

# Milliron Associates

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## Legislative Update

June 29, 2011

### Fair Share Act Tort Reform

On June 28, 2011, Governor Tom Corbett signed into law Senate Bill 1131 – the “Fair Share Act.”

The Fair Share Act amends the comparative negligence statute (the amount of damage an individual can recover during a negligence-based claim) in civil law cases (disputes between individuals and/or organizations, in which compensation may be awarded to the victim). The Act provides that each individual found liable for an injury to a plaintiff (the individual who initiates a lawsuit) is responsible for his share and only his share of the total damages awarded to compensate the plaintiff. The lone exception is if the defendant (the individual charged with violating statute) is found 60 percent liable. In which case, the defendant would be held responsible for 100 percent of the damages.

Under previous law, any person who bore responsibility for injury or economic loss, no matter the margin of the responsibility, could be held liable to pay 100 percent of the damages owed to the injured party. This made all of the defendants jointly liable to pay the full value of the damages. In addition, it created a loophole in the Pennsylvania judicial system - one that allowed for lawsuit abuse.

Representative Dave Reed (R-Indiana), House Policy Committee Chairman explained, “if a group of kids are playing baseball and one of them breaks a window by accident, we don’t expect another kid to pay for it just because he’s the only one with a paper route.”

The signing of the Fair Share Act is monumental news for Pennsylvanians – consumers, doctors, hospitals, local governments, and businesses alike. It was designed to make Pennsylvania more economically competitive, promote job creation, and to drive down consumer prices. In fact, according to the Pennsylvania National Federation of Independent Business, over 75 percent of employers say they will raise compensation for their employees once they are protected from frivolous lawsuits. Likewise, nearly 65 percent said they would increase benefits packages for their employees and over 60 percent stated that they would hire more workers.

Simply put, in the words of Representative Mike Turzai (R-Allegheny), the House Majority Caucus Leader, “the Fair Share Act is commonsense legislation” that provides Pennsylvanians with the “legal protection they so desperately need.”

If you have questions about the Fair Share Act, please contact our office. We would be happy to explain the Act to you in further detail or provide you with any additional information that you may require. Our number is 717-232-5322.