SENATE BILL NO. 2344

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

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

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

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

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

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

(b) "Actual Economic Damages" means objectively verifiable pecuniary damages arising from medical expenses and medical care, rehabilitation services, custodial care, disabilities, loss of earnings and earning capacity, loss of income, burial costs, loss of use of property, costs of repair of replacement of property, costs of obtaining substitute domestic services, loss of employment, loss of business or employment opportunities, and other objectively verifiable monetary losses.
(3) In any civil action, any compensatory damages award to a prevailing plaintiff is limited to:
   
   (a) Compensation for actual economic damages suffered by the injured plaintiff; and
   
   (b) Compensation for the noneconomic damages suffered by the injured plaintiff not to exceed the amount of Two Hundred Fifty Thousand Dollars ($250,000.00) or the amount awarded in actual economic damages, whichever amount is greater.

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

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

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