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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1879 Session of  
2013

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INTRODUCED BY WATERS, COHEN AND FABRIZIO, DECEMBER 9, 2013

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REFERRED TO COMMITTEE ON TRANSPORTATION, DECEMBER 9, 2013

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in financial responsibility, further providing for  
3 election of tort options.

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

6 Section 1. Section 1705(a)(1) and (f) introductory paragraph  
7 of Title 75 of the Pennsylvania Consolidated Statutes are  
8 amended to read:

9 § 1705. Election of tort options.

10 (a) Financial responsibility requirements.--

11 (1) Each insurer, not less than 45 days prior to the  
12 first renewal of a private passenger motor vehicle liability  
13 insurance policy on and after July 1, 1990, shall notify in  
14 writing each named insured of the availability of two  
15 alternatives of full tort insurance and limited tort  
16 insurance described in subsections (c) and (d). The notice  
17 shall be a standardized form adopted by the commissioner and  
18 shall include the following language:

19 NOTICE TO NAMED INSUREDS

1           A. "Limited Right-to-Sue Tort" Option--The laws of the  
2           Commonwealth of Pennsylvania give you the right to choose  
3           a form of insurance that limits your right and the right  
4           of members of your household to seek financial  
5           compensation for injuries caused by other drivers. Under  
6           this form of insurance, you and other household members  
7           covered under this policy may seek recovery for all  
8           medical and other out-of-pocket expenses, but not for  
9           pain and suffering or other nonmonetary damages unless  
10          the injuries suffered fall within the definition of  
11          "serious injury" as set forth in the policy or unless one  
12          of several other exceptions noted in the policy applies.  
13          The annual premium for basic coverage as required by law  
14          under this "limited right-to-sue tort" option is \$        .  
15          Additional coverages under this option are available at  
16          additional cost.

17          B. "Full Right-to-Sue Tort" Option--The laws of the  
18          Commonwealth of Pennsylvania also give you the right to  
19          choose a form of insurance under which you maintain an  
20          unrestricted right for you and the members of your  
21          household to seek financial compensation for injuries  
22          caused by other drivers. Under this form of insurance,  
23          you and other household members covered under this policy  
24          may seek recovery for all medical and other out-of-pocket  
25          expenses and may also seek financial compensation for  
26          pain and suffering and other nonmonetary damages as a  
27          result of injuries caused by other drivers. The annual  
28          premium for basic coverage as required by law under this  
29          "full right-to-sue tort" option is \$        .  
30          Additional coverages under this option are available at

1 additional cost.

2 C. You may contact your insurance agent, broker or  
3 company to discuss the cost of other coverages.

4 D. If you wish to choose the "limited right-to-sue tort"  
5 option described in paragraph A, you must sign this  
6 notice where indicated below and return it. If you do not  
7 sign and return this notice, you will be considered to  
8 have chosen the "full right-to-sue tort" coverage as  
9 described in paragraph B and you will be charged the  
10 "full right-to-sue tort" premium.

11 I wish to choose the "limited right-to-sue tort" option  
12 described in paragraph A:

13 .....  
14 Named Insured Date

15 E. If you wish to choose the "full right-to-sue tort"  
16 option described in paragraph B, you may sign this notice  
17 where indicated below and return it. However, if you do  
18 not sign and return this notice, you will be considered  
19 to have chosen the "full right-to-sue tort" coverage as  
20 described in paragraph B and you will be charged the  
21 "full right-to-sue tort" premium.

22 I wish to choose the "full right-to-sue tort" option  
23 described in paragraph B:

24 .....  
25 Named Insured Date

26 \* \* \*

27 (f) Definitions.--The terms "tort" and "right to sue" shall  
28 have the same meaning and be interpreted in the same manner. As  
29 used in this section, the following words and phrases when used  
30 in this section shall have the meanings given to them in this

1 subsection unless the context clearly indicates otherwise:

2 \* \* \*

3 Section 2. The amendment of 75 Pa.C.S. § 1705(a)(1) shall  
4 only apply to new private passenger motor vehicle liability  
5 insurance policies applied for and issued after 90 days after  
6 the effective date of this section.

7 Section 3. This act shall take effect in 60 days.