



PRESS RELEASE

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PA Chamber applauds Senate passage of Fair Share Act

HARRISBURG, PA – The **Pennsylvania Chamber of Business and Industry** today applauded the state Senate for ensuring continued progress in the effort to re-enact the Fair Share Act in the Commonwealth once and for all.

On Monday, the Senate Appropriations Committee voted 28 to 22 to modify a significantly watered-down bill (S.B. 1131) to repeal the unfair legal doctrine of joint and several liability and replace it with the same language that passed in a bipartisan fashion in 2002 and 2006. That language was contained in H.B. 1 and its companion, S.B. 2, both of which were under consideration in the Senate Judiciary Committee and refused a vote by the committee chairman – a Fair Share Act opponent. Advanced instead was S.B. 1131, a so-called Fair Share Act bill that contained an exemption so broad, the reform would have been meaningless.

On Tuesday, June 21, the full Senate passed S.B. 1131, as amended, by a vote of 32 to 18, sending it to the House for approval.

“Pennsylvania’s system of joint and several liability has been used by personal injury attorneys as a search for ‘deep pocket’ defendants, regardless of their degree of responsibility,” PA Chamber Vice President Gene Barr said. “Joint and several liability has become nothing more than a tool to force settlements from job creators and health-care providers that might be minimally at fault or not a fault at all, but that can’t afford to risk a potentially costly and protracted court battle.”

Barr said more than 40 states have repealed or modified joint and several liability – and have not taken steps to return to that system – and a handful of other states have never had the rule in place.

Under the amended S.B. 1131, liability would be more proportional to degree of fault in civil liability cases, with important exemptions for egregious cases, including environmental and intentional tort, and for defendants more than 60 percent at fault.

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“The misinformation, changing and unfounded arguments and stall tactics used by those attempting to stop meaningful reform can’t change the fact that the Fair Share Act is a reasonable measure that will restore balance, fairness and predictability to a legal system that lacks all three,” Barr said. “This bill does not break new ground; it simply brings Pennsylvania into the mainstream with regard to financial liability.”

Barr said ultimately, all Pennsylvanians pay a price for an unbalanced legal system in the form of higher prices for consumer goods and services; reduced capital investments into research and development and business growth; and lost job opportunities.

“Job creators urge state House lawmakers to vote ‘YES’ on S.B. 1131 as passed by the Senate,” he stressed. “After too much unnecessary delay, it’s time to re-enact the Fair Share Act and make progress on meaningful lawsuit abuse reform in the Commonwealth.”

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The Pennsylvania Chamber of Business and Industry is the state’s largest broad-based business advocacy association, with its statewide membership comprising businesses of all sizes and across all industry sectors. The PA Chamber is The Statewide Voice of Business™.