

No. 97

AN ACT

SB 851

Relating to the settlement or release of liability for personal injury or property damage; and prohibiting settlements, releases, statements and contingent fees or their solicitation in certain situations.

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

Section 1. Settlements, Releases and Statements of Injured Patients; Acknowledgement Required; Notice.—(a) No person whose interest is or may become adverse to a person injured who is confined to a hospital or sanitarium as a patient shall, within fifteen days from the date of the occurrence causing the person's injury: (i) negotiate or attempt to negotiate a settlement with the injured patient; or (ii) obtain or attempt to obtain a general release of liability from the injured patient; or (iii) obtain or attempt to obtain any statement, either written or oral from the injured patient for use in negotiating a settlement or obtaining a release.

(b) Any settlement agreement entered into, any general release of liability or any written or oral statement made by any person who is confined in a hospital or sanitarium after he incurs a personal injury, which is not obtained in accordance with the provisions of section 2 of this act, requiring notice and acknowledgement shall not be evidential in any court action relating to the injury and shall not be utilized for any purpose in any legal action in connection therewith.

(c) Where a person is injured and confined to a hospital or sanitarium due to said injuries, no attorney, during the first fifteen days of said person's confinement, shall enter or attempt to enter into an agreement relating to compensation wholly or partly on a contingent basis with said person in connection with his injuries.

Section 2. Settlements, Releases, Statements and Contingent Fee Agreements; Applicability.—The provisions of this act relating to settlements, releases, statements and contingent fee agreements obtained, by a person whose interest is or may become adverse, from a patient confined in a hospital or sanitarium shall not apply, if at least five days prior to obtaining the settlement, release, statement or contingent fee agreement, the injured party has signified in writing, by a statement acknowledged before a notary public, who has no interest adverse to the injured party, his willingness that a settlement, release, statement or contingent fee agreement be given.

APPROVED—The 9th day of June, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 97.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large, prominent initial "C".

Secretary of the Commonwealth.