

By: Representative Denny

To: Judiciary A

HOUSE BILL NO. 315

1 AN ACT TO AMEND SECTION 11-1-60, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE LIMITATIONS ON NONECONOMIC DAMAGES IN ALL CIVIL ACTIONS;
3 AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 11-1-60, Mississippi Code of 1972, is
6 amended as follows:

7 11-1-60. (1) For the purposes of this section, the
8 following words and phrases shall have the meanings ascribed
9 herein unless the context clearly requires otherwise:

10 (a) "Noneconomic damages" means subjective,
11 nonpecuniary damages arising from death, pain, suffering,
12 inconvenience, mental anguish, worry, emotional distress, loss of
13 society and companionship, loss of consortium, bystander injury,
14 physical impairment, injury to reputation, humiliation,
15 embarrassment, * * * other nonpecuniary damages, and any other
16 theory of damages such as fear of loss, illness or injury. The
17 term "noneconomic damages" shall not include damages for
18 disfigurement, nor does it include punitive or exemplary damages.

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

27 * * *

28 (2) (a) In any civil action for injury if the trier of fact
29 finds the defendant liable * * * the plaintiff shall not be
30 awarded more than the following for noneconomic damages:

31 (i) For claims for causes of action filed on or
32 after July 1, 2003, but before July 1, 2011, the sum of Five
33 Hundred Thousand Dollars (\$500,000.00);

34 (ii) For claims for causes of action filed on or
35 after July 1, 2011, but before July 1, 2017, the sum of Seven
36 Hundred Fifty Thousand Dollars (\$750,000.00);

37 (iii) For claims for causes of action filed on or
38 after July 1, 2017, the sum of One Million Dollars
39 (\$1,000,000.00).

40 * * *

41 (b) The jury shall not be advised of the limitations
42 imposed by this subsection (2) and the judge shall appropriately
43 reduce any award of noneconomic damages that exceeds the
44 applicable limitation.

45 * * *

46 (3) Nothing in this section shall be construed to impose a
47 limitation on damages for disfigurement or actual economic
48 damages.

49 (4) Whether an element of damages may or may not be
50 recovered in any action shall not be governed by the provisions of
51 this section, but shall be governed by applicable statutory or
52 common law.

53 **SECTION 2.** This act shall take effect and be in force from
54 and after July 1, 2004.