

By: Representatives Smith, Tullos

To: Judiciary A

HOUSE BILL NO. 729

1 AN ACT TO AMEND SECTION 11-46-15, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE AUTHORIZED DAMAGES UNDER THE TORT CLAIMS ACT; AND
3 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, the sum of Five
20 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, 2018, the sum of Six
23 Hundred Thousand Dollars (\$600,000.00).

24 (e) For claims or causes of action arising from acts or
25 omissions occurring on or after July 1, 2019, the sum of Seven
26 Hundred Thousand Dollars (\$700,000.00).

27 (f) For claims or causes of action arising from acts or
28 omissions occurring on or after July 1, 2020, the sum of Eight
29 Hundred Thousand Dollars (\$800,000.00).

30 (g) For claims or causes of action arising from acts or
31 omissions occurring on or after July 1, 2021, the sum of Nine
32 Hundred Thousand Dollars (\$900,000.00).

33 (h) For claims or causes of action arising from acts or
34 omissions occurring on or after July 1, 2022, the sum of One
35 Million Dollars (\$1,000,000.00).

36 (2) No judgment against a governmental entity or its
37 employee for any act or omission for which immunity is waived
38 under this chapter shall include an award for exemplary or
39 punitive damages or for interest prior to judgment, or an award of
40 attorney's fees unless attorney's fees are specifically authorized
41 by law.



42 (3) Except as otherwise provided in Section 11-46-17(4), in
43 any suit brought under the provisions of this chapter, if the
44 verdict which is returned, when added to costs and any attorney's
45 fees authorized by law, would exceed the maximum dollar amount of
46 liability provided in subsection (1) of this section, the court
47 shall reduce the verdict accordingly and enter judgment in an
48 amount not to exceed the maximum dollar amount of liability
49 provided in subsection (1) of this section.

50 **SECTION 2.** This act shall take effect and be in force from
51 and after July 1, 2018.

