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COMMITTEES
JUDICIARY, CHAIRMAN

House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

September 3, 1992

Thursday, 10:00 A.M.
140 Main Capitol

Affect of Act 14 of 1992

Honorable Gerard A. Kosiniski
Hearing Chairman

Mel Rosenthal, owner
Reliable Warehouse Furniture Store, Reading, PA
Charles Wittenmyer, Esq.

James Morgan, Es.

AN ACT

HB 23

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for damages in actions on thefts of leased property.

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

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

§ 8310. Damages in actions on thefts of leased property.

(a) General rule.—*In a civil action based on theft of leased property, as defined in 18 Pa.C.S. § 3932(a) (relating to theft of leased property), a court of competent jurisdiction may utilize the following remedies:*

(1) Order the defendant to restore the merchandise to the plaintiff in its original condition, if possible.

(2) Award damages as follows:

(i) If it is not possible to restore the merchandise in its original condition under paragraph (1), award the value of the merchandise as damages.

(ii) Award actual damages arising from the incident. Damages under this subparagraph do not include the loss of time or wages incurred by the plaintiff in connection with the apprehension and prosecution of the defendant.

(iii) Award reasonable attorney fees and court costs.

(3) Award a civil penalty to the plaintiff in the amount of the value of the merchandise plus \$150.

(b) Minors.—*If the defendant is a minor, the act of July 27, 1967 (P.L.186, No.58), entitled "An act imposing liability upon parents for personal injury, or theft, destruction, or loss of property caused by the wilful, tortious acts of children under eighteen years of age, setting forth limitations, and providing procedure for recovery," applies.*

(c) Criminal disposition.—*Criminal prosecution under 18 Pa.C.S. § 3932 is not a prerequisite to the applicability of this section.*

(d) Limitations.—

(1) No civil action under this section may be maintained if the defendant has returned the merchandise to the plaintiff and paid all obligations under the contract establishing a lease agreement plus the sum of \$150.

(2) No civil action under this section may be maintained unless:

(i) the plaintiff has sent a notice to defendant's last known address; and

(ii) the plaintiff has given the defendant 20 days to respond to the notice before the action is commenced.

(e) Release.—If the person to whom a written demand is made complies with such demand within 20 days after the receipt of the demand, that person shall be given a written release from further civil liability with respect to the specific act of theft of leased property.

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

APPROVED—The 11th day of July, A. D. 1991.

ROBERT P. CASEY