
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1958 Session of
2014

INTRODUCED BY MULLERY, COHEN, FARINA, GIBBONS, HAGGERTY,
KAVULICH, MILLARD, MUNDY, CARROLL, MURT, O'BRIEN, PASHINSKI,
SABATINA AND SCHLOSSBERG, JANUARY 16, 2014

REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 16, 2014

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in driving after imbibing alcohol or utilizing
3 drugs, further providing for election of tort options.

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

6 Section 1. Section 1705(d)(1) of Title 75 of the
7 Pennsylvania Consolidated Statutes is amended to read:

8 § 1705. Election of tort options.

9 * * *

10 (d) Limited tort alternative.--Each person who elects the
11 limited tort alternative remains eligible to seek compensation
12 for economic loss sustained in a motor vehicle accident as the
13 consequence of the fault of another person pursuant to
14 applicable tort law. Unless the injury sustained is a serious
15 injury, each person who is bound by the limited tort election
16 shall be precluded from maintaining an action for any
17 noneconomic loss, except that:

18 (1) An individual otherwise bound by the limited tort

1 election who sustains damages in a motor vehicle accident as
2 the consequence of the fault of another person may recover
3 damages as if the individual damaged had elected the full
4 tort alternative whenever the person at fault:

5 (i) is convicted or accepts Accelerated
6 Rehabilitative Disposition (ARD) for driving under the
7 influence of alcohol or a controlled substance in that
8 accident;

9 (i.1) is deceased as a result of the motor vehicle
10 accident and the alcohol concentration in the
11 individual's blood was at least 0.08% or there was in the
12 individual's blood any amount of a:

13 (A) Schedule I controlled substance as defined
14 in the act of April 14, 1972 (P.L.233, No.64), known
15 as The Controlled Substance, Drug, Device and
16 Cosmetic Act:

17 (B) Schedule II or Schedule III controlled
18 substance as defined in The Controlled Substance,
19 Drug, Device and Cosmetic Act which has not been
20 medically prescribed for the individual; or

21 (C) metabolite of a substance under clause (A)
22 or (B).

23 (ii) is operating a motor vehicle registered in
24 another state;

25 (iii) intends to injure himself or another person,
26 provided that an individual does not intentionally injure
27 himself or another person merely because his act or
28 failure to act is intentional or done with his
29 realization that it creates a grave risk of causing
30 injury or the act or omission causing the injury is for

1 the purpose of averting bodily harm to himself or another
2 person; or

3 (iv) has not maintained financial responsibility as
4 required by this chapter, provided that nothing in this
5 paragraph shall affect the limitation of section 1731(d)
6 (2) (relating to availability, scope and amount of
7 coverage).

8 * * *

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