its face. I request that we have a negative vote on the question of constitutionality. Thank you, Mr. Speaker.

The SPEAKER. On the question of constitutionality, the Chair recognizes, from Montgomery County, Representative Reber.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, I think we have some serious concerns that have to be addressed with this particular motion, and I say that very sincerely because, with all due respect, I think possibly the motion to divide earlier would have been the place to raise these questions. Notwithstanding that factor, I think we have to follow up upon the colloquy that we just heard from the maker of the amendment as well as the maker of the motion.

The points that I would like to address, Mr. Speaker, do in fact emanate to a great degree from the *Singer v. Sheppard* case that Representative Hayden alluded to. However, Mr. Speaker, I think Representative Hayden failed to emphasize that common element that was expressed both in the majority opinion of Chief Justice Jones in that case as well as in dissenting opinions from others, nonetheless Justice Manderino, where they certainly saw the common element in that case being the fact that there was unlimited redress for damages under the pure no-fault aspects of the 1974 law. Be advised, Mr. Speaker, we do not have that common element flowing through this proposed legislation today. Therefore, I would submit to you that you do not have the quid pro quo, taking and giving back, that you had arguably in the *Singer v. Sheppard* case.

Additionally, Mr. Speaker, I think the important thing to realize is that Article I, section 11, requires that all courts shall be open, and every man— Now, every man includes—and if you look at page 4 of the amendment, section (c)(1), subparagraph (ii)—every man also includes spouses, other relatives or dependents residing in the same household. However, when you read the language of the election, these people have no choice. These people have no right to elect. These people are going to be burdened by the mandate that you have given to someone else to take away their constitutionally God-given right. They are a specific class that has no option to decide whether to elect to go after that desirable or undesirable task of seeking damages for negligence committed to their body, person, or property.

I think, Mr. Speaker, we have to put this into perspective. There are points of this that do in fact make sense, but there are also points that are constitutionally absurd. Those particular points relate to the invidious discrimination, at least as

this speaker views it, which is being vested upon a particular identifiable class that has absolutely no right. They are not a party to the contract that we have been hearing so much about. They are not a party to the contract with the insurance company. They are not a party to the discussions that lead up to the election of coverage or the determination of what premium to pay. As a matter of fact, even if they would desire to pay that additional premium of the electing insured, they cannot do it. They cannot say, dad, I would prefer, when I am riding in the backseat of your car, to maintain my opportunity, my constitutional right, if you will, to seek an action against someone who is 100 percent negligent to you while you are operating your car in a lawful, prudent, rational manner. They do not even have that choice. Why does the amendment not give every single one that choice? Why does the amendment not provide for guardians to those individuals who are not capable of making that choice?

I would submit to you there does not exist the common thread that existed in *Singer v. Sheppard* and under the 1974 no-fault law as we knew it then and as was interpreted then.

For those reasons, Mr. Speaker, I think not only do Article I, section 11, and Article III, section 18, but also the 14th Amendment to the United States Constitution find harm with the manner in which this language is drafted.

I would urge that the motion for unconstitutionality be sustained.

The SPEAKER. The question is on the constitutionality of the amendment. On that question, from Allegheny County, the Chair recognizes Representative McNally.

Mr. McNALLY. Mr. Speaker, would the maker of the amendment respond to interrogation, please?

The SPEAKER. The gentleman indicates that he will. You may proceed with the interrogation.

Mr. McNALLY. Mr. Speaker, as I understand this amendment, this provides an option for access to the courts versus a limited tort alternative. Is that correct?

Mr. HAYDEN. I am sorry. If the gentleman could speak up.

Mr. McNALLY. As I understand it, this particular amendment proposes an option between a full tort alternative and a limited tort alternative.

Mr. HAYDEN. Correct.

Mr. McNALLY. And as I understand it, the earlier case that you cited did not involve a no-fault option type of statute. Is that also correct?

Mr. HAYDEN. That is also correct.

Mr. McNALLY. Now, Mr. Speaker, I would ask the maker of the amendment to follow an analogy and ask if he might agree with the analogy.

Not so long ago there were States in these United States that imposed a poll tax, a poll tax for the right to vote. You had the option, if you so desired, to pay a tax for the right to vote. If you did not want to exercise that option, you simply did not pay the tax. It seems to me, and would you agree or disagree, that in fact what we are having is a kind of tax for access to the courts. If you want access to the courts, you pay more. If you do not want access to the courts, you do not pay.

Mr. HAYDEN. I would disagree with the gentleman's analogy for the following reasons: What we are talking about is the affordability of automobile insurance, which is a requirement under the law, to maintain automobile insurance. The issue that the gentleman raised about the poll tax and the right to vote the courts have consistently found to be a fundamental right. The courts have looked very carefully and cautiously at any attempts to try to limit that exercise of that fundamental right. In the case law that I have researched over the course of the past 2 years and particularly with the decision that I received from the Insurance Commissioner, they said that the right or the obligation to maintain and purchase automobile insurance does not fall within that limited fundamental right analogy. So therefore, we do not even get to that State action question. We do not even get to the kinds of cases that you mention. So I think this is—although the gentleman makes an analogy—I think it is legally inaccurate to draw the connection.

Mr. McNALLY. Mr. Speaker, let me pose a hypothetical for the gentleman.

Suppose we have a two-member household, a husband and wife. They have one automobile. Getting to the point that Mr. Reber brought up, he noted that if the husband, for example, is the named insured, he is actually choosing not only for himself but also for his wife. Now, as I understand your amendment, the wife can choose not to be covered by her husband's no-fault option. Is that correct?

Mr. HAYDEN. If at this point, Mr. Speaker, I can defer to Mr. Reinard on this question.

The SPEAKER. The gentleman, Mr. McNally, seeks to question the author of the amendment. Does the gentleman accept the answer from Mr. Reinard?

Mr. McNALLY. I am willing to accommodate the gentleman, Mr. Hayden.

The SPEAKER. You are in order and may proceed, Mr. Reinard.

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, I would like to address some of the comments made by the gentleman, Mr. Reber, which I think will probably satisfy, hopefully, your concern on this issue.

Representative Reber talked about the constitutional God-given right of the wife, the children, and the dependents. What Mr. Reber does not understand or failed to mention in his argument is that the husband and the wife are both named insureds under an automobile policy regardless of whose name is on the policy. The children, the dependents - grandparents or any other person living in that house - are automatically additional insureds under that policy. The named insured and the additional insureds under that policy carry much stronger coverages and right to redress than any other person that would otherwise be covered under that policy, and I believe that does address Mr. Reber's initial concern about constitutional God-given rights on this issue. Thank you.

Mr. McNALLY. Mr. Speaker, if I may make a brief remark.

The SPEAKER. The gentleman is in order to make remarks on constitutionality.

Mr. McNALLY. I believe that this particular amendment is in fact unconstitutional. As in the analogy that I drew for Mr. Hayden, this is like a poll tax. People have to pay for access to the courts. He cited a case from 1975 regarding no-fault insurance. That case involved a no-fault statute in which there was no option. That is really the constitutional problem that I see. This, as I said, is like the poll tax. It is requiring people to choose to pay money in order to have a right to be compensated for their injuries.

I urge that the question of constitutionality not be sustained.

The SPEAKER. On the question of constitutionality raised by Mr. Yandrisevits, the Chair recognizes, from Franklin County, Representative Coy.

Mr. COY. Thank you, Mr. Speaker.

On the question of constitutionality, there are several things that you can talk about when you go home to your constituents. When they start talking about automobile insurance rates and whether they go up or down, one of the excuses you may use is, well, I just did not think that plan was constitutional. Well, you try to sell that back home. You try to sell to people whose rates keep going up and up and up that you did not think it was constitutional, that this Governor's plan was just one more unconstitutional act taking away the rights of innocent victims and taxpayers, and I will tell you what they will tell you at the next election, that your election is not constitutional either.

Mrs. DURHAM. Mr. Speaker?

Mr. COY. The fact of the matter is, this is not—

The SPEAKER. Will the gentleman suspend.

I am sure the lady is going to raise the question of whether or not the gentleman is speaking on constitutionality, and the Chair reminds the speaker, Mr. Coy, that the question is on constitutionality, not on whether or not we ought to use constitutionality as a reason for voting for or against the bill.

The question is on constitutionality. You may proceed on that.

Mr. COY. My argument was not whether you should vote for or against the bill but whether you should vote for or against the motion of constitutionality, Mr. Speaker. I suspect that if you vote for constitutionality, you are saying that the plan ought to be considered, and if you vote against it, you are saying that the plan should not be considered, and I think that is meaningful enough discussion to take place.

The fact is, this is a vote that is critical to the next vote to take place.

The SPEAKER. Will the gentleman suspend.

The question is whether or not the amendment offered is constitutional, and the arguments should be directed to whether or not the amendment meets the test of constitutionality as raised by the gentleman, Mr. Yandrisevits.

Mr. COY. Thank you, Mr. Speaker.

I suspect—I will draw the conclusion rather quickly—that we will have a limited amount of debate on this issue, because

the fact of the matter is, I believe it to be constitutional, and I believe it to be my right as a member of the House to say that also. It is constitutional, Mr. Speaker, and that is why we should proceed with it, and we should not hide behind a barrier, whether it is true or not - false or true - or whether it is a barrier to what actually might happen next. The fact is, folks want lower insurance rates, and to vote on lower rates, we have got to say it is constitutional first, and it is, Mr. Speaker. Thank you.

The SPEAKER. The Chair recognizes, from Cumberland County, Representative Broujos.

Mr. BROUJOS. Would the gentleman, Mr. Hayden, agree to interrogation?

The SPEAKER. The gentleman indicates that he will.

Mr. BROUJOS. Mr. Speaker, with respect to funding, State and Federal, for abortion, the argument has been made in the past that the denial of access to abortion because of a lack of funding constitutes a denial of a right to abortion. Have you ever made that argument?

Mr. HAYDEN. Have I ever made that argument? No, I have not. I am not so sure that it has any bearing on this issue.

Mr. BROUJOS. Now I would like to make a statement, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Broujos, is in order to make a statement on constitutionality.

Mr. BROUJOS. With respect to access to the courts with respect to injuries sustained, the situation faced by the substantially large number of persons that would not have access to the courts because they would be forced into the purchase of optional threshold insurance because of their financial condition in fact constitutes a denial of that right, and I think that the House should consider that on the question of constitutionality.

The SPEAKER. The Chair thanks the gentleman.

On the question of constitutionality, the Chair recognizes, from Northampton County, Representative Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman, Mr. Hayden, stand for interrogation?

The SPEAKER. The gentleman indicates that he will.

Mr. FREEMAN. Mr. Speaker, correct me if I am wrong. Did I understand you to say under interrogation from the gentleman, Mr. Gannon, that this amendment is constitutional since the person who opts for the limited tort is entering into a contract where they give up their rights in return for benefits? Is that correct?

Mr. HAYDEN. Basically, when you enter into an insurance contract, you enter into certain levels of coverage, and this will be included in whatever level of coverage you are going to be contracting with.

Mr. FREEMAN. So by taking the conscious act of entering into a contract where you agree to a certain amount of coverage in return for giving up your right to sue, that would make it stand the constitutional test, in your opinion.

Mr. HAYDEN. Among other reasons, but that is one of them.

Mr. FREEMAN. I would like to direct the gentleman to a section in the amendment, if you could possibly clarify that section for me. Under section 1705, "Election of tort options," on page 3, point (a)(3), I quote: "An owner of a currently registered motor vehicle who does not have financial responsibility shall be deemed to have chosen the limited tort alternative." Now, as I read that, the individual has not taken the conscious act of opting for limited tort. He in essence is being forced to accept limited tort while at the same time not realizing any of the benefits of limited tort since that individual has not purchased a policy where they would have, say, \$10,000 first-party medical. Is that correct?

Mr. HAYDEN. The gentleman has raised an issue about trying to extend protection to lawbreakers. I do not intend to do that with this or any other amendment. You have to read that amendment in this context: If you are driving an automobile without automobile insurance, you are in violation of the law—

Mr. FREEMAN. Well, I appreciate that—

Mr. HAYDEN. —and what we are going to do is we are going to say that you then, by violating the law, you have also elected to limit your right to recover.

Mr. FREEMAN. I appreciate the point of the gentleman from Philadelphia; however, it strikes me that this does not quite address the issue of constitutionality which is before this House. If one wants to go after a lawbreaker, you do it in a different provision of the law. Taking away their right to the courts raises, in my mind, a potential constitutional problem, and I would like the gentleman to address that, if possible. How could that stand a constitutional test when the individual has no benefits? They cannot fall back on benefits, even though they are being assigned to a limited tort option, without having a policy that protects them in a limited tort fashion.

Now granted, there should be provision to go after a person who does ignore the law and does not get insurance. I think we are all agreed on that. But how do you stand the constitutional test when you limit a person's access to the courts, assuming they are covered by a limited tort form of no-fault but cannot draw on any benefits?

Mr. HAYDEN. My response is the same as I gave you earlier.

In addition, I would simply state that this provision forwards a legitimate State interest in providing for not only affordable automobile insurance but also forwarding the other objectives of the law in which we are trying to remove uninsured motorists from our roads.

Mr. FREEMAN. But, Mr. Speaker, how can you support as constitutional taking away a right without giving a benefit when you recognize yourself that what makes such a compact constitutional is that you are giving up a right in return for a set of benefits?

Mr. HAYDEN. What we are doing is we are continuing the extension of a right to somebody who is already in violation of the law. This person does not have complete denial of access to the courts. The limited access would be substantial

enough access in the event of serious injury to forward the interest of not only this statute but of other statutes which we are soon to pass on, which is to make sure that people, when they are driving, have automobile insurance. This, in conjunction with other bills that we have passed and will continue to pass, is a consistent application of that legitimate State interest. It may not satisfy the gentleman's constitutional nerve, but I think the gentleman's constitutional analysis is flawed.

I do not have anything further to offer you.

Mr. FREEMAN. I thank the gentleman for his time.

The SPEAKER. The question is on constitutionality. The Chair recognizes the lady from Delaware County, Representative Durham.

Mrs. DURHAM. Thank you, Mr. Speaker.

Will the maker of the amendment stand for interrogation?

The SPEAKER. He indicates that he will. You may proceed.

Mrs. DURHAM. Mr. Speaker, a senior citizen who is living alone, owns no car, is walking down the street and is negligently injured by a driver who has elected no tort—limited tort, I believe you call it. Under your plan, are they covered?

Mr. HAYDEN. You are saying that the pedestrian is injured by a driver who has elected the threshold.

Mrs. DURHAM. Correct.

Mr. HAYDEN. The fact is that in every case here, the individual's election for the threshold never conditions the application of an existing right by another person. I will try to state that more clearly. The answer is, your injured pedestrian can sue the operator of the motor vehicle who has selected the threshold, because what we have put in the bill specifically is that, assuming that I am the person that injured her, I can never use my election into the threshold system as a way to shield myself from any responsibility or liability, and that is the real beauty of this system, because if we have constituents who have decided that they like the existing law, my election in Philadelphia will not affect them and it certainly will not affect your senior citizen whom I have hit and have negligently injured. Yes, she will still be able to sue me for whatever she can right now.

Mrs. DURHAM. Mr. Speaker, could you show me specifically in the amendment where that says that?

Mr. HAYDEN. Can I have a minute, Mr. Speaker?

I would state to Mrs. Durham that if you read section 1705, which speaks to election of tort alternatives, on page 3, subsection (4)—

Mrs. DURHAM. I am sorry, Mr. Speaker. You said page—

Mr. HAYDEN. Page 3.

Mrs. DURHAM. Page 3, section 1705, subsection (4)?

Mr. HAYDEN. It says "full tort...alternative." The full tort alternative does not change existing law. What that says is, "Nothing in this section changes or modifies the existing requirement that owners of registered vehicles maintain bodily injury and property damage liability insurance arising out of the ownership, maintenance or use of a motor vehicle." And then it goes on to explain "full tort insurance alternative." The full tort insurance alternative "...shall be

for the legal liability for bodily injury, including death, and property damage arising out of the ownership, maintenance or use of the vehicle to the applicable limits of liability, exclusive of interest and costs." That simply restates existing law. If you then go and read— You are referring to the class or the case of a limited tort insurance elector. There is nothing on pages 4 or 5 which states that a limited tort elector cannot be sued by someone else. That section simply conditions the cases upon which a limited tort individual cannot sue someone else, not that he cannot be sued.

Mrs. DURHAM. All right.

Mr. Speaker, my husband chooses the full tort policy and I choose limited tort. My son is in another person's car who has also chosen the limited tort liability. How does my son recover and under what policy?

Mr. HAYDEN. That is a legal question in which the priority-of-coverage consideration will be the same as it is under existing law. Whatever initial or priority coverage that you have now, which is mandated, will be the same type of priority coverage that you have here. If you have alternative sources of coverage which exceed whatever your limitations are, you can always access those alternative sources of coverage. So the point is, I do not think this changes existing law in terms of the priority of recovery.

Mrs. DURHAM. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate the time that Representative Hayden spent with me trying to answer the questions, but I do not really think that he did address them.

I think that under the Hayden amendment, the innocent senior citizen who is a pedestrian will not be able to recover. I think that my son—God only knows which policy he is supposed to be covered under—probably will not be able to sue and recover. I think that clearly violates the Yandrisevits question on constitutionality.

Furthermore, I would like to direct the House's attention to Article III, section 18, which was a constitutional amendment which allowed for workers' compensation to work under the present system. I think it is ironic that Mr. Hayden's argument regarding workers' compensation clearly tells us that for this amendment to be constitutional, we would have to change the Constitution; otherwise, there would not have been a constitutional amendment to allow for workers' compensation.

I think it is clear on its face that this amendment is unconstitutional, and I think we create a cruel hoax to the general public if we vote otherwise today. Thank you, Mr. Speaker.

The SPEAKER. The question is on the constitutionality of the Hayden amendment, and on that question, the gentleman from Delaware County, Representative Freind, is recognized.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to strongly support the constitutionality of this amendment.

Number one, I think what gets lost in the shuffle here, unlike 1974, is we are not taking away anyone's right to sue or to recover. We are giving people an opportunity to make a choice for themselves.

Number two, if you look at the language of this amendment, we have bent over backwards. The initial Casey proposal indicated that it was a negative checkoff. Unless you indicated otherwise, you had no-fault. In negotiations we said no; from a philosophical standpoint, from a consumer standpoint, and from a constitutional standpoint, there should not be a negative checkoff. So in effect, there is not that. You have to make an affirmative choice. The language even goes on to say that in those cases where an insured has not made a choice, until he does, he is presumed to have chosen the complete and full right to sue.

Number three, as Mr. Hayden pointed out, if I choose no-fault and Harry Smith has full tort and I plow into him and I hurt him and it is my fault, even if he does not have a threshold injury, he can sue me for the full amount.

Now we get to the argument raised by Mr. Gannon - the unconstitutionality of binding people in your household. Let us take my household. Matthew Freind is 13. He is a minor; he is my child. Every day I make decisions which impact on his constitutional rights. I tell him when he can go out; where he can go to the store; where he goes to school; the type of conduct he engages in, and on and on and on, and what else is new? Since time immemorial, parents have had that right.

The suggestion was made by Mr. Reber—and I cannot believe it—that in this case, we would appoint a guardian to choose the decision for the minor. Well, where do we draw the line? Do we appoint a guardian for every decision that I make on behalf of my minor child?

Let us take the other situation - Christopher Freind. He is 18; he is an adult. Let us say that he does not have a car of his own; does not have any other insurance. He is bound by my decision. He does not have to be bound by that. He is making a decision, whether it is my son or my mother or my brother-in-law, to live in that house. If in fact they do not want to be bound by that decision, what in fact they can do is live elsewhere or get an additional insurance policy. Their choices; they can make those choices. There is nothing whatsoever unusual about that.

You can make a lot of arguments about this bill, but I do not think there is one argument that can be made with a straight face, and that is that this amendment is unconstitutional. It is constitutional. I sincerely hope that we vote "yes." Thank you, Mr. Speaker.

The SPEAKER. The question is on constitutionality. On that question, the gentleman, Mr. Rybak, from Northampton County is recognized.

Mr. RYBAK. Mr. Speaker, will the maker of the amendment submit to interrogation?

The SPEAKER. The gentleman indicates that he will.

Mr. RYBAK. Mr. Speaker, is it or is it not a fact that under the Pennsylvania Constitution, every citizen - man, woman, and child - is protected under a due process clause one way or another, directly or indirectly?

Mr. HAYDEN. Yes.

Mr. RYBAK. All right. And does that not apply that therefore no one, no one, has a right to contract my rights away, the rights of any citizen in this Commonwealth?

Mr. HAYDEN. No.

Mr. RYBAK. It does not?

Mr. HAYDEN. No.

Mr. RYBAK. Is that not what happens, when you decide in your car that you take the option of giving up your right to sue—

Mr. HAYDEN. No, because what the gentleman refers to— Yes, we all have due process rights, but that prevents an unlawful taking. This does not rise to the level of an unlawful taking.

Mr. RYBAK. Is that not mincing words? Is that not something that the courts will have to determine?

Mr. HAYDEN. I am sure that the Trial Lawyers Association, the Insurance Federation, maybe the Medical Society, everybody else out there who does not want to do anything with the issue and is satisfied with the status quo, will be in there the day after the Governor signs the bill.

I mean, I cannot tell you that they are going to succeed. I do not think they will.

Mr. RYBAK. Is it or is it not a fact that when you set up a program where you provide this option, that it really discriminates against those of our citizens who we know cannot afford the premium? Is that not a fact?

Mr. HAYDEN. This is not a discriminatory process here. What the gentleman articulates is an implicit discrimination in our existing law, which is, there are people out there who cannot afford to buy automobile insurance, period. Some of them are breaking the law. What the Governor's proposal would do would be to help give them the alternative to become law-abiding citizens. The gentleman may say that we are mincing words—

The SPEAKER. The Chair recognizes only for the purpose of constitutionality, discussion on constitutionality, not on the bill, not on the amendment.

Mr. HAYDEN. Mr. Speaker, references to the words "legitimate State interest" and "unlawful taking" are not mincing words. They are the same kinds of concepts which will be considered by our courts when this bill becomes law.

Mr. RYBAK. Is it not a fact, Mr. Speaker, that there are not only some people out there that do not carry insurance—they they cannot afford the insurance—there are thousands of them out there? Is that not correct?

The SPEAKER. The Chair again reminds the speakers that the question is whether or not the Hayden amendment is constitutional. The sections of the Constitution raised by the gentleman, Mr. Yandrisevits, have to do with access to the courts and the workmen's compensation section of Pennsylvania's Constitution, and the discussion should be limited to whether or not, under those two sections of Pennsylvania's Constitution, the amendment is constitutional.

Mr. RYBAK. Thank you, Mr. Speaker.

Mr. Speaker, is it not a fact that when you put up a program where you give a choice and people cannot do anything but accept that choice, they are being deprived of due process, and therefore, that is unconstitutional?

Mr. HAYDEN. No; that is nowhere in this bill. It is an election. The word is "election." The election makes it constitutional. There is no forcing here.

Mr. RYBAK. Thank you, Mr. Speaker.

Mr. Speaker, I strongly urge that we vote against constitutionality on this issue. Thank you.

The SPEAKER. The question is on the constitutionality of the Hayden amendment. The gentleman, Mr. McVerry, from Allegheny County is recognized on the question of constitutionality.

Mr. McVERRY. Thank you, Mr. Speaker.

I rise in support of Representative Yandrisevits' motion that this amendment is unconstitutional.

Much ado has been made during the course of the discussion in reliance upon *Singer v. Sheppard* and the no-fault law of this Commonwealth of 1974. I suggest to you that not only is the no-fault law of 1974 inapposite for this discussion; likewise, the *Sheppard* case is not applicable to the amendment before us.

The reason that I say that is because the former no-fault law that we abolished in 1983 was one which was uniformly applied to all Pennsylvanians, and it limited access to the courts, true. However, the courts determined that the statute was specifically clear enough in those instances when access to the court was permitted and the statute was fair enough insofar as that limitation was countered by an unlimited medical benefit, and therefore, anybody who was covered under that law was assured that their medical benefits were going to be paid for an unlimited period of time and unlimitedly in amount if they were injured in an automobile accident in Pennsylvania while that law was in effect. Unfortunately, the amendment as proposed by Representative Hayden fails very seriously in offering a fair alternative.

What is the fair alternative that is proposed? You have a choice. You have a choice to buy into your constitutional right to sue for an injury. You have a right to buy into that choice. Big choice. If you do not make that choice or if someone on your behalf limits your ability to get to court by making that choice for you, irrespective of what your personal decision or your personal desire may be, what do you have? You have the right to sue in the event of a, quote, "serious injury." "Serious injury," by the way, to the best of my reading, is not defined in this amendment, and so therefore, we do not know what a serious injury is. You are also entitled to go to court if you happen to be hit by somebody who was drinking or if there was a defective product or if it was intentional or if some druggie ran you over. Well, that is really a fair parameter of determinations of when you should be able to go to court and when you cannot.

However, I think the major distinguishing factor, as I see it, or one of the major distinguishing factors as I see it, is that if you elect the limited tort coverage, under the previous law, you had unlimited medical benefits. Under the current law, you have \$10,000 of medical benefits. Is that a fair tradeoff that you should be required to accept under this law in giving up your right to bring an action against the person who is

responsible for injuring you in some serious way that may or may not fit within a court's definition or final determination of what a serious injury is?

I suggest to you that to say for a second that to hide behind the Constitution is putting a barrier between what the people of Pennsylvania want and what they should be entitled to is embarrassing to me as a member of the General Assembly. We have a responsibility to determine in advance what is constitutional and what is not constitutional, and that is what this debate is about, not the political expediency of saying, oh, yeah, I voted for a new insurance program for you folks, and as soon as that insurance program gets signed by the Governor, it is subject to an injunction, and the constitutionality will go to the Supreme Court, and that will be determined in 2 or 3 years from now, and in that meantime period, premiums will continue to skyrocket.

It is not that a workable system alternative to what we now have cannot be fashioned. The suggestion is simply that to buy into a tort system which almost totally eliminates your rights under the, quote, "no-fault" section of this law is clearly unconstitutional. Not only does it limit your access to the courts under the guaranteed provisions of the Constitution, it truly does unfairly discriminate against the poor, because in this amendment there is already built in a scheme that if you opt for full tort coverage, you get X, Y, and Z in premium reductions. If you opt for no-fault tort coverage, you get a much, much bigger guaranteed premium rate reduction. Therefore, it is cheaper to make the choice to not buy full tort coverage. Therefore, if you do not have the money to buy full tort coverage, you cannot buy it; you have got to buy the other. So you have to buy your constitutional right of access to the court in order to be properly recompensed for an injury.

I suggest to you, Mr. Speaker, that if you take the time to read two sentences in the Constitution, under Article I, section 11, as proposed by Representative Yandrisevits, and you read the lines of this bill, you can come to none other than the inescapable conclusion that the amendment is unconstitutional, and I urge you to vote so.

The SPEAKER. The question is on the constitutionality of the Hayden amendment. On that question, from Montgomery County, Representative Godshall is recognized.

Mr. GODSHALL. Thank you, Mr. Speaker.

Very briefly, for the last hour and a half, we have had an endless line of our colleagues who are members of the legal profession stand up and try to convince us that a choice of which auto insurance policy you want to buy, a tort system or a no-fault system, is unconstitutional. I do not know what could be more constitutional than giving us the choice of what policy we want to buy.

In New Jersey, just recently they put in a choice system - the tort system versus no-fault. Not only the poor people are buying the no-fault system but 80 percent of the people in New Jersey, given the choice, are buying the no-fault system.

Mr. GANNON. Mr. Speaker, point of order.

Mr. GODSHALL. It is about time that we in Pennsylvania do something for our constituents—

Mr. GANNON. Mr. Speaker, point of order.

Mr. GODSHALL. —so let us get going and vote this constitutional.

The SPEAKER. For what purpose does the gentleman from Delaware, Mr. Gannon, rise?

Mr. GANNON. Well, he is done now.

The SPEAKER. On the question of constitutionality, and please on the question of constitutionality, the Chair recognizes the gentleman from Bucks, Representative Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

At the risk of bending the ears of this body by one more lawyer, let me rise to urge that this bill is constitutional. You may not have expected that from a lawyer. Our colleague, Representative Hayden, has been beleaguered by a whole host of questions pouring in from somewhere within or without this chamber, and I would suggest that he has satisfactorily answered all of them. I would suggest to you that our Supreme Court some years ago sustained the constitutionality of a system that flat prohibited the ability to sue. The amendment which is proposed today prohibits the ability to sue only for those who make a choice, only for those who make an affirmative election to receive reduced benefits and reduced premiums and to forego that right.

Finally, there is one point that we should be very clear on. The argument has been made that if you choose the limited tort option, you are limited to \$10,000 in benefits. That is the minimum. Based on the action which we took a few moments ago, that is the minimum first-party coverage which you maintain. Just as you choose into this system to begin with, you are perfectly free, and I think most prudent people would choose, to have higher limits to have more first-party coverage. If they do, that will be available to them.

What we are talking about is giving the people of Pennsylvania a choice, and I would suggest that that is constitutional, that this amendment is constitutional, and that we should find it so. Thank you.

The SPEAKER. The question is on constitutionality, and on that question, the Chair recognizes, from Northampton County, the gentleman who raised the question, Representative Yandrisevits.

Mr. YANDRISEVITS. Thank you, Mr. Speaker.

Mr. Speaker, on several occasions the gentleman, Mr. Hayden, has suggested that this issue does not rise to the level of State action, because this somehow only involves an insured and his insurance company and an agreement in the form of a policy that they enter into. He says that the State is not involved in this issue at all. I would suggest that this bill is the State action that raises this to a level of constitutionality.

Right now anyone who is injured in the Commonwealth of Pennsylvania has the ability to have that injury redressed by a court. This bill says that you do not have that ability unless you purchase an insurance policy that specifically says that you have that ability. So I think there is a significant State action involved in this issue.

Finally, this has been compared to the workmen's comp situation, and I would just like to point out in the case of Sherwood, Dolan v. Linton's Lunch, the Supreme Court of Pennsylvania said that the legislature is not, quote,

authorized to enact a law which vitiates an existing common law remedy without concurrently providing for some statutory remedy. Of course, the substituted remedy need not be the same, but that is far different from saying that no remedy at all may be substituted. It is only because of Article III, Section 21, and the agreement of the parties, that the limited recovery in a Workmen's Compensation case is valid.

I would suggest that the remedies provided by this bill certainly do not meet the test of being a substantial statutory remedy. I would urge that this amendment be declared unconstitutional. Thank you, Mr. Speaker.

The SPEAKER. On the question of constitutionality, the yeas and nays will now be taken. Those voting "aye" will vote to declare that the amendment is constitutional; those voting "no" will vote to declare that the amendment be unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—156

Acosta	Davies	Jarolin	Richardson
Allen	Dempsey	Josephs	Rieger
Angstadt	Dietterick	Kaiser	Ritter
Argall	Distler	Kasunic	Robbins
Battisto	Dombrowski	Kenney	Robinson
Belardi	Donatucci	Kosinski	Roeback
Belfanti	Dorr	Langtry	Rudy
Billow	Evans	Laughlin	Saloom
Birmelin	Fairchild	Lee	Saurman
Bishop	Fargo	Leh	Scheetz
Black	Farmer	Letterman	Schuler
Blaum	Fee	Levdansky	Scrimenti
Bowley	Fleagle	Linton	Semmel
Brandt	Flick	Lloyd	Smith, B.
Broujos	Foster	Lucyk	Smith, S. H.
Bunt	Freind	McCall	Snyder, G.
Burd	Gallen	McHale	Staback
Burns	Geist	Maine	Stairs
Bush	Gigliotti	Markosek	Steighner
Caltagirone	Gladeck	Marsico	Stish
Cappabianca	Godshall	Melio	Stuban
Carlson	Gruitza	Merry	Tangretti
Carn	Gruppo	Moehlmann	Taylor, E. Z.
Cawley	Hagarty	Morris	Taylor, F.
Cessar	Haluska	Mowery	Taylor, J.
Chadwick	Harper	Murphy	Telek
Clark, B. D.	Hasay	Nailor	Thomas
Clark, D. F.	Hayden	Noye	Tigue
Clark, J. H.	Hayes	Oliver	Trello
Clymer	Heckler	Perzel	Trich
Cohen	Herman	Pesci	Van Horne
Colafigella	Hershey	Petrarca	Vroon
Colaizzo	Hess	Petrone	Wass
Cole	Howlett	Phillips	Weston
Corrigan	Hughes	Pievsky	Williams
Cowell	Itkin	Pistella	Wilson
Coy	Jackson	Pitts	Wozniak
DeLuca	Jadlowiec	Preston	Wright, D. R.
Daley	James	Reinard	Wright, J. L.

NAYS—45

Adolph	George	Micozzie	Serafini
Barley	Johnson	Miller	Snyder, D. W.
Bortner	Kondrich	Mrkonic	Strittmatter
Boyes	Kukovich	Nahill	Veon
Civera	LaGrotta	O'Brien	Wambach
Cornell	Lashinger	O'Donnell	Wogan
DeWeese	Lescovitz	Piccola	Wright, R. C.
Durham	McNally	Pressmann	Yandrisevits
Fox	McVerry	Raymond	
Freeman	Maiale	Reber	Manderino,
Gamble	Mayernik	Ryan	Speaker
Gannon	Michlovic	Rybak	

NOT VOTING—1

Olasz

EXCUSED—1

Dininni

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendments was sustained.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. The gentleman, Mr. Mowery, from Cumberland County, is recognized.

Mr. MOWERY. Thank you very much, Mr. Speaker.

I realize that this is a compromise amendment, and therefore, it does not have everything that probably each of us would like to see in the bill. However, I would be very negligent if I did not point out the area that I have concerns with, on page 7 of the amendment, under sections (a) and (b), regarding rate filing and mandated reduction in rates as well as a mandated freeze on rates for a period of 2 years.

I firmly believe that we as a legislature are entering into an area that is really off limits if we are truly going to nurture the free enterprise system that we so much talk about in this particular hall. I feel that it is wrong to tell an insurance company that it must mandate a reduction in rates as well as that they cannot increase rates for a period of 2 years. If we likened that to other areas and other businesses within the State, such as mandating General Motors on the price that they can charge for a new car or any of the many other businesses unrelated that today have the option of charging in a free enterprise system, I think that that should be afforded to the insurance industry also.

Mr. Speaker, if we do nothing but freeze rates for a period of 2 years and do not address the real problems as far as why insurance companies raise their rates, I think it is entirely wrong also. For an example, if we put a freeze at the same time as we ask the insurance companies to put a freeze on their premiums to freeze the auto replacement parts, that auto replacement dealers cannot charge more for their parts as of whatever date this bill would take effect, I think is extremely important if we truly want to control rates. I think we should also put a freeze on body shops, that they cannot charge more than they charge at this time, because they also play a part in the results of the increased rates of insurance companies. We should also put a freeze on medical payments, that doctors

and hospitals and providers cannot charge increased rates at this time, if in effect they want to have a true freeze on the rates for the insurance companies. And I guess you could include that we could limit that no more lawsuits than were effected in the year 1988 could be in the next 2 years, because they certainly have an impact on the rates that insurance companies charge. I say this, Mr. Speaker, because I believe that we are in here to protect the Constitution of our citizens who do business in this State, to give them the opportunity to have a free enterprise system in which to build and to grow and to provide jobs.

I feel that it is important that I go on record indicating my concerns with the bill. However, as I said before, I believe that it is not something that we would all like to see, but it is a step in the right direction, and therefore, I will vote to support this amendment, even though it does have areas of major concern to me. Thank you very much, Mr. Speaker.

The SPEAKER. From Allegheny County, Representative McNally is recognized.

Mr. McNALLY. Thank you, Mr. Speaker.

I rise to ask my fellow members of the House to vote "no" on the Hayden amendment.

The problem that I have and I think many other members of the House have is that it is unclear in this amendment what a serious injury is. If you look at the definition section of this amendment, it defines "injury" but it does not define "serious." Therefore, how can you determine what you are giving up? It reminds me of that game show, "Let's Make a Deal." On the one hand, we are saying to consumers in Pennsylvania—take, for example, in Allegheny County—you will save \$37 a year if you keep your current system of liability insurance. If you take what is behind door number 1, a limited tort alternative, you will save \$109. That is a difference of \$72 a year, \$6 a month in Allegheny County, and Allegheny County more closely resembles most of the other 62 counties outside of southeastern Pennsylvania.

If you do not know what a serious injury is, then you cannot determine what you are giving up when you give up the right to be compensated. You do not know if a serious injury might be worth \$1,000, or is a serious injury worth \$5,000 or \$10,000 or \$20,000 or \$50,000? Nobody knows. You do not know, and I do not know, and our constituents do not know. If the value of that serious injury is just \$720 total, it would take you 10 years of saving \$72 a year to break even.

This reminds me a lot of local tax reform, because we and many people across the State thought that if we mandate a reduction in what our constituents pay, they would be for it, whether they understood what they were getting in return or not. I submit that neither you nor I or our constituents will understand what they are receiving in this Hayden amendment. They are not going to care about \$72 a year, \$6 a month. They are not going to like this amendment. They will not like this plan because they do not understand it.

Please vote "no." Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—163

Acosta	Dietterick	Kasunic	Rieger
Adolph	Distler	Kenney	Ritter
Allen	Dombrowski	Kosinski	Robbins
Angstadt	Donatucci	LaGrotta	Robinson
Argall	Dorr	Langtry	Roebuck
Barley	Evans	Laughlin	Rudy
Battisto	Fairchild	Lee	Saloom
Belardi	Fargo	Leh	Saurman
Belfanti	Farmer	Letterman	Scheetz
Billow	Fee	Levdansky	Schuler
Birmelin	Fleagle	Linton	Scrimenti
Bishop	Flick	Lloyd	Semmel
Black	Foster	Lucyk	Serafini
Blaum	Freind	McCall	Smith, B.
Bortner	Gallen	McHale	Smith, S. H.
Bowley	Gamble	Maine	Snyder, D. W.
Brandt	Geist	Markosek	Snyder, G.
Broujos	George	Marsico	Staback
Bunt	Gigliotti	Melio	Stairs
Burd	Gladeck	Merry	Steighner
Burns	Godshall	Moehlmann	Stish
Bush	Gruppo	Morris	Stuban
Caltagirone	Hagarty	Mowery	Tangretti
Cappabianca	Haluska	Murphy	Taylor, E. Z.
Carlson	Harper	Nahill	Taylor, F.
Carn	Hasay	Nailor	Taylor, J.
Cessar	Hayden	Noye	Telek
Chadwick	Hayes	Oliver	Thomas
Civera	Heckler	Perzel	Tigue
Clark, D. F.	Herman	Pesci	Trich
Clark, J. H.	Hershey	Petrarca	Van Horne
Clymer	Hess	Petrone	Vroon
Cohen	Hughes	Phillips	Wass
Cole	Itkin	Piccola	Weston
Corrigan	Jackson	Pievsky	Williams
Cowell	Jadlowiec	Pistella	Wilson
Coy	James	Pitts	Wogan
DeLuca	Jarolin	Preston	Wozniak
Daley	Johnson	Raymond	Wright, D. R.
Davies	Josephs	Reinard	Wright, J. L.
Dempsey	Kaiser	Richardson	

NAYS—37

Boyes	Gruitza	Michlovic	Strittmatter
Cawley	Howlett	Micozzie	Trello
Colafrella	Kondrich	Miller	Veon
Colaizzo	Kukovich	Mrkonic	Wambach
Cornell	Lashinger	O'Brien	Wright, R. C.
DeWeese	Lescovitz	O'Donnell	Yandrisevits
Durham	McNally	Pressmann	
Fox	McVerry	Reber	Manderino, Speaker
Freeman	Maiale	Ryan	
Gannon	Mayerink	Rybak	

NOT VOTING—2

Clark, B. D. Olasz

EXCUSED—1

Dininni

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. FREIND offered the following amendments No. A1802:

Amend Sec. 1 (Sec. 1702), page 24, by inserting between lines 16 and 17

“Serious injury.” A personal injury resulting in death, permanent and serious impairment of body function or permanent serious disfigurement.

Amend Sec. 3, page 24, line 18, by striking out “SECTIONS 1712, 1715(A) AND 1717 OF TITLE 75 ARE” and inserting

Section 1712 of Title 75 is

Amend Bill, page 26, by inserting between lines 8 and 9

Section 4. Section 1715(a) of Title 75, amended April 26, 1989 (P.L.13, No.4), is amended to read:

Amend Bill, page 27, by inserting between lines 7 and 8

Section 5. Section 1717 of Title 75 is amended to read:

Amend Sec. 4, page 27, line 16, by striking out “4” and inserting

6

Amend Sec. 5, page 27, line 17, by striking out “5” and inserting

7

Amend Sec. 6, page 27, line 28, by striking out “6” and inserting

8

Amend Sec. 7, page 27, line 30, by striking out “7” and inserting

9

Amend Sec. 8, page 28, line 14, by striking out “8” and inserting .

10

Amend Sec. 9, page 29, line 16, by striking out “9” and inserting

11

Amend Sec. 10, page 31, line 9, by striking out “10” and inserting

12

Amend Sec. 11, page 35, line 7, by striking out “11” and inserting

13

Amend Sec. 12, page 37, line 9, by striking out “12” and inserting

14

Amend Sec. 13, page 37, line 11, by striking out “13” and inserting

15

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the gentleman, Mr. Freind, from Delaware County is recognized.

Mr. FREIND. Thank you, Mr. Speaker.

Representative Mowery recently indicated quite accurately that this in fact is a compromise. It does not have everything we want; it does not have everything everyone wants, but by definition, it is a compromise that we worked on together in a meaningful way. Because of that, it is not my intention to run a lot of amendments to change what we have just passed. This is the only amendment which I am introducing.

What we have just done is passed an optional no-fault which has a verbal threshold, which in fact is the Michigan verbal threshold. Now, let me say that under the Republican proposal of a month and a half ago, if you chose, you got pure no-fault; you did not get a verbal threshold. The reason

for that is with a verbal threshold, one of the dangers is that you are merely shifting the forum of litigation. By definition, what happens is a, quote, “serious injury” is a matter of the pleading, and then it is up to the court or the jury to decide whether or not that injury falls within the threshold. In fact, that is what has been done in Michigan.

Now, the threshold has three salient points. You cannot sue unless (a) there is death—and that is pretty basic; we all understand that—(b) there is permanent serious disfigurement—and I think we all understand that—and the third is serious impairment of body function. On that third one, I think we have a very wide loophole. What does that mean? If in fact you break your leg, that is a serious impairment of body function. It is going to heal, but for the time it is a serious impairment of body function—and the minority leader says, or your jaw. All my amendment does is add one word. It keeps “death,” it keeps “permanent serious disfigurement,” and it adds the word “permanent” to “serious impairment of body function.”

Now, in weighing this amendment, it is important to remember that this bill, with the mandated reductions, is very delicately balanced. As I indicated before, it is not phony. It is attempting to put in place the cost reductions which legitimately generate the reductions in rates. Unless in fact we put in the word “permanent,” my fear is we have a loophole that is too broad, that will not reduce the number of lawsuits that we had hoped and will therefore have an impact on the rate reductions.

I would sincerely hope that the members would adopt this amendment. Thank you, Mr. Speaker.

The SPEAKER. The question is on the amendment. The gentleman, Mr. Hayden, from Philadelphia, is recognized.

Mr. HAYDEN. Thank you, Mr. Speaker.

I would urge a “no” vote on the Freind amendment.

Although I am certain that Mr. Freind’s concerns about the impact on rates and on rate filings are valid, I would simply note to the members that the Supreme Court’s case to which Mr. Freind refers in 1986, Michigan Supreme Court case, I, too, had some concerns about the impact of that case. I wrote to the Insurance Department in the State of Michigan, received a letter dated February 1, 1989, from the Deputy Insurance Commissioner, and she said to me, “The average rate change in Michigan for auto insurance in 1988”—parenthetically, 2 years after that statute—“was recently reported by the Michigan Association of Insurance Companies as 2%”—2 percent—and then she went on to say, “so these illustrations would not be too far from current prices.” What that seems to indicate to me is that the Freind amendment is unnecessary and that we are better served by retaining the language as it appears in the amendment before you.

Therefore, I would ask for a “no” vote on the amendment.

The SPEAKER. The question is on the Freind amendment. On that question, the gentleman, Mr. Yandrisevits, from Northampton County, is recognized.

Mr. YANDRISEVITS. Thank you, Mr. Speaker.

Mr. Speaker, I also rise to oppose the Freind amendment. Using Mr. Freind's own example of a broken leg, if his amendment were to pass and a person chose the no-fault benefit with the minimum \$5,000 work loss, if that person were to be employed, for instance, as a carpenter or a roofer or any job that required some physical activity and that person were to break his leg and lose an entire season of work, under this amendment that person would be entitled to receive \$5,000 from his company, period, even if that person could have earned \$15,000, \$20,000 over the course of the time that he was incapacitated.

I think this amendment makes this language extremely punitive to poor and to working people, and I think we should vote against it. Thank you, Mr. Speaker.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—61

Barley	Dorr	Herman	Pitts
Birmelin	Fairchild	Hershey	Reinard
Black	Fargo	Jadlowiec	Robbins
Bunt	Farmer	Kondrich	Saurman
Burd	Fleagle	Langtry	Scheetz
Burns	Flick	Lee	Schuler
Bush	Foster	Leh	Semmel
Carlson	Fox	Marsico	Smith, B.
Cessar	Freind	Merry	Smith, S. H.
Chadwick	Gallen	Mochlmann	Stairs
Clark, J. H.	Geist	Mowery	Taylor, E. Z.
Clymer	Gladeck	Nailor	Vroon
Cornell	Gruppo	Noye	Weston
Dempsey	Hasay	Perzel	Wilson
Dietterick	Heckler	Piccola	Wright, J. L.
Distler			

NAYS—136

Acosta	Durham	Lucyk	Rudy
Adolph	Evans	McCall	Ryan
Allen	Fee	McHale	Rybak
Angstadt	Freeman	McNally	Saloom
Argall	Gamble	McVerry	Scrimenti
Battisto	Gannon	Maiale	Serafini
Belardi	George	Maine	Snyder, D. W.
Belfanti	Gigliotti	Markosek	Snyder, G.
Billow	Godshall	Mayernik	Staback
Bishop	Gruitza	Melio	Steighner
Blaum	Hagarty	Michlovic	Stish
Bortner	Haluska	Micozzie	Strittmatter
Bowley	Harper	Miller	Stuban
Boyes	Hayden	Morris	Tangretti
Brandt	Howlett	Mrkonic	Taylor, F.
Caltagirone	Hughes	Murphy	Taylor, J.
Cappabianca	Itkin	Nahill	Telek
Carn	Jackson	O'Donnell	Thomas
Cawley	James	Oliver	Tigue
Civera	Jarolin	Pesci	Trello
Clark, B. D.	Johnson	Petrarca	Trich
Clark, D. F.	Josephs	Petrone	Van Horne
Cohen	Kaiser	Phillips	Veon
Colafrilla	Kasunic	Pievsky	Wambach
Colaizzo	Kenney	Pistella	Wass
Cole	Kosinski	Pressmann	Williams
Corrigan	Kukovich	Preston	Wogan
Cowell	LaGrotta	Raymond	Wozniak
Coy	Lashinger	Reber	Wright, D. R.
DeLuca	Laughlin	Richardson	Wright, R. C.
DeWeese	Lescovitz	Rieger	Yandrisevits
Daley	Letterman	Ritter	

Davies	Levdansky	Robinson	Manderino,
Dombrowski	Linton	Roebuck	Speaker
Donatucci	Lloyd		

NOT VOTING—5

Broujos	Hess	O'Brien	Olasz
Hayes			

EXCUSED—1

Dininni

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. HAYDEN offered the following amendments No. A1705:

Amend Sec. 3, page 24, line 18, by striking out "1715(A) AND 1717"

Amend Sec. 3, page 24, line 18, by striking out "ARE" and inserting

is

Amend Bill, page 26, by inserting between lines 8 and 9 Section 4. Section 1715 of the act, amended April 26, 1989 (P.L.13, No.4), is amended to read:

Amend Bill, page 27, by inserting between lines 7 and 8

Section 5. Section 1717 of Title 75 is amended to read:

Amend Sec. 4, page 27, line 16, by striking out "4" and inserting

6

Amend Sec. 5, page 27, line 17, by striking out "5" and inserting

7

Amend Sec. 6, page 27, line 28, by striking out "6" and inserting

8

Amend Sec. 7, page 27, line 30, by striking out "7" and inserting

9

Amend Sec. 7 (Sec. 1741), page 28, line 2, by inserting a bracket before "AFTER"

Amend Sec. 7 (Sec. 1741), page 28, line 4, by inserting after "ADOPT"

] establish and implement or approve and supervise

Amend Sec. 7 (Sec. 1741), page 28, line 4, by inserting after "PLAN"

and all amendments and rules thereto

Amend Sec. 7 (Sec. 1741), page 28, line 12, by inserting a period after "RATES"

Amend Sec. 7 (Sec. 1741), page 28, lines 12 and 13, by inserting brackets before "PURSUANT" in line 12, and after "DEPARTMENT." in line 13 and inserting immediately thereafter

The plan shall provide a means for reducing an insurer's residual market obligations in proportion to the extent it exceeds its market share goals in underserved regions as described in section 1799.1 (relating to market share goals).

Amend Sec. 8, page 28, line 14, by striking out "8" and inserting

10

Amend Bill, page 29, by inserting between lines 15 and 16 Section 11. Section 1744 of Title 75 is amended to read:

§ 1744. Termination of policies.

Cancellation, refusal to renew and other termination of policies issued under the Assigned Risk Plan shall be in accordance with the rules of the plan[,] and, where applicable, the act of July 3, 1986 (P.L.396, No.86), entitled "An act requiring notice of rate increases, policy cancellations and nonrenewals by property and casualty insurers."

Amend Sec. 9, page 29, line 16, by striking out "9" and inserting

12

Amend Sec. 10, page 31, line 9, by striking out "10" and inserting

13

Amend Sec. 11, page 35, line 7, by striking out "11" and inserting

14

Amend Bill, page 37, by inserting between lines 8 and 9

Section 15. Title 75 is amended by adding sections to read:

§ 1799. Equal access to insurance.

(a) Findings.—The General Assembly hereby finds:

(1) Insurers have an obligation to make private passenger automobile insurance available at voluntary market rates.

(2) Insurers having 1% or more of the total Statewide private passenger automobile earned exposures in the voluntary marketplace constitute approximately 20 insurance companies.

(3) The insurers referenced in paragraph (2) are of such size that they can make insurance available in all regions of this Commonwealth.

(4) Despite the fact that the insurers referenced in paragraph (2) can make insurance available in all regions of this Commonwealth, some insurers refuse to appoint agents in certain regions, fail to advertise the availability of insurance, and otherwise take action to restrict the number of drivers written at voluntary rates.

(5) The failure of insurers to make insurance available at voluntary market rates in all regions of this Commonwealth has resulted in good drivers being forced to pay significantly higher premiums for coverage through the Assigned Risk Plan and has exacerbated the problem of uninsured motorists.

(b) Purpose.—It is hereby declared the public policy of this Commonwealth that all insurers having 1% or more of the total Statewide private passenger automobile earned exposures in the voluntary marketplace should meet market share goals within regions of this Commonwealth established by the department. It is the intent of the General Assembly to establish automobile insurance equally available to voluntary market rates in all regions of this Commonwealth.

§ 1799.1. Market share goals.

(a) Calculation of market share goals.—An insurer's market share goal for a given region shall equal the insurer's Statewide private passenger automobile earned exposures multiplied by the proportion of the total voluntary Statewide private passenger automobile earned exposures within the given region. The department shall designate regions of this Commonwealth.

(b) Report by insurers.—Insurers shall report to the department every calendar quarter the number of private passenger automobile earned exposures Statewide and in each region of this Commonwealth designated by the department. The report shall separate exposures in the Assigned Risk Plan from voluntary market exposures.

(c) Underserved regions.—Within 30 days of the effective date of this section and from time to time thereafter, the commissioner shall review the availability of private passenger automobile insurance in all regions of this Commonwealth to determine if any region is underserved. If the commissioner determines that a region of this Commonwealth is underserved, each insurer not meeting its market share goals within an underserved region shall be required to submit a plan to the department within 60 days of

such determination. The plan shall detail the insurer's program for meeting its market share goal within one year. Such plans shall include, but not be limited to, appointment of additional agents in the underserved region, advertisement of availability of insurance at voluntary market rates, and publication of toll-free telephone numbers through which an individual may obtain coverage. A region is underserved if less than 85% of all vehicles registered within the region are written in the voluntary market and may be found to be underserved based on other factors as determined by the commissioner.

(d) Failure to meet market share goals.—If the commissioner determines that an insurer has failed to meet its market share goal in an underserved region within one year of implementation of a plan specified in subsection (c), the commissioner may impose a civil penalty not to exceed the product of the number of exposures by which the insurer missed its market share goal and the insurer's average voluntary market premium for the minimum coverages required by law. The commissioner may also order modifications to the insurer's market share goal plan. The commissioner may further order that the company stop writing new automobile insurance business in all other regions of this Commonwealth until such time as it has achieved its market share goal in the underserved region. Prior to imposing a penalty, the commissioner shall hold a hearing pursuant to Title 2 (relating to administrative law and procedure). A good faith attempt by the insurer to meet its market share goal shall be considered by the commissioner as a defense to a penalty or a mitigating factor. A determination by the commissioner that additional writing by an insurance company will impair the financial solvency of the company constitutes a good faith defense. If the insurer still does not meet its market share goal in second and subsequent years, the formula for calculating the maximum civil penalty specified in this subsection shall be doubled, and the commissioner may again order a halt to the writing of new business in other regions of this Commonwealth.

Amend Sec. 12, page 37, line 9, by striking out "12" and inserting

16

Amend Sec. 13, page 37, line 11, by striking out "13" and inserting

17

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the gentleman from Philadelphia, Representative Hayden, is recognized.

Mr. HAYDEN. Thank you, Mr. Speaker.

This last of the Hayden amendments deals with the issue of availability. We just addressed responsibly the issue of unaffordability. This issue addresses availability.

I do not think that there is a member here who has not had a constituent come to him or her to complain about the placement into the assigned risk plan. This bill and other bills that have been reported out by the committee address the issues about who gets placed in the assigned risk plan and who does not. What this simply does to the assigned risk plan is it gives the Insurance Commissioner the authority and the ability to overview and to have oversight over the rules and regulations as to how the assigned risk plan is operated. Right now that authority is very limited. This would give the Insurance Commissioner additional authority there.

The second part of the bill deals with the issue of markets which are not properly served by automobile insurance com-

panies. The fact is, the law currently states that you cannot discriminate on the basis of geography. The problem is, the Insurance Department has not had the sufficient tools to address that issue. In combination with the other initiatives reported out on availability by the committees in the House, this would help make insurance available at the private market rate. What it would do would be to create a market mechanism to encourage automobile insurance companies to write in all markets. This is a dramatic improvement over what some saw as a problem with Governor Casey's proposal back in 1986 in which companies would have been forced to join in a pooled-risk situation and begin to write policies in areas which they were already serving. This amendment is drafted so as to not penalize those companies which are currently obeying the law but to require those 20 companies which are our largest auto insurance companies in Pennsylvania to begin to write in areas based on a market share approach.

I would urge the membership to support this amendment.

The SPEAKER. The Chair recognizes the minority leader, from Delaware County, Matthew Ryan.

Mr. RYAN. Mr. Speaker, I am against this particular amendment. I listened earlier to the gentleman, Mr. Mowery, when he was describing what he did not like about the prior amendment, and I agreed with him. Essentially, what he was saying is there are certain things that we should not get involved in, and I think this is one of them. What right do we have to be telling an insurance company, you must sell insurance in any given section of Pennsylvania just because you are good enough, bright enough, to have 1 percent of the market in the State?

I wonder, I truly wonder, if this amendment is not some offshoot of the problem the majority leader mentioned on the floor the other day and the gentleman, Mr. Carn, mentioned on the floor today when he described the cost of his insurance with one of the insurance companies - Erie Insurance Company. Mr. Speaker, if Erie Insurance Company—if what the gentleman, Mr. O'Donnell, said is so—if they decide that they do not want to sell insurance in Dauphin County, why should they not be able to say, we are not going to have agencies in Dauphin County? If they are not going to be in Delaware County, my county, that is their right. If they are not going to be in Philadelphia County, it is their right. They are not redlining in the sense that we have heard about it over the years with mortgages where they are not going to loan money to black families or Asian families or Irish families or Italian families. They are just saying, we are not doing business in a certain geographic area, and why should they not be allowed to make that choice?

We have heard all day that this bill is a freedom-of-choice bill, but yet here we would say to the insurance companies, you do not have the choice of selling where you want to sell. I think we are meddling too much in the business community. This has been a great country, and it has been great because we have stayed away from the businesses. We have regulated them where we had to regulate them.

This is unreasonable, and I strongly suggest we vote it down.

The SPEAKER. The question is on the amendment. On that question, the Chair recognizes the gentleman from Cumberland County, Representative Mowery.

Mr. MOWERY. Thank you, Mr. Speaker.

You know, there are sections of this particular amendment that are going to be impossible for insurance companies to fulfill. Take for an example, they relate here that there are approximately 20 insurance companies in Pennsylvania that have over 1 percent of the market each. They ask in this amendment that within a period of 1 year, that any company that does not have as much as 85 percent of the marketplace in what they consider to be distressed or underserved areas, taking for an example, Philadelphia, which I think we all have a concern for as far as the cost of insurance premiums in that particular area, but let us suppose a company that is currently serving a vast majority of Pennsylvania and may only have a small share of that market at this time were asked in 1 year to take 85 percent of that particular share.

The real problem is that companies are today regulated by our department in the areas of reserves. If a company were to pick up or have to pick up a substantial portion of that market, they would become out of compliance with the Insurance Department. Now, the only way they could be in compliance is to reduce or not sell in the marketplaces that they already have or cancel policies that are in the areas other than this underserved particular marketplace.

Mr. Speaker, this is a poor amendment in that it is approaching and attempting to solve a problem which I can certainly identify with personally, but this is not the way to solve the problem. One of the areas that we had suggested was to try and solve the problem over a period of 3 years to give these companies a chance to fulfill the commitment that is being asked for in this particular legislation. It was not accepted, and at this point it therefore becomes unacceptable the way the amendment now reads.

I ask for a negative vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The question is on the amendment, and on that question, from Erie County, Representative Boyes is recognized.

Mr. BOYES. Thank you very much, Mr. Speaker.

I agree with the two previous speakers on this particular amendment. I feel that this amendment is not the solution to the problem. I realize that there is a problem in providing adequate coverage in the Commonwealth of Pennsylvania, but this solution would be very costly to the individuals and to the companies that would be impacted on.

I would urge a negative vote on this amendment. I feel that this is again where the General Assembly is trying to attack a particular problem, but we are applying the wrong solution to the problem. And again, we go down that trail where we are doing that and we are not going to come out with the kind of meaningful insurance reform that we need in the Commonwealth of Pennsylvania.

I would urge a negative vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, from Montgomery County, the Chair recognizes Representative Clark.

Mr. J. H. CLARK. Thank you, Mr. Speaker.

I, too, rise to oppose this amendment. As was aptly stated by the gentleman, Mr. Mowery, I believe the net effect of this amendment would be to restrict markets in the suburban areas in a rush to take care of the underserved areas. Thank you, Mr. Speaker.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—42

Bishop	Hughes	Oliver	Thomas
Blaum	James	Perzel	Tigue
Carn	Josephs	Pievsky	Veon
Cohen	Kenney	Preston	Weston
DeWeese	Kosinski	Reber	Williams
Donatucci	Linton	Richardson	Wogan
Evans	Maiale	Rieger	Wright, D. R.
Godshall	Melio	Robinson	Wright, R. C.
Harper	Michlovic	Roebuck	
Hayden	O'Brien	Staback	Manderino,
Howlett	O'Donnell	Taylor, J.	Speaker

NAYS—159

Acosta	Daley	Kaiser	Pitts
Adolph	Davies	Kasunic	Pressmann
Allen	Dempsey	Kondrich	Raymond
Angstadt	Dietterich	Kukovich	Reinard
Argall	Distler	LaGrotta	Ritter
Barley	Dombrowski	Langtry	Robbins
Battisto	Dorr	Lashinger	Rudy
Belardi	Durham	Laughlin	Ryan
Belfanti	Fairchild	Lee	Rybak
Billow	Fargo	Leh	Saloom
Birmelin	Farmer	Lescovitz	Saurman
Black	Fee	Letterman	Scheetz
Bortner	Fleagle	Levdansky	Schuler
Bowley	Flick	Lloyd	Scrimenti
Boyes	Foster	Lucyk	Semmel
Brandt	Fox	McCall	Serafini
Broujos	Freeman	McHale	Smith, B.
Bunt	Freind	McNally	Smith, S. H.
Burd	Gallen	McVerry	Snyder, D. W.
Burns	Gamble	Maine	Snyder, G.
Bush	Gannon	Markosek	Stairs
Caltagirone	Geist	Marsico	Steighner
Cappabianca	George	Mayernik	Stish
Carlson	Gigliotti	Merry	Strittmatter
Cawley	Gladeck	Micozzie	Stuban
Cessar	Gruitza	Miller	Tangretti
Chadwick	Gruppo	Moehlmann	Taylor, E. Z.
Civera	Hagarty	Morris	Taylor, F.
Clark, B. D.	Haluska	Mowery	Telek
Clark, D. F.	Hasay	Mrkonic	Trello
Clark, J. H.	Hayes	Murphy	Trich
Clymer	Heckler	Nahill	Van Horne
Colafella	Herman	Nailor	Vroon
Colaizzo	Hershey	Noye	Wambach
Cole	Hess	Pesci	Wass
Cornell	Itkin	Petrarca	Wilson
Corrigan	Jackson	Petrone	Wozniak
Cowell	Jadlowiec	Phillips	Wright, J. L.
Coy	Jarolin	Piccola	Yandrisevits
DeLuca	Johnson	Pistella	

NOT VOTING—1

Olasz

EXCUSED—1

Dininni

The question was determined in the negative, and the amendments were not agreed to.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes the minority whip, Mr. Hayes. For what purpose does the gentleman rise?

Mr. HAYES. Mr. Speaker, I have just checked one of the roll calls on amendment 1802 to HB 431 as offered by the gentleman from Delaware County, Mr. Freind. The roll call indicates that I was not recorded, and I would like to be recorded in the affirmative, please.

The SPEAKER. The gentleman's remarks will be spread upon the record.

The gentleman from Allegheny County, Representative Brian Clark, has indicated to the Speaker that on the Hayden amendment A1774 to HB 431, his vote should have been recorded in the affirmative, and we will spread those remarks on the record also.

The Chair recognizes the gentleman from Bedford, Mr. Hess. For what purpose does the gentleman rise?

Mr. HESS. Mr. Speaker, on amendment A1802, the Freind amendment to HB 431, I was temporarily out of my seat, and I would like to be recorded in the affirmative.

The SPEAKER. The gentleman's remarks will be spread upon the record.

The Chair recognizes the gentleman from Adams County, Representative Cole. For what purpose does the gentleman rise?

Mr. COLE. To correct the record, Mr. Speaker.

Mr. Speaker, I would like to be recorded in the negative. I inadvertently voted in the affirmative on HB 426, amendment 1820.

The SPEAKER. The gentleman's remarks will be spread upon the record.

The Chair recognizes the gentleman from Cumberland County, Mr. Broujos. For what purpose does the gentleman rise?

Mr. BROUJOS. Mr. Speaker, on amendment A1802 to HB 431, I would like to be recorded in the affirmative.

The SPEAKER. The gentleman's remarks will be spread upon the record.

CONSIDERATION OF HB 431 CONTINUED

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. KOSINSKI offered the following amendments No. A1813:

Amend Title, page 1, line 11, by inserting after "profits" and for rate reductions

Amend Bill, page 37, by inserting between lines 8 and 9 Section 12. Title 75 is amended by adding a section to read:

§ 1799. Rates.

(a) Rate filing.—All insurers must file for new rates within 30 days of the effective date of this section. These rates shall apply to all policies issued and renewed on and after October 1, 1989.

(b) Rate reductions.—The rates charged by insurers under the filing required by subsection (a) shall be reduced by 25% for all coverages from rates in effect July 1, 1989.

Amend Sec. 12, page 37, line 9, by striking out "12" and inserting

13

Amend Sec. 13, page 37, line 11, by striking out "13" and inserting

14

On the question,

Will the House agree to the amendments?

The SPEAKER. The gentleman, Mr. Kosinski, from Philadelphia, is recognized on his amendment.

Mr. KOSINSKI. Thank you, Mr. Speaker.

This is probably one of the more important votes you are going to have today.

I, among many other members, was here in 1984 when we dealt with the issue. Just like the war to end all wars, we thought we were finished with the problem in 1984. One of the things about the 1984 debate is we were hoodwinked. We gave less insurance and less coverage to our constituents and asked for nothing in return. Today with the numerous amount of reforms that we passed, we have stated that we are going to give our constituents less coverage, but my amendment would mandate a 25-percent rollback in insurance rates because of what we have done today.

Now, many people may argue that we have no business doing this. As long as the insurance industry in this State is regulated, we do have not only an interest, but it is our duty to do so.

Very short and sweet, I ask for your support for the 25-percent rollback.

POINT OF ORDER

The SPEAKER. The question is on the Kosinski amendment. The gentleman, Mr. Hayden, from Philadelphia, is recognized on the amendment.

Mr. HAYDEN. Mr. Speaker, point of order. My concern is that this amendment may run afoul of the House rules preventing an amendment to an amendment. I would like a ruling from the Chair on that.

The SPEAKER. The Chair is constrained to rule that the Kosinski amendment does not amend the amendment. It simply substitutes language in the Kosinski amendment for language placed in the bill by a former Hayden amendment.

The gentleman, Mr. Hayden, on the amendment.

Mr. HAYDEN. Thank you, Mr. Speaker.

Although I certainly share the concerns of my colleague, Mr. Kosinski, there is a question or a problem, I think, that exists in this amendment. The freezes that have been proposed, which we have already enacted, are directly tied to reductions in costs which we have in our premiums. For instance, if you are going to give up some of your partial bodily injury claim, that part of your policy will be affected by the freeze. HB 431 has specific language addressed to health care cost containment. The freeze language deals with medical benefits. There is a direct connection between the two. The antistacking provision is tied very closely to the reduction in premium in the uninsured and underinsured motorist reduction that is in the bill. The reason that it was drafted that way is to withstand what are to be inevitable constitutional challenges which will be raised by many once this Governor signs this legislation.

The problem I have with this amendment is that this purports to be able to attach a freeze to the comprehensive coverage, to the collision coverage, and to other coverages that we have on our policy. Although I certainly share the gentleman's goals in trying to reduce the cost of that coverage, I think that we begin to run afoul of both responsible legislation and we begin to get ourselves into a constitutional question, and then real issues about due process and unconstitutional taking may arise. Although I certainly support Mr. Kosinski's intent and his objective, I think that this may put in jeopardy the final work product of HB 431, and I would very reluctantly urge people for a "no" vote on this amendment.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes, on the amendment, the gentleman from Somerset County, Representative Lloyd.

Mr. LLOYD. Mr. Speaker, I would like to raise a parliamentary inquiry.

The SPEAKER. The gentleman will state his point.

Mr. LLOYD. Mr. Speaker, I did not understand exactly what the Speaker had ruled with regard to the effect of the Kosinski amendment on the Hayden amendment, and I would like to have that clear, if I could.

Was it the Chair's ruling that both amendments would be in the bill or was it the Chair's ruling that the Kosinski amendment would replace that portion of the Hayden amendment numbered section 1799, "Rates"?

The SPEAKER. The latter is what the Speaker said.

Mr. LLOYD. Well, Mr. Speaker, you have previously indicated that in order to accomplish that, an amendment to an amendment, that you had to have the section which you were eliminating bracketed out of that amendment or somehow stricken from that amendment.

The SPEAKER. I think that you are misinterpreting what ever the Speaker said previously. What we are saying is the language in the Kosinski amendment simply supplants language in the former Hayden amendment. It does not amend it.

Mr. LLOYD. Well, it amends the former Hayden amendment because it takes out one of the provisions of the Hayden amendment, and the previous amendments offered by Mr. Freind and others to the Hayden amendment had to include the language in the Hayden amendment which they were removing.

The SPEAKER. Well, the Hayden amendment previously adopted is now part of the bill, and Mr. Kosinski has the right to amend the bill as it now exists, which he is doing.

Mr. LLOYD. That is correct, and I am asking for purposes of clarification, not for purposes of argument. But, Mr. Speaker, Mr. Kosinski's directions to the Legislative Reference Bureau are to insert something in the bill. They do not direct the Legislative Reference Bureau to take anything out of the bill. It seems to me, Mr. Speaker, that then what we are doing, if we are allowing that approach, is to be voting for both the Hayden restrictions on rates and the Kosinski restriction on rates.

The SPEAKER. Mr. Kosinski is inserting in the bill a section 1799. There is already in the bill a section 1799. The provisions of the Kosinski amendment, section 1799, are in conflict with the provisions in the bill in section 1799, and the Legislative Reference Bureau would not allow both to stand in the bill contradicting each other. They would rule and have ruled and my understanding is their method of molding the bill would simply be to take the later amendment and insert that language in the bill.

Mr. LLOYD. Could I be recognized then on the amendment?

The SPEAKER. The gentleman is in order on the amendment.

Mr. LLOYD. Mr. Speaker, the effect of the Kosinski amendment, as I read it then as interpreted by and ruled by the Chair, would be to give a break in rates not only to those people who have opted not to sue - in other words, who have opted to buy the optional threshold coverage - but to give the same rate cuts to those people who have chosen to retain their full right to sue. That seems to me to be entirely inconsistent and entirely unfair, and if what we really want to do is to cut insurance rates and if we really believe that the cost of litigation is driving up insurance rates, what we are doing is to tell everybody with this amendment you are going to get the same rate cut whether you opt not to sue or you opt to sue, and so therefore, everybody is going to opt to keep themselves under the full tort system. So there will be no savings realized and this is going to be attacked in the courts as being an unconstitutional taking of the insurance companies' profits because we have done nothing to cut their costs, and we are going to give a signal to everybody just to keep about business as usual.

Mr. Speaker, for those reasons, I think we ought to reject this amendment, and we ought to be mindful of the fact that the bill as has been amended by Mr. Hayden already includes rate cuts, rate cuts which in many instances are greater than 25 percent for those people who choose to give up their right to sue, and includes a rate freeze for 2 years, and Mr. Kosinski's

amendment would not include that. It would include a rate reduction, which then shortly thereafter the insurance companies could run back in and could propose an increase.

For all of those reasons, Mr. Speaker, I would urge a "no" vote on the amendment.

The SPEAKER. On the amendment, the Chair recognizes, from Cumberland County, Representative Mowery.

Mr. MOWERY. Thank you very much, Mr. Speaker.

For all of the reasons presented by our previous speaker, I would like to ask for a "no" vote on this particular amendment.

The SPEAKER. The gentleman, Mr. Freind, from Delaware, on the amendment.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to strenuously oppose this amendment. It looks great, but in effect what it will do is undo everything we have accomplished today.

I think we agree on a couple of things. We want auto insurance reform, we want mandated reductions, and we want to solve the problem so we are not back here in 6 months or a year. The reason why what we have done so far is good is because, in my opinion, it will pass constitutional muster. We mandate the reductions, but we have the cost savings to generate that. We provide a choice option. As Mr. Lloyd indicated, that choice option goes out the window. No one will give up the right to sue. There will be an arbitrary 25-percent reduction or, in the case of the next amendment, a 20-percent reduction. Sure as heck the industry will be in court saying it is confiscatory, and there is not any question whatsoever it is going to get tossed out. What in effect we are going to have is a worse crisis, if that is possible, than we have right now.

What we have done so far is very good, and let us not forget what we have done. If you choose no-fault, a 65-percent reduction on your liability, 80 percent on your uninsured and underinsured.

The SPEAKER. The question is on the amendment. Will the gentleman please confine his remarks to the amendment and not the bill as it exists now; the amendment.

Mr. FREIND. Well, if you read the bill, you will see the reductions that are in place.

The SPEAKER. The amendment, Mr. Freind.

Mr. FREIND. Okay. Getting back to the amendment, Mr. Speaker, this will absolutely undo everything that we have done. It will bring all of the debate today into a shambles. We will be worse off than we were before. We are about 90 percent of the way home. Let us go that final 10 percent. Let us defeat this amendment and pass a very good bill. Thank you, Mr. Speaker.

The SPEAKER. The question is on the amendment. On that question, from Schuylkill County, the Chair recognizes Representative E. J. Lucyk.

Mr. LUCYK. Thank you, Mr. Speaker.

I rise to support the Kosinski amendment.

Many of us were here in 1984 when we debated the last insurance reform package, and many of the promises that were made to us at that time did not come into being. Many

times over I talked to people and I asked for advice, asked questions. Do not worry about this; do not worry about that, and we all wound up being sorry in the end. Today we are here for one reason: to answer the complaints of our constituents about the high cost and the unavailability of auto insurance. Of all the rhetoric speeches I have heard today, we have been promised upon promise. Mr. Kosinski's amendment today of a rate cut is the only guarantee we have in writing that we can take back to our constituents and say, here is a rate reduction of 25 percent in your auto insurance.

As far as the constitutionality of this matter—and I would never think of arguing constitutionality with my good friend, Bill Lloyd, or many of the other attorneys on this House floor—this measure was recently passed in California. The public voted for a 20-percent reduction in insurance rates, and it was upheld by the California Supreme Court.

Mr. Speaker, today this 25-percent mandated reduction is our only guarantee that we can take back to the people we represent and say, here is a 25-percent decrease in your insurance premiums.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—125

Acosta	Evans	Lucyk	Robbins
Adolph	Fairchild	McCall	Robinson
Allen	Fee	McHale	Roebuck
Angstadt	Fleagle	McNally	Rudy
Argall	Freeman	McVerry	Ryan
Belardi	Gamble	Maiale	Rybak
Belfanti	Gannon	Maine	Saloom
Billow	George	Markosek	Scrimenti
Bishop	Gigliotti	Mayernik	Serafini
Black	Gruitza	Merry	Staback
Blaum	Haluska	Micozzie	Stairs
Bortner	Harper	Miller	Steighner
Bowley	Hasay	Moehlmann	Stish
Boyes	Hayes	Morris	Stuban
Caltagirone	Herman	Mrkonic	Taylor, F.
Cappabianca	Hess	Murphy	Taylor, J.
Carlson	Howlett	O'Brien	Telek
Carn	Hughes	O'Donnell	Thomas
Cawley	James	Oliver	Tigue
Cessar	Jarolin	Perzel	Trello
Civera	Johnson	Pesci	Veon
Clark, B. D.	Josephs	Petrarca	Wass
Cohen	Kaiser	Petrone	Weston
Colafella	Kasunic	Phillips	Williams
Cole	Kenney	Pievsky	Wogan
Cowell	Kosinski	Pistella	Wozniak
DeLuca	Kukovich	Pressmann	Wright, R. C.
DeWeese	LaGrotta	Preston	Yandrisevits
Daley	Lescovitz	Raymond	
Dombrowski	Letterman	Reber	Manderino,
Donatucci	Levdansky	Richardson	Speaker
Durham	Linton	Rieger	

NAYS—75

Barley	Dietterick	Jackson	Saurman
Battisto	Distler	Jadlowiec	Scheetz
Birmelin	Dorr	Kondrich	Schuler
Brandt	Fargo	Langtry	Semmel
Broujos	Farmer	Lashingner	Smith, B.
Bunt	Flick	Laughlin	Smith, S. H.
Burd	Foster	Lee	Snyder, D. W.
Burns	Fox	Leh	Snyder, G.

Bush	Freind	Lloyd	Strittmatter
Chadwick	Gallen	Marsico	Tangretti
Clark, D. F.	Geist	Melio	Taylor, E. Z.
Clark, J. H.	Gladeck	Michlovic	Trich
Clymer	Godshall	Mowery	Van Horne
Colaizzo	Gruppo	Nahill	Vroon
Cornell	Hagarty	Nailor	Wambach
Corrigan	Hayden	Noye	Wilson
Coy	Heckler	Piccola	Wright, D. R.
Davies	Hershey	Pitts	Wright, J. L.
Dempsey	Itkin	Reinard	

NOT VOTING—2

Olasz Ritter

EXCUSED—1

Dininni

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

The SPEAKER. The Chair would ask Representative Wambach to preside temporarily for the Speaker, and the Chair asks that the members of the House give Representative Wambach courtesy that the temporary Speaker deserves over the courtesy the Speaker deserves.

**THE SPEAKER PRO TEMPORE
(PETER C. WAMBACH) IN THE CHAIR**

The SPEAKER pro tempore. Thank you, Mr. Speaker.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. GAMBLE offered the following amendments No. A1840:

Amend Title, page 1, line 10, by striking out "and"
Amend Title, page 1, line 12, by removing the period after "insurance" and inserting
; and requiring claimants to obtain repair bids.

Amend Bill, page 37, by inserting between lines 8 and 9
Section 12. Title 75 is amended by adding a section to read:
§ 1799. Bids for vehicle repairs.

It shall be the responsibility of a claimant for payment for damage to a vehicle to submit to the insurer two bids to repair the vehicle.

Amend Sec. 12, page 37, line 9, by striking out "12" and inserting

13

Amend Sec. 13, page 37, line 11, by striking out "13" and inserting

14

On the question,
Will the House agree to the amendments?

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Kondrich.

Mr. KONDRICH. Mr. Speaker, on the last vote, on the Kosinski amendment A1813 to HB 431, I was inadvertently recorded as a "no." I would like to change that to a "yes."

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

CONSIDERATION OF HB 431 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Gamble, on amendment A1840.

Mr. GAMBLE. Mr. Speaker, my amendment is a simple amendment, but it is a cost-cutting measure.

There is a gray area and there are a lot of variations on how claims are settled with different insurance companies. This merely does away with the buddy system, whereby you can take your car to your buddy who has the body shop and submit the bill to the insurance company upon their approval and have it paid. It stands to reason if you are required to have two bids on your automobile fender benders, it is going to be a cost-saving measure for the insurance companies which would be passed on to the insurance holders by way of premium cuts.

I ask your support for this very simple amendment.

On the question recurring, Will the House agree to the amendments?

The following roll call was recorded:

YEAS—182

Table listing names of members who voted 'YEAS' for amendment A1841, including Acosta, Adolph, Allen, Angstadt, Argall, Barley, Battisto, Belardi, Belfanti, Billow, Birmelin, Bishop, Black, Bowley, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Bush, Caltagirone, Carlson, Carn, Cessar, Chadwick, Civera, Clark, B. D., Clark, D. F., Clark, J. H., Clymer, Cohen, Colafella, Colaizzo, Cole, Cornell, Corrigan, Donatucci, Dorr, Durham, Evans, Fairchild, Fargo, Farmer, Fee, Fleagle, Flick, Foster, Fox, Freind, Gallen, Gamble, Gannon, Geist, George, Gigliotti, Gladeck, Godshall, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayden, Hayes, Heckler, Herman, Hershey, Hess, Howlett, Hughes, Itkin, Jackson, Jadlowiec, Kukovich, LaGrotta, Langtry, Lashinger, Laughlin, Lescovitz, Letterman, Levdansky, Linton, Lucyk, McCall, McNally, McVerry, Maiale, Maine, Markosek, Marsico, Mayernik, Melio, Merry, Michlovic, Micozzie, Miller, Moehlmann, Morris, Mowery, Mrkonic, Murphy, Nahill, Nailor, Noye, O'Brien, O'Donnell, Oliver, Perzel, Pesci, Petrarca, Reinard, Richardson, Rieger, Robbins, Roebuck, Rudy, Ryan, Saloom, Saurman, Scheetz, Schuler, Scrimenti, Semmel, Serafini, Smith, B., Smith, S. H., Snyder, D. W., Snyder, G., Stairs, Steighner, Stish, Strittmatter, Stuban, Tangretti, Taylor, E. Z., Taylor, F., Taylor, J., Telek, Thomas, Trello, Trich, Van Horne, Veon, Vroon, Wambach, Wass, Weston.

Table listing names of members who voted 'NAYS' for amendment A1841, including Cowell, Coy, DeLuca, DeWeese, Daley, Davies, Dempsey, Dietterick, Distler, James, Jarolin, Johnson, Josephs, Kaiser, Kasunic, Kenney, Kondrich, Kosinski, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Preston, Raymond, Reber, Williams, Wilson, Wogan, Wozniak, Wright, J. L., Wright, R. C., Manderino, Speaker.

NAYS—19

Table listing names of members who voted 'NOT VOTING' for amendment A1841, including Blaum, Bortner, Cappabianca, Cawley, Dombrowski, Freeman, Gruitza, Lee, Leh, Lloyd, McHale, Pressmann, Ritter, Robinson, Rybak, Staback, Tigue, Wright, D. R., Yandrisevits.

NOT VOTING—1

Olasz

EXCUSED—1

Dininni

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring, Will the House agree to the bill on third consideration as amended?

Mr. GAMBLE offered the following amendments No. A1841:

Amend Title, page 1, line 10, by striking out "and" Amend Title, page 1, line 12, by removing the period after "insurance" and inserting ; and providing for processing of damage claims.

Amend Bill, page 37, by inserting between lines 8 and 9 Section 12. Title 75 is amended by adding a section to read: § 1799. Processing of damage claims.

Within three days of the filing of a claim for damage to a vehicle, the insurer's adjuster shall contact the claimant, physically inspect the vehicle and begin processing the claim.

Amend Sec. 12, page 37, line 9, by striking out "12" and inserting 13

Amend Sec. 13, page 37, line 11, by striking out "13" and inserting 14

On the question, Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, this is a needed amendment for the consumer. We have been talking all day about the exorbitant cost that consumers are paying for insurance, and the least they should get is good service when they need the insurance coverage and the adjustment to an automobile accident.

In many cases, if you have talked to your constituents, it sometimes takes 1, 2, to 3 weeks to have an adjuster come out and start the process on an automobile accident. I think it is realistic that we give the insurance company 3 days after they have been notified of an accident to come out and start the process, and that is what my amendment does.

I ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—200

Acosta	Dorr	Laughlin	Ritter
Adolph	Durham	Lee	Robbins
Allen	Evans	Leh	Robinson
Angstadt	Fairchild	Lescovitz	Roebuck
Argall	Fargo	Letterman	Rudy
Barley	Farmer	Levdansky	Ryan
Battisto	Fee	Linton	Rybak
Belardi	Fleagle	Lloyd	Saloom
Belfanti	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McHale	Schuler
Black	Freeman	McNally	Scrimenti
Blaum	Freind	McVerry	Semmel
Bortner	Gallen	Maiale	Serafini
Bowley	Gamble	Maine	Smith, B.
Boyes	Gannon	Markosek	Smith, S. H.
Brandt	Geist	Marsico	Snyder, D. W.
Broujos	George	Mayermik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burd	Gladeck	Merry	Stairs
Burns	Godshall	Michlovic	Steighner
Bush	Gruitza	Micozzie	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Taylor, J.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	O'Donnell	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colafella	Itkin	Pesci	Vroon
Colaizzo	Jackson	Petrarca	Wambach
Cole	Jadlowiec	Petrone	Wass
Cornell	James	Phillips	Weston
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pievsky	Wilson
Coy	Josephs	Pistella	Wogan
DeLuca	Kaiser	Pitts	Wozniak
DeWeese	Kasunic	Pressmann	Wright, D. R.
Daley	Kenney	Preston	Wright, J. L.
Davies	Kondrich	Raymond	Wright, R. C.
Dempsey	Kosinski	Reber	Yandrisevits
Dietterick	Kukovich	Reinard	
Distler	LaGrotta	Richardson	Manderino,
Dombrowski	Langtry	Rieger	Speaker
Donatucci	Lashingier		

NAYS—0

NOT VOTING—2

Billow Olasz

EXCUSED—1

Dininni

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. GANNON offered the following amendment No. A1848:

Amend Sec. 18 (Sec. 1799), by inserting

(e) Residents of cities of the first class.—Any provision of this title or any other law, which mandates a reduction or prohibits any increase in any automobile insurance premium shall not apply to premiums for policies where the insured is a resident of a city of the first class unless the commissioner certifies that 75% of the persons in a city of the first class who are required to so satisfy the financial responsibility requirements of this title.

(f) Additional limitations.—Any provision of this title or any other law which mandates a reduction or prohibits any increase in any automobile insurance premium shall apply only to an insurer certified by the commissioner to be receiving an adequate and fair rate of return.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the question of agreeing to the amendment, the Chair recognizes Mr. Gannon, from Delaware County.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, within the past few hours we have voted for mandatory rate reductions and mandatory freeze on insurance rates throughout the Commonwealth. However, as many of us know as a result of newspaper accounts, as a result of magazine accounts, as a result of studies that have been done in connection with the insurance problem in Pennsylvania, the bottom-line problem with insurance is the number of people who are uninsured in violation of our law, and the focus of that problem unfortunately is in the county and city of Philadelphia.

Now, what this amendment does is it offers an inducement, an incentive, to those drivers in Philadelphia to obtain automobile insurance, and once they reach a very reasonable level, their rates will go down according to the amendments and the provisions we have already adopted.

Now, why would I want to do that and why would I argue that that is the way we should go? Those of us who live in surrounding counties of Philadelphia and those who live throughout the State, quite frankly, realize that to a great extent, that too much, we are subsidizing the cost of insurance in Philadelphia. Their rates are high; our rates are high; rates throughout the State are high, but the major losses that occur, the major sore spot on the insurance issue is the city of Philadelphia.

What we have done today, if we do not adopt this amendment, offers absolutely no incentive for them to do anything about the problem. Quite frankly, the people where I live are sick and tired of paying Philadelphia's bills, and I think the people throughout this State are sick and tired of picking up the tab for the city of Philadelphia. This amendment does not deny them that rate reduction. It simply says, at least meet a minimal, a minimal standard as far as the law is concerned with respect to mandatory insurance, and you will get those rate reductions. That is all it says, Mr. Speaker. Be reasonable.

We have paid too long. We cannot continue, even with the rate freeze, a rate reduction as it is now with more than 50 percent of their drivers uninsured, because every time one of those uninsured drivers has an accident, we pay the cost; we pay the bill, and I do not think under those circumstances that they are entitled to a rate reduction or a rate freeze unless they get their act together and get the insurance that this legislature has mandated.

I ask for an affirmative vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The question is, will the House agree to the amendment? The Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman, Mr. Gannon, stand for interrogation?

The SPEAKER pro tempore. The gentleman indicates he shall. The gentleman may proceed.

Mr. McHALE. Mr. Speaker, I may be mistaken, but I have read through your subsection (e) several times. I believe there has been a drafting error. I do not think subsection (e) is a complete sentence. Could you review that?

Mr. GANNON. Excuse me? I could not hear, Mr. Speaker.

Mr. McHALE. I was indicating to the gentleman that I may be mistaken, but I have read through his subsection (e) several times, and at least to the best of my knowledge, having read it carefully, it appears there has been a drafting error. I do not believe that subsection (e) is a complete sentence. I think inadvertently at least a phrase has been left out. Specifically, subsection (e) does not indicate the subject matter of the Commissioner's certification. It indicates that the Commissioner "certifies that," and then it goes on from that point. It never returns to the original intent of the section.

Mr. GANNON. No; excuse me. It says, "...75% of the persons in a city of the first class who are required to so satisfy the financial responsibility requirements of this title," who are required to do so.

Mr. McHALE. Yes, who are required—

Mr. GANNON. Who are required to do so; that is, who are required to satisfy the financial responsibility requirements.

Mr. McHALE. Have done what, sir?

Mr. GANNON. That they have in fact done that.

Mr. McHALE. It does not say that.

Mr. GANNON. Mr. Speaker, all that has happened here is if there is a drafting error, Reference Bureau has put in a verb, an additional verb. But the meaning of the amendment is clear, and that is what is important. Reference Bureau, if there is an error in language or a typographical error, Reference Bureau can address that. But the way it reads is it certifies that 75 percent of the persons in a city of the first class who are required to do so satisfy the financial responsibility requirements of this title. Very easily understood. Once 75 percent of the people in the city of Philadelphia who are required to meet financial responsibility do exactly that and the Commissioner certifies that, then they will be entitled to a rate reduction. The language is not vague. It is very easily

understood. There may be an additional verb, but it does not distort the meaning of the amendment.

Mr. McHALE. Thank you, Mr. Speaker.

That concludes my interrogation. May I speak briefly on the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh. He is in order and may proceed.

Mr. GANNON. If it was, it is typographical. I see the word "to" should be "do"; "do so."

I am sorry. Go ahead.

Mr. McHALE. Mr. Speaker, I have listened carefully to the gentleman, Mr. Gannon, and I know what he would like to have his amendment say. Unfortunately, it does not say it. What he would like to have his amendment say is that there is a certification that in fact a requirement of financial responsibility has been met. Unfortunately, that is simply not what the language says. I do not believe Legislative Reference Bureau can in fact substitute language that simply is not there. That goes beyond the editing authority that is given to the Legislative Reference Bureau.

I might or might not vote for the amendment if it were complete, but I certainly cannot vote for the partial sentence that appears in the amendment today. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia County, Mr. Thomas.

Mr. THOMAS. Mr. Speaker, I rise to urge unanimous opposition to this amendment for the following reasons.

Number one, although I am new to this process, I have had an opportunity in my limited experience to sit in on a number of sessions around this whole question of insurance rates, and I have not at any time found facts or law to support the notion that 66 counties in the Commonwealth of Pennsylvania are supporting uninsured motorists in Philadelphia County or other first-class counties. I think that in the absence of facts, in the absence of some public policy or some basis upon which this amendment is dependent, that this amendment needs to be rejected out of hand.

Secondly, I think that this amendment takes us into very dangerous waters when we start saying that the Insurance Commissioner should have authority to determine who, and under what circumstances, should be entitled to insurance. I think that once we open the doors to a scenario like this, we will never be able to close those doors. So I strongly urge opposition to this amendment.

And lastly, Mr. Speaker, I think that in the last amendment, the Kosinski amendment, which I strongly supported, we took a giant step to provide motorists of the Commonwealth of Pennsylvania with some real relief. To vote "yes" on this amendment wipes that completely out. We are on the right track with the Kosinski amendment, and I think that we should stay there and not entertain an amendment like the Gannon amendment.

Thank you, and I strongly urge opposition to this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

CONSTITUTIONAL POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes the gentleman, on the amendment, from Philadelphia County, Representative Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I challenge the constitutionality of this amendment. This amendment draws an invidious classification between Philadelphia and other counties which is by no means justified in any form of public policy under the Federal Constitution. It denies equal protection of the laws of the Commonwealth of Pennsylvania to the people of Pennsylvania. The Commonwealth of Pennsylvania has no power whatsoever to draw these kinds of invidious classifications. This is totally unsupported by any findings of public policy.

I urge the House to declare this unconstitutional. I so move that this be.

The SPEAKER pro tempore. The gentleman from Philadelphia raises the question of constitutionality.

On the question,

Will the House sustain the constitutionality of the amendment?

The SPEAKER pro tempore. The Speaker, under rule 4, is required to submit questions affecting constitutionality of a bill to the House for decision, which the Chair now does, and recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Mr. Speaker, under the Federal Constitution and under the State Constitution, there has to be a reasonable classification when you distinguish between counties. There is no public-policy reason for distinguishing between Philadelphia and other counties. All counties in Pennsylvania have problems with motorists who are driving without insurance.

All the laws that we have passed on uninsured motorists hitherto to this second have applied equally all across the board. There has never at any time been any legislative finding or any judicial finding that there is a reason for classifying Philadelphians differently from any other county in the State. There have to be rational classifications; there has to be a demonstration of a reason why classifications are made. There is no reason to classify Philadelphia differently from any other county, and I therefore state that this amendment is unconstitutional. It violates the equal protection sections of our Constitution.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of constitutionality, the Chair recognizes the gentleman from Cumberland County, Representative Broujos.

Mr. BROUJOS. Mr. Speaker, I support the speaker's motion. It is clearly unconstitutional. Whereas the prior question concerning an amendment to HB 431, this one is very clear, and it violates specifically Article XIV, section 1, of the United States Constitution.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of constitutionality, the Chair recognizes the gentleman from Delaware County, Representative Gannon.

Mr. GANNON. Mr. Speaker, in a few short days we are going to be voting for millions and millions and millions of dollars in our budget for a place in this Commonwealth described as "cities of the first class." We are going to pour millions and millions of dollars into cities of the first class, and I—

Mr. O'DONNELL. Mr. Speaker?

Mr. GANNON. —would venture to say that not one of those guys—

Mr. O'DONNELL. Mr. Speaker?

Mr. GANNON. —will get up and say, that is discriminatory; that is unconstitutional.

Mr. O'DONNELL. Mr. Speaker?

The SPEAKER pro tempore. Will the gentleman yield.

POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes the majority leader, Representative O'Donnell.

Mr. O'DONNELL. Let me make the obvious point of order.

In the unlikely event the gentleman has any evidence to support that, we would be happy to debate it at budget time. It is irrelevant to this.

Mr. GANNON. I did not say I was going to bring it up; I am just expecting some of these other guys to bring it up.

At any rate, Mr. Speaker, this amendment says nothing about Philadelphia. It does what this legislature has traditionally done: it addresses cities of the first class. That has gone up and down the courts any number of times, and the courts have said that describing a locality such as this in this fashion is clearly constitutional.

This amendment simply describes and applies to cities of the first class. It is clearly constitutional, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Bradford County, Representative Chadwick.

Mr. CHADWICK. Thank you, Mr. Speaker.

Mr. Speaker, in my view, this amendment is unconstitutional. In my view, it does violate the equal protection clause of the U.S. Constitution. While I commend the gentleman for his motives in attempting to address the uninsured-motorist problem in the city of Philadelphia, I do not think this is the right way, and I do not think it is constitutional.

The SPEAKER pro tempore. On the question of constitutionality, those voting "yea" will vote to declare the amendment to be constitutional; those voting "no" will vote to declare the amendment to be unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

YEAS—47

Barley	Farmer	Jadlowiec	Scheetz
Black	Fleagle	Johnson	Schuler
Boyes	Flick	Kondrich	Seraffini
Brandt	Freind	Langtry	Smith, B.
Bunt	Gallen	McVerry	Snyder, G.
Burns	Gannon	Mowery	Strittmatter
Cessar	Geist	Noye	Taylor, E. Z.
Clark, D. F.	Hasay	Phillips	Telek
Cornell	Hayes	Piccola	Vroon
Dorr	Herman	Pitts	Wass
Durham	Hershey	Robbins	Wright, J. L.
Fargo	Hess	Ryan	

NAYS—152

Acosta	Dietterick	Letterman	Rieger
Adolph	Distler	Levdansky	Ritter
Allen	Dombrowski	Linton	Robinson
Angstadt	Donatucci	Lloyd	Roebuck
Argall	Evans	Lucyk	Rudy
Battisto	Fairchild	McCall	Rybak
Belardi	Fee	McHale	Saloom
Belfanti	Fox	McNally	Saurman
Billow	Freeman	Maiale	Scrimenti
Birmelin	Gamble	Maine	Semmel
Bishop	George	Markosek	Smith, S. H.
Blaum	Gigliotti	Marsico	Snyder, D. W.
Bortner	Gladeck	Mayernik	Staback
Bowley	Godshall	Melio	Stairs
Broujos	Gruitza	Merry	Steighner
Burd	Gruppo	Michlovic	Stish
Bush	Hagarty	Micozzie	Stuban
Caftagirone	Haluska	Miller	Tangretti
Cappabianca	Harper	Mochlmann	Taylor, F.
Carlson	Hayden	Morris	Taylor, J.
Carn	Heckler	Mrkonic	Thomas
Cawley	Howlett	Murphy	Tigue
Chadwick	Hughes	Nahill	Trello
Civera	Itkin	Nailor	Trich
Clark, B. D.	Jackson	O'Brien	Van Horne
Clark, J. H.	James	O'Donnell	Veon
Clymer	Jarolin	Oliver	Wambach
Cohen	Josephs	Perzel	Weston
Colafula	Kaiser	Pesci	Williams
Colaizzo	Kasunic	Petrarca	Wilson
Cole	Kenney	Petrone	Wogan
Corrigan	Kosinski	Pievsky	Wozniak
Cowell	Kukovich	Pistella	Wright, D. R.
Coy	LaGrotta	Pressmann	Wright, R. C.
DeLuca	Lashingner	Preston	Yandrisevits
DeWeese	Laughlin	Raymond	
Daley	Lee	Reinard	Manderino,
Davies	Leh	Richardson	Speaker
Dempsey	Lescovitz		

NOT VOTING—3

Foster	Olasz	Reber
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EXCUSED—1

Dininni

Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendment was not sustained.

The SPEAKER pro tempore. The Chair is delighted to return the gavel to our permanent Speaker, Representative Manderino.

THE SPEAKER (JAMES J. MANDERINO) IN THE CHAIR

The SPEAKER. The Chair thanks the Representative from Dauphin County, Representative Wambach, for presiding temporarily for the Speaker.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mrs. WESTON offered the following amendment No. A1845:

Amend Sec. 1 (Sec. 1702), by striking out "Serious injury." A personal injury resulting in death, serious impairment of body function or permanent serious disfigurement.

and inserting

"Serious injury." A personal injury which results in death; dismemberment; significant disfigurement; a fracture; loss of a fetus; permanent loss of use of a body organ, member, function or system; permanent consequential limitation of use of a body organ or member; significant limitation of use of a body function or system; or a medically determined injury or impairment of a nonpermanent nature which prevents the injured person from performing substantially all of the material acts which constitute such person's usual and customary daily activities for not less than 90 days during the 180 days immediately following the occurrence of the injury or impairment.

On the question,

Will the House agree to the amendment?

The SPEAKER. From Philadelphia County, the Chair recognizes Representative Weston on the amendment.

Mrs. WESTON. Thank you, Mr. Speaker.

Very briefly, this amendment would set into our law and the bill that we are about to consider the language that New York has used now for a number of years to define what a serious injury is. I think it is a better guideline for that definition, and I would appreciate the House's positive consideration. Thank you.

The SPEAKER. The question is on the amendment. On that question, from Philadelphia, Representative Hayden is recognized.

Mr. HAYDEN. Thank you, Mr. Speaker.

Although certainly New York also has a no-fault law and has addressed this issue, I think that when we considered the Freind amendment and considered amendment 1774, we resolved the issue on serious injury.

What I would like to note is that the savings which were noted in amendment 1774 were based upon and are due largely in part to the experience in Michigan and the correlation that that experience has to the State of Pennsylvania. So I think if we begin to try to adopt other States' language, we begin to undo the assumptions under which those reductions are made.

So therefore, I would request a "no" vote on the Weston amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—110

Adolph	Dempsey	Kenney	Rudy
Angstadt	Dietterick	Kondrich	Ryan
Barley	Distler	Kosinski	Saloom
Belardi	Donatucci	Lashingner	Scheetz
Birmelin	Dorr	Leh	Schuler
Black	Durham	Letterman	Semmel
Blaum	Fairchild	McCall	Serafini
Bortner	Fargo	McNally	Smith, S. H.
Boyes	Farmer	McVerry	Snyder, D. W.
Brandt	Fleagle	Maiale	Snyder, G.
Broujos	Foster	Marsico	Stairs
Bunt	Fox	Merry	Steighner
Burd	Gallen	Micozzie	Strittmatter
Bush	Gannon	Miller	Tangretti
Carlson	Geist	Mowery	Taylor, E. Z.
Carn	Gladeck	Nahill	Taylor, J.
Cessar	Gruitza	Nailor	Telek
Chadwick	Gruppo	Noye	Trello
Civera	Hagarty	O'Brien	Veon
Clark, B. D.	Hayes	Perzel	Wass
Clark, D. F.	Herman	Petrone	Weston
Clark, J. H.	Hershey	Phillips	Wilson
Clymer	Hess	Piccola	Wogan
Colaizzo	Jackson	Pitts	Wozniak
Cornell	Jadlowiec	Raymond	Wright, J. L.
Coy	Jarolin	Reber	Wright, R. C.
DeLuca	Johnson	Robbins	Yandrisevits
Davies	Josephs		

NAYS—90

Acosta	Freeman	Levdansky	Rieger
Allen	Freind	Linton	Ritter
Argall	Gamble	Lloyd	Robinson
Battisto	George	Lucyk	Roebuck
Belfanti	Gigliotti	McHale	Rybak
Billow	Godshall	Maine	Saurman
Bishop	Haluska	Markosek	Scrimenti
Bowley	Harper	Melio	Smith, B.
Burns	Hasay	Michlovic	Staback
Caltagirone	Hayden	Moehlmann	Stish
Cappabianca	Heckler	Morris	Stuban
Cawley	Howlett	Mrkonc	Taylor, F.
Cohen	Hughes	Murphy	Thomas
Colaafella	Itkin	O'Donnell	Tigue
Cole	James	Oliver	Trich
Corrigan	Kaiser	Pesci	Van Horne
Cowell	Kasunic	Petrarca	Vroon
DeWeese	Kukovich	Pievsky	Wambach
Daley	LaGrotta	Pistella	Williams
Dombrowski	Langtry	Pressmann	Wright, D. R.
Evans	Laughlin	Preston	
Fee	Lee	Reinard	Manderino,
Flick	Lescovitz	Richardson	Speaker

NOT VOTING—2

Mayernik Olasz

EXCUSED—1

Dininni

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

AMENDMENT A1813 RECONSIDERED

The SPEAKER. The Chair is in receipt of a motion for reconsideration filed by the gentlemen, Mr. Hayes and Mr. Ryan, the minority whip and minority leader, on amendment 1813, which is the Kosinski amendment. The motion is that amendment 1813 to HB 431, PN 1954, that was passed on the 13th day of June, be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—193

Acosta	Donatucci	Langtry	Robbins
Adolph	Dorr	Lashingner	Robinson
Allen	Durham	Laughlin	Roebuck
Angstadt	Evans	Lee	Rudy
Argall	Fairchild	Leh	Ryan
Barley	Fargo	Lescovitz	Rybak
Battisto	Farmer	Letterman	Saloom
Belardi	Fee	Levdansky	Saurman
Belfanti	Fleagle	Linton	Scheetz
Billow	Flick	Lloyd	Schuler
Birmelin	Foster	McCall	Scrimenti
Bishop	Fox	McHale	Semmel
Black	Freeman	McNally	Serafini
Bortner	Freind	McVerry	Smith, B.
Bowley	Gallen	Maiale	Smith, S. H.
Boyes	Gamble	Maine	Snyder, D. W.
Brandt	Gannon	Markosek	Snyder, G.
Broujos	Geist	Marsico	Staback
Bunt	George	Mayermik	Stairs
Burd	Gigliotti	Melio	Steighner
Burns	Gladeck	Merry	Stish
Bush	Godshall	Michlovic	Strittmatter
Cappabianca	Gruitza	Micozzie	Stuban
Carlson	Gruppo	Miller	Tangretti
Carn	Hagarty	Moehlmann	Taylor, E. Z.
Cawley	Haluska	Morris	Taylor, F.
Cessar	Harper	Mowery	Taylor, J.
Chadwick	Hasay	Murphy	Telek
Civera	Hayden	Nahill	Thomas
Clark, B. D.	Hayes	Nailor	Tigue
Clark, D. F.	Heckler	Noye	Trello
Clark, J. H.	Herman	O'Brien	Trich
Clymer	Hershey	O'Donnell	Van Horne
Cohen	Hess	Oliver	Veon
Colaafella	Howlett	Perzel	Wambach
Colaizzo	Hughes	Petrone	Wass
Cole	Itkin	Phillips	Weston
Cornell	Jackson	Piccola	Williams
Corrigan	Jadlowiec	Pievsky	Wilson
Cowell	Jarolin	Pistella	Wogan
Coy	Johnson	Pitts	Wozniak
DeLuca	Josephs	Pressmann	Wright, D. R.
DeWeese	Kaiser	Preston	Wright, J. L.
Daley	Kasunic	Raymond	Wright, R. C.
Davies	Kenney	Reber	Yandrisevits
Dempsey	Kondrich	Reinard	
Dietterick	Kosinski	Richardson	Manderino,
Distler	Kukovich	Rieger	Speaker
Dombrowski	LaGrotta	Ritter	

NAYS—7

Blaum	James	Mrkonc	Vroon
Caltagirone	Lucyk	Petrarca	

NOT VOTING—2

Olasz

Pesci

EXCUSED—1

Dininni

The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,
Will the House agree to the amendments?

The SPEAKER. On that question, the gentleman from Delaware, Mr. Ryan, seeks recognition and is in order.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, it was called to my attention at the conclusion of the vote on the Kosinski amendment that a number of members voted not fully understanding the amendment and now would like to record their votes in favor of the amendment, and rather than take up the time of the Chair by changing it, we will just run it.

The SPEAKER. On the question of agreeing to the amendment, does the gentleman, Mr. Mowery, request recognition?

Mr. MOWERY. Yes.

The SPEAKER. The gentleman from Cumberland, Mr. Mowery, is recognized.

Mr. MOWERY. Thank you very much, Mr. Speaker.

Although I usually agree with my leader, I do feel that it is rather important that the remarks that I made earlier regarding the intervention of this House in the running and establishing of rates and rate reductions for the insurance industry is not something that is for the good of the constituency here in Pennsylvania.

Therefore, regardless of for whatever reasons we feel we should vote for this, I feel that it is absolutely the wrong thing for us to do. I think we had good legislation before us today, that much of it had been agreed upon by many in this House, and at this point in time, we are about to ruin a piece of legislation that could have been good for the time and effort that we have put into it prior to this moment.

I ask for a "no" vote. I think it is something that we should not be playing games with, which is very important - premiums and automobile insurance rates in the Commonwealth of Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to amendment A1813 authored by Representative Kosinski? On that question, the gentleman, Mr. Lloyd, from Somerset County is recognized.

Mr. LLOYD. Mr. Speaker, apropos to Mr. Ryan's comment about people being confused, I would like to go back to the parliamentary inquiry and make sure that everybody understood that you had answered my question that the effect of the Kosinski amendment is to remove all of the Hayden amendment for section 1799. That was what I understood you to have said. I think that is what you said, but there are some members who are confused about that.

The SPEAKER. That is correct.

Mr. LLOYD. All of the amendment is removed. Thank you, Mr. Speaker.

The SPEAKER. All of the amendment that is covered in section 1799. All of that part of the amendment.

Mr. LLOYD. Fine.

I would like to be recognized on the amendment.

The SPEAKER. The gentleman is in order and may proceed.

Mr. LLOYD. Mr. Speaker, I want the record to be clear so that when Mr. Ryan starts sending out his political notices in the next campaign, I have something to answer why I did what I did.

I want to put this situation. This is what is going to happen: Somebody goes in to his insurance agent and says, "What can you offer me?" And the agent says, "Well, I can offer you a coverage where you get to sue and coverage where you don't get to sue." And the guy says, "That's good. How much do I pay?" And the agent says, "Well, if you buy coverage where you can't sue, you get a 25-percent rate cut." And the guy says, "That sounds pretty good. What do I get if I buy coverage where I do get to sue?" And the agent says, "Oh, you get a 25-percent rate cut." And the guy says, "Fine. I elect to buy the coverage where I get to sue, because I get the same cut either way."

Now, what that means is that there will not be the savings, because the lawsuits are going to continue as they were before; there will not be the savings to pay for the reductions. This will be challenged in court, and it is very likely that the insurance companies will win.

Under the Hayden amendment, which is in the bill if you vote down this amendment, there will be reductions. Those reductions will be bigger for those people who choose not to sue. They will not be forced to subsidize all of their brethren who choose the option to sue. Furthermore, in the bill, the rate reductions are frozen for 2 years. In the Kosinski amendment, the insurance company can run in the next day and ask for a rate increase.

Mr. Speaker, for those reasons I intend to vote against this amendment, and I think that those people who want this to have been a meaningful exercise this afternoon, who do want to put restrictions on lawsuits, and who want people to exercise their option not to sue will also vote "no." Thank you, Mr. Speaker.

The SPEAKER. The question is on agreeing to the amendment. On that question, the gentleman, Mr. Vroon, from Chester County is recognized.

Mr. VROON. Mr. Speaker, I heartily join with Mr. Lloyd in his remarks and also with Mr. Mowery.

This is very apparently a killer amendment. It kills everything that we tried to do that is right. It kills a very good plan. It is really something that would achieve a proper solution. All of a sudden, with one stroke, we are going to kill it all, and all because of the fact that this is a sexy amendment. We can go back home and say, "I voted for a 25-percent reduction." I am not that free and loose with my politics that I can push this over on my conscience. I cannot go back home and tell

my people, "I just blithely voted you a 25-percent reduction," and then they say, "Well, what's the matter with you, Vroon? Why didn't you do this a long time ago?" They know better. I cannot push this over on them either. They know better.

If you voted "no" before, I strongly urge you to vote "no" again, and do not relax your principles, even for politics, whatever that may be worth.

The SPEAKER. The question is, will the House agree to the amendment? On that question, the gentleman, Mr. Heckler, from Bucks County, is recognized.

Mr. HECKLER. Thank you, Mr. Speaker.

I would ask the maker of the amendment if he would stand for brief interrogation.

Mr. KOSINSKI. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Kosinski, consents to interrogation.

Mr. HECKLER. Mr. Speaker, is it the intention of your amendment to eliminate the differential in the reductions proposed in the Hayden amendment as adopted for those who opt the limited no-fault and to offer exactly the same reductions across the board no matter which choice a person would make?

Mr. KOSINSKI. The intention, Mr. Speaker, is to give you an across-the-board 25-percent minimum—minimum—reduction. There is nothing in the language of the amendment that says the Insurance Commissioner, when the new rates are filed, cannot cut that even more than 25 percent. But the guideline is a minimum 25 percent.

Now, I am getting tired, when for once this body did something for the insurance-buying public of this Commonwealth when we mandated a rate cut, for people to come up and say, it is not going to be more than 25 percent. There is nothing in that amendment that prohibits the Insurance Commissioner from mandating or from giving a cut when the new rates are filed by the automobile insurers of more than 25 percent.

Mr. HECKLER. I thank you.

Mr. Speaker, would you tell me, is there anything in your amendment which mandates that the cut for those who opt limited tort would be greater than the decrease for those who opt for full tort coverage?

Mr. KOSINSKI. Mr. Speaker, what the amendment does is a 25-percent across the board. The Insurance Commissioner could then decide, upon the new rate filings, if those who opt for the no-fault plan and the option not to sue would have higher reductions.

Mr. HECKLER. But is it correct to say, Mr. Speaker, that by enacting this amendment, we will have taken away the guarantee to those who would opt for limited tort that they will receive an additional reduction?

Mr. KOSINSKI. The Insurance Commissioner could decide if the reductions would be more than 25 percent.

Mr. HECKLER. I have no other questions, Mr. Speaker. I would ask to be recognized.

The SPEAKER. The gentleman is in order for remarks on the amendment.

Mr. HECKLER. Thank you, Mr. Speaker.

It is quite obvious that what we are doing here is taking away a guarantee that was provided in the Hayden amendment that formed the very backbone of what we did here today. It is quite clear that the maker of the amendment talks about what the Insurance Commissioner "may" do. The bill as it is right now guarantees to the person who opts for limited no-fault that they are going to get a significant rate reduction, and it obviously does not provide that same guarantee to those who choose to continue in the tort system.

This is a killer amendment, and I oppose it. Thank you.

The SPEAKER. From Montgomery County, Mr. Saurman is recognized.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I have a problem, I guess, with the English language in view of what Representative Kosinski indicated. The amendment that I see says, "...shall be reduced by 25%..." Now, if he is talking about where it could be reduced by a larger amount than that, then I would think the words should say, "shall be reduced by at least 25%," but it says, "by 25%." No options, no more, but by 25 percent. So all of the other reductions that are in the Hayden amendment would go by the board, and there would be a 25-percent reduction.

I think also what we need to do is remember, and we have spent all afternoon very carefully debating this bill and by a large majority have voted in favor of the Hayden amendment, and yet we are turning around the opportunity supposedly to offer to our constituents a reduction without the basis on which that reduction can be logically applied, and I think we are making a big mistake. I think that if we want to do something today, as we have done, that seriously addresses the insurance situation which has created so many problems, that we cannot just disregard that in terms of a political expediency that looks as if we are giving something to someone but will destroy the balance that was established in order to make all this possible. I think at this point if we go through and put the Kosinski amendment in, we have just kicked over the traces in terms of all the work that we have attempted to do to restore logic to the insurance business in Pennsylvania.

I think it is a serious mistake that we would make, and I would urge a "no" vote on the Kosinski amendment.

The SPEAKER. From Philadelphia, the Chair recognizes Representative Kosinski.

Mr. KOSINSKI. Thank you, Mr. Speaker.

Very simply, again, the amendment has been misinterpreted. This gives a mandatory reduction of 25 percent. It can be more if the Insurance Commissioner decides so, based upon the savings that the insurance company is going to have under the new plan. Remember the first part of the amendment, that our insurers must file for new rates within 30 days of the effective date of the bill. So again, the argument is a fallacious argument that it could not be more than 25 percent, and I ask your support for the amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—149

Acosta	Distler	Lashinger	Roebuck
Adolph	Dombrowski	Laughlin	Rudy
Allen	Donatucci	Lescovitz	Ryan
Angstadt	Durham	Letterman	Rybak
Argall	Evans	Levdansky	Scriminti
Belardi	Fairchild	Linton	Semmel
Belfanti	Farmer	Lucyk	Serafini
Billow	Fee	McCall	Smith, B.
Bishop	Fleagle	McNally	Smith, S. H.
Black	Freeman	McVerry	Snyder, D. W.
Blaum	Freind	Maiale	Snyder, G.
Bortner	Gamble	Markosek	Staback
Bowley	Gannon	Mayernik	Stairs
Boyes	Geist	Merry	Steighner
Burns	George	Micozzie	Stish
Bush	Gigliotti	Miller	Stuban
Caltagirone	Gruitza	Moehlmann	Tangretti
Cappabianca	Gruppo	Mrkonic	Taylor, E. Z.
Carlson	Haluska	Murphy	Taylor, F.
Carn	Harper	O'Brien	Taylor, J.
Cawley	Hasay	O'Donnell	Telek
Cessar	Hayes	Oliver	Thomas
Civera	Herman	Perzel	Tigue
Clark, B. D.	Hess	Pesci	Trello
Clark, D. F.	Howlett	Petrarca	Veon
Cohen	Hughes	Petrone	Wambach
Colaella	Jadlowiec	Phillips	Wass
Colaizzo	James	Pievsky	Weston
Cole	Jarolin	Pistella	Williams
Cornell	Johnson	Pressmann	Wilson
Corrigan	Josephs	Preston	Wogan
Cowell	Kaiser	Raymond	Wozniak
Coy	Kasunic	Reber	Wright, R. C.
DeLuca	Kenney	Reinard	Yandrisevits
DeWeese	Kondrich	Richardson	
Daley	Kosinski	Rieger	Manderino,
Davies	Kukovich	Robbins	Speaker
Dietterick	LaGrotta	Robinson	

NAYS—51

Barley	Flick	Leh	Pitts
Battisto	Foster	Lloyd	Ritter
Birmelin	Fox	McHale	Saloom
Brandt	Gallen	Maine	Saurman
Broujos	Godshall	Marsico	Scheetz
Bunt	Hagarty	Melio	Schuler
Burd	Hayden	Michlovic	Strittmatter
Chadwick	Heckler	Morris	Trich
Clark, J. H.	Hershey	Mowery	Van Horne
Clymer	Itkin	Nahill	Vroon
Dempsey	Jackson	Nailor	Wright, D. R.
Dorr	Langtry	Noye	Wright, J. L.
Fargo	Lee	Piccola	

NOT VOTING—2

Gladeck	Olasz
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EXCUSED—1

Dininni

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

AMENDMENT A1840 RECONSIDERED

The SPEAKER. The Chair is in receipt of a reconsideration motion signed by Representative Cohen and Representative Carn on House amendment A1840. The motion is that the vote by which the amendment A1840 was passed on the 13th day of June be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—200

Acosta	Dorr	Laughlin	Ritter
Adolph	Durham	Lee	Robbins
Allen	Evans	Leh	Robinson
Angstadt	Fairchild	Lescovitz	Roebuck
Argall	Fargo	Letterman	Rudy
Barley	Farmer	Levdansky	Ryan
Battisto	Fee	Linton	Rybak
Belardi	Fleagle	Lloyd	Saloom
Belfanti	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McHale	Schuler
Black	Freeman	McNally	Scriminti
Blaum	Freind	McVerry	Semmel
Bortner	Gallen	Maiale	Serafini
Bowley	Gamble	Maine	Smith, B.
Boyes	Gannon	Markosek	Smith, S. H.
Brandt	Geist	Marsico	Snyder, D. W.
Broujos	George	Mayernik	Snyder, G.
Bunt	Gigliotti	Melio	Staback
Burd	Gladeck	Merry	Stairs
Burns	Godshall	Michlovic	Steighner
Bush	Gruitza	Micozzie	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Cappabianca	Hagarty	Moehlmann	Stuban
Carlson	Haluska	Morris	Tangretti
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F.
Cessar	Hayden	Murphy	Taylor, J.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Nailor	Thomas
Clark, B. D.	Herman	Noye	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	O'Donnell	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colaella	Itkin	Pesci	Vroon
Colaizzo	Jackson	Petrarca	Wambach
Cole	Jadlowiec	Petrone	Wass
Cornell	James	Phillips	Weston
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pievsky	Wilson
Coy	Josephs	Pistella	Wogan
DeLuca	Kaiser	Pitts	Wozniak
DeWeese	Kasunic	Pressmann	Wright, D. R.
Daley	Kenney	Preston	Wright, J. L.
Davies	Kondrich	Raymond	Wright, R. C.
Dempsey	Kosinski	Reber	Yandrisevits
Dietterick	Kukovich	Reinard	
Distler	LaGrotta	Richardson	Manderino,
Dombrowski	Langtry	Rieger	Speaker
Donatucci	Lashinger		

NAYS—0

NOT VOTING—2

Billow	Olasz
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EXCUSED—1

Dininni

The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. On that question, the gentleman, Mr. Cohen, from Philadelphia, indicates a want for recognition and is recognized.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, when this amendment was passing, a lot of people, including myself, were unaware of what we were voting on. This amendment says that in order to get your car repaired, you have to go and get two or more bids.

Now, getting two or more bids to get a car repaired, under many circumstances, could be a very difficult thing. If, for instance, your car is seriously hurt, you would have— If your car is seriously damaged, you would have to pay a towing fee to tow it from one place to another. That would add a lot of expense. If your car is not seriously damaged, it would still be a matter of great inconvenience to take it to more than one place.

Generally speaking, auto repair places cannot give estimates immediately. It takes time. You have to leave the car there for a day or two or three days, and the effect of this is going to be that the process of getting your car repaired will take an awful lot of time and will create a lot of inconvenience for people whose cars are seriously damaged or cars that are just damaged, period. This may save money, but it will save money at a tremendous cost of time, inconvenience, and money in terms of towing fees that are going to be paid by our constituents.

I think we need cost-saving mechanisms, and there may be some other way to encourage getting competing bids, but this requirement is very severe and will create a tremendous imposition upon our constituents. I therefore urge the defeat of this amendment.

The SPEAKER. On the amendment, from Allegheny County, Representative Gamble is recognized.

Mr. GAMBLE. Mr. Speaker, I think we are here today not to deal with inconvenience. Of course, there would be cases where you may have to tow a car to two places. I thought we were here today to cut costs on the very exorbitant car insurance premiums in Pennsylvania, and it stands to reason that if you have two bids on a damaged, hurt car, you are going to come out on top if you get two bids, and the insurance companies will realize tremendous savings from that, which will be passed on to the consumer.

There has been a lot of rhetoric and a lot of talk today about all different kinds of proposals, but this is a very simple proposal—I guess in fact too simple for some people to want to accept it. It is a very realistic approach to money that is being spent unnecessarily. This will go a long way to cut the cost of insurance premiums in Pennsylvania.

I urge you to vote "yes" once again.

The SPEAKER. From Lehigh County, the Chair recognizes Representative Ritter.

Ms. RITTER. Thank you, Mr. Speaker.

In my particular case, in my insurance company, I have the option of either getting two bids or I can go to the adjuster for my company, and the adjuster—it is sort of like a medicare sheet—the adjuster will tell the body shop what they will get paid for doing the work, and if I go to the body shop that accepts that estimate, then I do not pay anything extra. So this amendment would put an extra burden on me that I do not now have, and my insurance company is already working to keep their costs down by using their adjuster's list of repairs.

So I think it is unreasonable for us to put this kind of a restriction on across the board. The insurance company now can ask you to get two bids if that is their policy, and I do not think that we should be interfering with that, particularly in cases where it is going to cause an undue burden on our constituents.

So I would urge a negative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—148

Adolph	Dietterick	LaGrotta	Raymond
Allen	Distler	Langtry	Reber
Angstadt	Donatucci	Lashinger	Reinard
Argall	Dorr	Laughlin	Robbins
Barley	Fairchild	Lescovitz	Robinson
Battisto	Fargo	Letterman	Rudy
Belfanti	Farmer	Levdansky	Ryan
Birmelin	Fee	Lucy	Saloom
Black	Fleagle	McCall	Saurman
Bowley	Foster	McNally	Scheetz
Boyes	Fox	McVerry	Schuler
Brandt	Freind	Maine	Semmel
Broujos	Gallen	Markosek	Serafini
Bunt	Gamble	Marsico	Smith, B.
Burd	Gannon	Mayernik	Smith, S. H.
Burns	Geist	Melio	Snyder, D. W.
Bush	Gigliotti	Merry	Stairs
Caltagirone	Gladeck	Michlovic	Steighner
Carlson	Godshall	Micozzie	Stish
Cessar	Gruppo	Miller	Strittmatter
Chadwick	Hagarty	Moehlmann	Stuban
Civera	Haluska	Morris	Tangretti
Clark, B. D.	Hasay	Mowery	Taylor, E. Z.
Clark, D. F.	Hayes	Mrkonic	Taylor, F.
Clark, J. H.	Heckler	Murphy	Taylor, J.
Clymer	Herman	Nailor	Telek
Colafrilla	Hershey	Noye	Trello
Colaizzo	Hess	O'Brien	Trich
Cole	Itkin	Perzel	Van Horne
Corrigan	Jackson	Pesci	Vroon
Cowell	Jadlowiec	Petrarca	Wambach
Coy	Jarolin	Petrone	Wass
DeLuca	Johnson	Phillips	Weston
DeWeese	Kaiser	Piccola	Wilson
Daley	Kasunic	Pistella	Wogan
Davies	Kenney	Pitts	Wozniak
Dempsey	Kondrich	Preston	Wright, J. L.

NAYS—53

Acosta	Flick	Linton	Scrimenti
Belardi	Freeman	Lloyd	Snyder, G.
Billow	George	McHale	Staback
Bishop	Gruitza	Maiale	Thomas
Blaum	Harper	Nahill	Tigue
Bortner	Hayden	O'Donnell	Veon
Cappabianca	Howlett	Oliver	Williams
Carn	Hughes	Pievsky	Wright, D. R.
Cawley	James	Pressmann	Wright, R. C.
Cohen	Josephs	Richardson	Yandrisevits
Cornell	Kosinski	Rieger	
Dombrowski	Kukovich	Ritter	Manderino,
Durham	Lee	Roebuck	Speaker
Evans	Leh	Rybak	

NOT VOTING—1

Olasz

EXCUSED—1

Dininni

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—192

Acosta	Dombrowski	Kukovich	Raymond
Adolph	Donatucci	LaGrotta	Reber
Allen	Dorr	Langtry	Reinard
Angstadt	Durham	Lashingier	Richardson
Argall	Evans	Laughlin	Rieger
Barley	Fairchild	Lee	Ritter
Battisto	Fargo	Leh	Robbins
Belardi	Farmer	Lescovitz	Robinson
Belfanti	Fee	Letterman	Roebuck
Billow	Fleagle	Levdansky	Rudy
Birmelin	Flick	Linton	Saloom
Bishop	Foster	Lloyd	Saurman
Black	Fox	Lucyk	Scheetz
Blaum	Freeman	McCall	Schuler
Bortner	Freind	McHale	Scrimenti
Bowley	Gallen	McNally	Semmel
Boyes	Gamble	McVerry	Serafini
Broujos	Gannon	Maiale	Smith, B.
Burd	Geist	Maine	Smith, S. H.
Burns	George	Markosek	Snyder, D. W.
Bush	Gigliotti	Marsico	Snyder, G.
Caltagirone	Godshall	Mayernik	Staback
Cappabianca	Gruitza	Melio	Stairs
Carlson	Gruppo	Merry	Steighner
Carn	Hagarty	Michlovic	Stish
Cawley	Haluska	Micozzie	Stuban
Cessar	Harper	Miller	Tangretti
Chadwick	Hasay	Moehlmann	Taylor, E. Z.
Civera	Hayden	Morris	Taylor, F.
Clark, B. D.	Hayes	Mowery	Taylor, J.
Clark, D. F.	Heckler	Mrkonic	Telek
Clark, J. H.	Herman	Murphy	Thomas
Clymer	Hershey	Nahill	Tigue
Cohen	Hess	Nailor	Trello
Colafella	Howlett	Noye	Trich
Colaizzo	Hughes	O'Brien	Van Horne

Cole	Itkin	O'Donnell	Veon
Cornell	Jackson	Oliver	Vroon
Corrigan	Jadlowiec	Perzel	Wambach
Cowell	James	Pesci	Wass
Coy	Jarolin	Petrarca	Weston
DeLuca	Johnson	Petrone	Williams
DeWeese	Josephs	Phillips	Wilson
Daley	Kaiser	Piccola	Wogan
Davies	Kasunic	Pievsky	Wozniak
Dempsey	Kenney	Pistella	Wright, D. R.
Dietterick	Kondrich	Pitts	Wright, J. L.
Distler	Kosinski	Pressmann	Wright, R. C.

NAYS—7

Brandt	Rybak	Yandrisevits
Bunt	Strittmatter	
Ryan		Manderino, Speaker

NOT VOTING—3

Gladeck	Olasz	Preston
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EXCUSED—1

Dininni

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

VOTE CORRECTION

The SPEAKER. The Chair recognizes the gentleman, Mr. Cawley, from Lackawanna County. For what purpose does the gentleman rise?

Mr. CAWLEY. To correct the record, Mr. Speaker.

The SPEAKER. Without objection, the gentleman is in order.

Mr. CAWLEY. Mr. Speaker, on HB 431, amendment A1774, I was recorded in the negative. I would like to be recorded in the affirmative, please.

The SPEAKER. The gentleman's remarks will be spread upon the record.

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 50, PN 52**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 75, PN 207**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILL SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bill, which was then signed:

HB 50, PN 52

An Act designating the dam on the Susquehanna River at Williamsport as the Anthony J. Cimini Dam.

The SPEAKER. For the information of the members, the bill that the Speaker is about to sign is the bill designating the dam on the Susquehanna River at Williamsport as the "Anthony J. Cimini Dam," former member of this House.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader, Representative O'Donnell, who announces that the Rules Committee will hold a meeting at the desk of the majority leader upon the temporary recess of the House.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. Representative Pievsky, chairman of the Appropriations Committee, announces that that committee will meet in the rear of the House on the declaration of the temporary recess.

EDUCATION COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Representative Cowell, chairman of the Education Committee. For what purpose does the gentleman rise?

Mr. COWELL. Mr. Speaker, I would like to call a meeting of the Education Committee immediately upon the call of the temporary recess. The meeting will be off the floor in the back.

The SPEAKER. Off the floor in the back of the House, the Education Committee will hold a meeting.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES****HB 88, PN 95** By Rep. STUBAN

An Act to provide for the prevention, detection, treatment and follow-up of cases of undue lead absorption and lead poisoning among certain children; and making an appropriation.

YOUTH AND AGING.

HB 698, PN 2057 (Amended)

By Rep. STUBAN

An Act establishing a program to assist persons who bear primary responsibility for the at-home care of functionally disabled older adults and victims of chronic dementia.

YOUTH AND AGING.

HB 900, PN 2058 (Amended)

By Rep. STUBAN

An Act amending the act of November 26, 1975 (P. L. 438, No. 124), known as the "Child Protective Services Law," further defining "child abuse," "child care services," "sexual abuse" and other terms; adding definitions; further providing for legislative findings and the purpose of the act, for the reporting of suspected child abuse, taking children into protective custody, immunity from liability for making reports, education, training and certification for child protective service workers, duties of the department, confidentiality of records, and for child protective service responsibilities and organization; providing for a risk assessment process, cooperation between child protective service and law enforcement agencies; establishing a program of general protective services; imposing penalties for making false reports; and making editorial changes.

YOUTH AND AGING.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****SB 357, PN 1240 (Amended)**

By Rep. STUBAN

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), entitled "Health Care Facilities Act," permitting health care facilities to board an animal in certain cases; and limiting liability when animals are boarded or brought on the premises of health care facilities.

YOUTH AND AGING.

BILLS PASSED OVER

The SPEAKER. The Chair had previously announced a voting schedule for today's session which included HB 567, HB 589, and HB 685. Without objection, the majority leader has asked that these bills go over in order at this time. The Chair hears no objection, and the bills will go over in order.

The members are admonished that the bills that we went over just now will be taken up in a later session, and members should keep their amendments to these bills so that they may be presented when these bills are called up again.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON EDUCATION****HB 1607, PN 1886** By Rep. MRKONIC

An Act amending the act of December 15, 1982 (P. L. 1266, No. 287), entitled "An act conferring limited residency status on military personnel and their dependents assigned to an active duty station in Pennsylvania," enlarging the scope of the act as to limited residency status.

MILITARY AND VETERANS AFFAIRS.

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES****HB 1355, PN 2060 (Amended)**

By Rep. MRKONIC

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for special State duty.

MILITARY AND VETERANS AFFAIRS.

HB 1634, PN 2059 (Amended)

By Rep. MRKONIC

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for disabled veterans real estate tax exemption.

MILITARY AND VETERANS AFFAIRS.

HB 1687, PN 2025

By Rep. PIEVSKY

An Act appropriating and transferring amounts from the State Workmen's Insurance Fund to the Treasury Department.

APPROPRIATIONS.

HB 1688, PN 2026

By Rep. PIEVSKY

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, transferring the pension service credit of certain Philadelphia Regional Port Authority employees to the State Employees' Retirement System.

APPROPRIATIONS.

HB 1694, PN 2046

By Rep. COWELL

An Act amending the act of December 15, 1986 (P. L. 1585, No. 174), known as the "Private Licensed Schools Act," creating a special fund to serve as repository for license fees authorized by the act.

EDUCATION.

BILLS REREPORTED FROM COMMITTEE**HB 1374, PN 1595**

By Rep. PIEVSKY

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the disposition of the proceeds of rentals and sales of State armories; and further providing for expenditures from the State Treasury Armory Fund.

APPROPRIATIONS.

HB 1429, PN 2056 (Amended)

By Rep. PIEVSKY

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for increased fees and additional fees for the Department of Labor and Industry.

APPROPRIATIONS.

HB 1573, PN 1952

By Rep. PIEVSKY

An Act amending the act of May 13, 1915 (P. L. 286, No. 177), known as the "Child Labor Law," further providing for agricultural exemptions; and permitting persons 14 years of age or older to engage in certain employment in bowling centers.

APPROPRIATIONS.

BILLS ON SECOND CONSIDERATION

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

HB 1374, PN 1595; HB 1429, PN 2056; and HB 1573, PN 1952.

VOTE CORRECTIONS

The SPEAKER. The gentleman from Philadelphia, Mr. Acosta, is seeking recognition. Will the gentleman indicate for what purpose the gentleman rises.

Mr. ACOSTA. Thank you, Mr. Speaker.

I want to be recorded in the negative on HB 431.

The SPEAKER. The gentleman's remarks will be spread upon the record. The gentleman wanted to be recorded in the negative on HB 431.

The Chair recognizes the gentleman, Mr. Preston, from Allegheny County. For what purpose does the gentleman rise?

Mr. PRESTON. To make an addition to the record, Mr. Speaker. During the vote of HB 431, I was out of my seat at the time. I would like to be recorded in the affirmative.

The SPEAKER. The gentleman's remarks will be spread upon the record.

BILLS REREPORTED FROM COMMITTEE**HB 1669, PN 2001**

By Rep. O'DONNELL

An Act amending the act of July 22, 1974 (P. L. 589, No. 205), known as the "Unfair Insurance Practices Act," further providing for unfair methods of competition and unfair or deceptive acts or practices; authorizing inspections and investigations; further providing for hearings and the effects of hearings; and further providing for penalties.

RULES.

HB 1671, PN 2003

By Rep. O'DONNELL

An Act requiring insurance companies to investigate and report insurance fraud and maintain plans to investigate and reduce the incidence of fraud; establishing a Fraud Information Exchange; providing for notice to insurance applicants and claimants that insurance fraud is a felony; providing law enforcement authorities and the Insurance Department access to fraud information and data; and imposing penalties.

RULES.

HB 1672, PN 2004

By Rep. O'DONNELL

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), known as "The Insurance Department Act of one thousand nine hundred and twenty-one," providing for investigatory powers and inspection rights; establishing a cause of action for persons who have suffered an insurance fraud; granting civil immunity to certain persons; imposing penalties; further providing for theft by agents, brokers and public adjusters; and making repeals.

RULES.

BILLS ON SECOND CONSIDERATION

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

HB 1669, PN 2001; HB 1671, PN 2003; and HB 1672, PN 2004.

**BILL ON CONCURRENCE REPORTED
FROM RULES COMMITTEE**

HB 75, PN 2027

By Rep. O'DONNELL

An Act reenacting and amending the act of October 4, 1978 (P. L. 883, No. 170), referred to as the "Public Official and Employee Ethics Law," adding definitions; further providing for the membership, powers and duties of the State Ethics Commission and for persons who must file statements of financial interests; reestablishing the State Ethics Commission; and making an appropriation.

RULES.

VOTE CORRECTION

The SPEAKER. The gentleman, Representative James, from Philadelphia, is recognized.

Mr. JAMES. Mr. Speaker, I would like to change my vote on amendment 1845 to HB 431. I voted in the negative, and I would like to be recorded as voting in the affirmative.

The SPEAKER. The gentleman's remarks will be spread upon the record.

ADJOURNMENT

The SPEAKER. If there is no further business to come before this House, the Chair recognizes, from Allegheny County, Representative Kondrich.

Mr. KONDRICH. Mr. Speaker, I move that this House do now adjourn until Wednesday, June 14, 1989, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:40 p.m., e.d.t., the House adjourned.