

By: Representatives Chism, Nicholson, Smith
(39th)

To: Judiciary A

HOUSE BILL NO. 1278

1 AN ACT TO AMEND SECTION 7 OF HOUSE BILL NO. 2, THIRD
2 EXTRAORDINARY SESSION 2002, TO REVISE THE APPLICATION OF THE CAP
3 ON NONECONOMIC DAMAGES; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 7 of House Bill No. 2, Third
6 Extraordinary Session 2002, is amended as follows:

7 Section 1. (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, loss of the enjoyment of life, hedonic damages,
16 other nonpecuniary damages, and any other theory of damages such
17 as fear of loss, illness or injury. The term "noneconomic
18 damages" shall not include damages for disfigurement, nor does it
19 include punitive or exemplary damages.

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

31 (i) For claims for causes of action filed on or
32 after passage of House Bill No. 2, Third Extraordinary Session
33 2002, but before July 1, 2011, the sum of Five Hundred Thousand
34 Dollars (\$500,000.00);

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

38 (iii) For claims for causes of action filed on or
39 after July 1, 2017, the sum of One Million Dollars
40 (\$1,000,000.00).

41 It is the intent of this section to limit all noneconomic
42 damages to the above.

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

47 (3) The limitation on noneconomic damages set forth in
48 subsection (2) shall not apply in cases where the judge determines
49 that a jury may impose punitive damages.

50 (4) Nothing in this section shall be construed to impose a
51 limitation on damages for disfigurement or actual economic
52 damages.

53 **SECTION 2.** This act shall take effect and be in force from
54 and after July 1, 2003, and shall apply to all causes of action
55 filed on or after that date.

