

HB 209 INTRODUCED BY GILBERT
LIMIT RECOVERY FOR NONECONOMIC DAMAGES

1/14 INTRODUCED
1/14 REFERRED TO JUDICIARY
1/21 HEARING
2/19 TABLED IN COMMITTEE

1 HB BILL NO. 209
2 INTRODUCED BY Gilbert
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE AMOUNT OF
5 NONECONOMIC DAMAGES RECOVERABLE IN PERSONAL INJURY OR
6 WRONGFUL DEATH ACTIONS; DEFINING ECONOMIC DAMAGES AND
7 NONECONOMIC DAMAGES; AMENDING SECTIONS 27-1-202 AND
8 27-1-323, MCA; AND PROVIDING AN APPLICABILITY DATE AND AN
9 IMMEDIATE EFFECTIVE DATE."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 27-1-202, MCA, is amended to read:
13 "27-1-202. Right to compensatory damages -- economic
14 and noneconomic damages defined. (1) Every person who
15 suffers detriment from the unlawful act or omission of
16 another may recover from the person in fault a compensation
17 therefor in money, which is called damages. Damages may be
18 either economic damages or noneconomic damages.

19 (2) "Economic damages" are objectively determined
20 pecuniary damages as compensation for medical expenses and
21 care, rehabilitation services, custodial care, loss of
22 earnings and earning capacity, loss of income, funeral or
23 burial expenses, loss of use of property, costs of repair or
24 replacement of property, costs of obtaining substitute
25 domestic services, loss of employment, loss of business or

1 employment opportunities, and any other objectively
2 verifiable monetary losses.

3 (3) "Noneconomic damages" are subjectively determined
4 nonpecuniary damages arising from pain, suffering,
5 inconvenience, grief, physical impairment, disfigurement,
6 mental anguish, emotional distress, loss of society and
7 companionship, loss of consortium, injury to reputation,
8 humiliation, fear of loss, fear of illness, fear of injury,
9 and any other subjectively determined nonpecuniary damages."

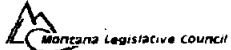
10 Section 2. Section 27-1-323, MCA, is amended to read:
11 "27-1-323. Wrongful death. In Subject to the
12 provisions of [section 3], in every action under 27-1-512
13 and 27-1-513, such damages may be given as under all the
14 circumstances of the case may be just."

15 NEW SECTION. Section 3. Limitation of noneconomic
16 damages -- personal injury and wrongful death. In any
17 personal injury or wrongful death action, the prevailing
18 plaintiff may be awarded:

19 (1) compensation for actual economic damages, as
20 defined in 27-1-202, suffered by the plaintiff; and

21 (2) compensation for noneconomic damages, as defined
22 in 27-1-202, suffered by the plaintiff, not to exceed
23 \$200,000.

24 NEW SECTION. Section 4. Codification instruction.
25 Section 3 is intended to be codified as an integral part of



1 Title 27, chapter 1, and the provisions of Title 27, chapter
2 1, apply to section 3.

3 NEW SECTION. Section 5. Severability. If a part of
4 this act is invalid, all valid parts that are severable from
5 the invalid part remain in effect. If a part of this act is
6 invalid in one or more of its applications, the part remains
7 in effect in all valid applications that are severable from
8 the invalid applications.

9 NEW SECTION. Section 6. Applicability. This act
10 applies to causes of action arising after the effective date
11 of this act.

12 NEW SECTION. Section 7. Effective date. This act is
13 effective on passage and approval.

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