

## Session 116 - (2005-2006)

### **S 0036 General Bill, By Richardson**

**Summary:** Noneconomic Damages Awards Act of 2005

A BILL TO AMEND TITLE 15 OF THE 1976 CODE BY ADDING CHAPTER 32, ARTICLE 1, TO PROVIDE FOR THE NONECONOMIC DAMAGES AWARDS ACT OF 2005, TO DEFINE KEY TERMS, TO PROVIDE THAT A MEDICAL MALPRACTICE CLAIMANT MAY NOT BE AWARDED NONECONOMIC DAMAGES EXCEEDING \$300,000, TO PROVIDE CERTAIN EXCEPTIONS, AND TO PROVIDE FOR THE INCREASE OR DECREASE OF THE CAP ON NONECONOMIC DAMAGES BASED ON THE CONSUMER PRICE INDEX, AND TO REQUIRE MEDIATION BEFORE A MEDICAL MALPRACTICE ACTION MAY BE BROUGHT TO TRIAL; TO AMEND TITLE 15, CHAPTER 35 BY ADDING SECTION 15-35-400, TO PROVIDE THAT ANY PARTY IN AN ACTION SEEKING MONETARY DAMAGES MAY FILE AN OFFER OF JUDGMENT WITH THE COURT AND TO PROVIDE CIRCUMSTANCES WHEN THE PERSON MAKING THE OFFER MAY RECOVER CERTAIN COSTS IF THE OFFER IS NOT ACCEPTED BY THE OPPOSING PARTY; TO AMEND SECTION 34-31-20, RELATING TO THE LEGAL RATE OF INTEREST APPLIED TO CIVIL JUDGMENTS, TO SET THE LEGAL RATE OF INTEREST AT THE PRIME RATE PLUS FOUR PERCENT; TO AMEND CHAPTER 79, TITLE 38 BY ADDING SECTION 38-79-40, TO PROVIDE THAT A PERSON WHO SERVES ON THE BOARD OF THE JOINT UNDERWRITING ASSOCIATION OR THE BOARD OF GOVERNORS OF THE PATIENTS' COMPENSATION FUND MAY NOT BE EMPLOYED OR COMPENSATED BY THE JOINT UNDERWRITING ASSOCIATION OR THE PATIENT'S COMPENSATION FUND, TO AMEND SECTION 38-79-460, RELATING TO THE MANAGEMENT OF THE PATIENT'S COMPENSATION FUND, TO PROVIDE THAT THE FUND MUST BE MANAGED BY THE BOARD OF GOVERNORS; TO AMEND SECTION 38-79-470 (1), RELATING TO WITHDRAWING MONIES FROM THE PATIENT'S COMPENSATION FUND, TO DELETE THE PARTICIPATION OF THE COMPTROLLER GENERAL AND STATE TREASURER; AND TO AMEND SECTION 40-47-211, RELATING TO THE MEDICAL DISCIPLINARY COMMISSION, TO EXPAND THE MEDICAL DISCIPLINARY COMMISSION FROM THIRTY-SIX TO FORTY-TWO MEMBERS, TO ESTABLISH THAT SIX OF COMMISSION MEMBERS MUST BE LAY PERSONS, AND THAT EACH THREE PERSON PANEL OF THE COMMISSION MUST INCLUDE ONE LAY COMMISSIONER.

**12/08/04 Senate Prefiled**

**12/08/04 Senate Referred to Committee on Judiciary**

**01/11/05 Senate Introduced and read first time SJ-98**

**01/11/05 Senate Referred to Committee on Judiciary SJ-98**