

By: Senator(s) King, Chaney, Michel, Kirby

To: Judiciary

SENATE BILL NO. 2627

1 AN ACT TO AMEND SECTION 11-46-15, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE LIMITATION OF LIABILITY UNDER THE TORT CLAIMS ACT;
3 AND FOR RELATED PURPOSES.

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

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

7 11-46-15. (1) In any claim or suit for damages against a
8 governmental entity or its employee brought under the provisions
9 of this chapter, the liability shall not exceed the following for
10 all claims arising out of a single occurrence for all damages
11 permitted under this chapter:

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

15 (b) For claims or causes of action arising from acts or
16 omissions occurring on or after July 1, 1997, but before July 1,
17 2001, the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00);

18 (c) For claims or causes of action arising from acts or
19 omissions occurring on or after July 1, 2001, but before July 1,
20 2002, the sum of Five Hundred Thousand Dollars (\$500,000.00);

21 (d) For claims or causes of action arising from acts or
22 omissions occurring on or after July 1, 2002, the maximum amount
23 payable to any one person injured in any one accident or
24 occurrence shall not exceed the sum of Two Hundred Fifty Thousand
25 Dollars (\$250,000.00), and the maximum amount payable to all
26 persons injured in any one accident or occurrence shall not exceed
27 the sum of Five Hundred Thousand Dollars (\$500,000.00).



28 (2) No judgment against a governmental entity or its
29 employee for any act or omission for which immunity is waived
30 under this chapter shall include an award for exemplary or
31 punitive damages or for interest prior to judgment, or an award of
32 attorney's fees unless attorney's fees are specifically authorized
33 by law.

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

42 **SECTION 2.** This act shall take effect and be in force from
43 and after its passage.

