

FEB 27 1996
JUDICIARY

HOUSE FILE 2376
BY GRUBBS

(COMPANION TO LSB 4133SS
BY MADDOX)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring future damages in personal injury actions to be
2 adjusted according to present value.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2376

1 Section 1. Section 624.18, Code 1995, is amended to read
2 as follows:

3 624.18 DISTINCTION-BETWEEN-DEBT-AND DESIGNATION AND
4 CALCULATION OF DAMAGES.

5 1. In all actions where the plaintiff recovers a sum of
6 money, the amount to which the plaintiff is entitled may be
7 awarded the plaintiff by the judgment generally, without any
8 distinction being therein made as to whether such sum is
9 recovered by way of debt or damages.

10 2. In all personal injury actions where the plaintiff
11 recovers a sum of money that, according to special verdict, is
12 intended, in whole or part, to address the future damages of
13 the plaintiff, that portion of the judgment that reflects the
14 future damages shall be adjusted by the court to reflect the
15 present value of the sum, if the finder of fact has not
16 already adjusted the sum to reflect the present value. The
17 court may inquire of the jury whether the calculation of
18 future damages reflects adjustment for present value.

19 Sec. 2. Section 668.3, subsection 8, Code 1995, is amended
20 to read as follows:

21 8. In an action brought pursuant to this chapter the court
22 shall instruct the jury to answer special interrogatories or,
23 if there is no jury, shall make findings on each specific item
24 of requested or awarded damages indicating that portion of the
25 judgment or decree awarded for past damages and that portion
26 of the judgment or decree awarded for future damages. All
27 awards of future damages shall be calculated according to the
28 method set forth in section 624.18.

29 EXPLANATION

30 This bill specifies that calculations of future damages
31 awarded in personal injury actions must be adjusted to reflect
32 present value. Future damages includes damages for such
33 things as pain and suffering, loss of earning capacity, and
34 ongoing care and other medical expenses to be incurred
35 subsequent to the trial.