

By: Senator(s) Furniss

To: Judiciary

SENATE BILL NO. 2415
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 11-46-15, MISSISSIPPI CODE OF 1972,
2 TO EXTEND BY ONE YEAR THE EFFECTIVE DATE OF THE INCREASED
3 LIMITATION OF LIABILITY UNDER THE GOVERNMENTAL ENTITY TORT CLAIMS
4 ACT; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 11-46-15, Mississippi Code of 1972, is
7 amended as follows:

8 11-46-15. (1) In any claim or suit for damages against a
9 governmental entity or its employee brought under the provisions
10 of this chapter, the liability shall not exceed the following for
11 all claims arising out of a single occurrence for all damages
12 permitted under this chapter:

13 (a) For claims or causes of action arising from acts or
14 omissions occurring on or after July 1, 1993, but before July 1,
15 1997, the sum of Fifty Thousand Dollars (\$50,000.00);

16 (b) For claims or causes of action arising from acts or
17 omissions occurring on or after July 1, 1997, but before July 1,
18 2002, the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00);

19 (c) For claims or causes of action arising from acts or
20 omissions occurring on or after July 1, 2002, the sum of Five
21 Hundred Thousand Dollars (\$500,000.00).

22 (2) No judgment against a governmental entity or its
23 employee for any act or omission for which immunity is waived
24 under this chapter shall include an award for exemplary or
25 punitive damages or for interest prior to judgment, or an award of
26 attorney's fees unless attorney's fees are specifically authorized
27 by law.

28 (3) Except as otherwise provided in Section 11-46-17(4), in
29 any suit brought under the provisions of this chapter, if the
30 verdict which is returned, when added to costs and any attorney's
31 fees authorized by law, would exceed the maximum dollar amount of
32 liability provided in subsection (1) of this section, the court
33 shall reduce the verdict accordingly and enter judgment in an
34 amount not to exceed the maximum dollar amount of liability
35 provided in subsection (1) of this section.

36 SECTION 2. This act shall take effect and be in force from
37 and after its passage.