

By: Senator(s) Kirby, Hewes, Gordon, Chaney, White (29th), Canon, King, Michel, Johnson (19th), Scoper, Robertson, Moffatt, Harvey, Nunnelee, Huggins, Mettetal, Minor, Hamilton, Stogner, Hyde-Smith, Browning To: Judiciary

SENATE BILL NO. 2344

1 AN ACT TO CREATE SECTION 11-1-69, MISSISSIPPI CODE OF 1972,
2 TO IMPOSE A LIMITATION ON THE AMOUNT OF NONECONOMIC DAMAGES THAT
3 MAY BE AWARDED IN A CIVIL ACTION; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** The following shall be codified as Section
6 11-1-69, Mississippi Code of 1972:

7 11-1-69. (1) This section shall be known and may be cited
8 as the "Noneconomic Damages Awards Act."

9 (2) For the purposes of this section, the following words
10 and phrases shall have the meanings ascribed herein unless the
11 context clearly requires otherwise:

12 (a) "Noneconomic Damages" means subjective,
13 nonpecuniary damages arising from death, pain, suffering,
14 inconvenience, physical impairment, disfigurement, mental anguish,
15 worry, emotional distress, loss of society and companionship, loss
16 of consortium, bystander injury, injury to reputation,
17 humiliation, loss of the enjoyment of life, hedonic damages, other
18 nonpecuniary damages, and any other theory of damages such as fear
19 of loss, illness, or injury.

20 (b) "Actual Economic Damages" means objectively
21 verifiable pecuniary damages arising from medical expenses and
22 medical care, rehabilitation services, custodial care,
23 disabilities, loss of earnings and earning capacity, loss of
24 income, burial costs, loss of use of property, costs of repair of
25 replacement of property, costs of obtaining substitute domestic
26 services, loss of employment, loss of business or employment
27 opportunities, and other objectively verifiable monetary losses.



28 (3) In any civil action, any compensatory damages award to a
29 prevailing plaintiff is limited to:

30 (a) Compensation for actual economic damages suffered
31 by the injured plaintiff; and

32 (b) Compensation for the noneconomic damages suffered
33 by the injured plaintiff not to exceed the amount of Two Hundred
34 Fifty Thousand Dollars (\$250,000.00) or the amount awarded in
35 actual economic damages, whichever amount is greater.

36 (4) If liability is found, then the trier of fact, in
37 addition to other appropriate findings, shall make separate
38 findings specifying the total amount of noneconomic damages and
39 the total amount of actual economic damages for each separate
40 claimant in a manner that the court may apply the restrictions of
41 this section.

42 (5) The trier of fact shall not be advised of the
43 limitations imposed by this section.

44 **SECTION 2.** This act shall take effect and be in force from
45 and after July 1, 2002.

