

SENATE FILE 2089

BY TINSMAN, ZIEMAN, BORLAUG,
RENSINK, BANKS, BOETTGER,
and JENSEN

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

A BILL FOR

1 An Act relating to tort liability by changing the statute of
2 limitations for certain medical malpractice actions and
3 imposing a limit on noneconomic damages in tort actions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2089

1 Section 1. Section 614.8, Code 1995, is amended to read as
2 follows:

3 614.8 MINORS AND MENTALLY ILL PERSONS -- MEDICAL
4 MALPRACTICE EXCEPTION.

5 The times limited for actions herein, except those brought
6 for penalties and forfeitures, shall be extended in favor of
7 minors and mentally ill persons, so that they shall have one
8 year from and after the termination of such disability within
9 which to commence said action. However, the times limited for
10 actions for medical malpractice under section 614.1,
11 subsection 9, shall be extended in favor of minors to not more
12 than eight years after the date the malpractice is alleged to
13 have occurred, unless the action is based upon a foreign
14 object unintentionally left in the body.

15 Sec. 2. Section 668.3, Code 1995, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 1A. In an action brought under this
18 chapter, a plaintiff shall not receive an award for
19 noneconomic damages of more than two hundred fifty thousand
20 dollars.

21 Sec. 3. Section 668.3, subsection 2, paragraph a, Code
22 1995, is amended to read as follows:

23 a. The amount of damages each claimant will be entitled to
24 recover if contributory fault is disregarded. In making the
25 findings required by this paragraph, a claimant shall not be
26 entitled to receive noneconomic damages of more than two
27 hundred fifty thousand dollars.

28 EXPLANATION

29 The bill provides that an action for medical malpractice
30 allegedly committed on a minor must be commenced not later
31 than eight years after the date the malpractice allegedly
32 occurred. Currently, a minor has at least until age 19 to
33 commence an action for medical malpractice.

34 The bill also establishes a limit of \$250,000 on
35 noneconomic damages which may be awarded a party in a tort

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