

FEB 12 1998
JUDICIARY

HOUSE FILE
BY LARSON

2245

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

A BILL FOR

1 An Act limiting damages for noneconomic losses, and making
2 related changes.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2245

1 Section 1. Section 624.18, subsection 3, Code Supplement
2 1997, is amended to read as follows:

3 3. a. In a civil action in which liability is admitted or
4 established according to special verdict, the present value of
5 the damages awarded for noneconomic losses incurred or to be
6 incurred in the future by the plaintiff by reason of personal
7 injury or death shall not exceed two hundred fifty thousand
8 dollars. As used in this section, "noneconomic losses"
9 includes but is not limited to pain and suffering, mental
10 anguish, emotional distress, humiliation, loss of consortium,
11 lost opportunity, loss of expectations, and punitive or
12 exemplary damages.

13 b. In an action tried to a jury where damages for
14 noneconomic losses are sought, the court shall submit an
15 instruction to the jury that the maximum allowable award for
16 noneconomic losses in a case of the most egregious nature is
17 two hundred fifty thousand dollars, and that damages for
18 noneconomic losses shall be awarded accordingly. A separate
19 interrogatory verdict shall be submitted for damages for
20 noneconomic losses unless waived by all parties.

21 4. Under no circumstances shall there be a reduction to
22 present value more than one time by either the trier of fact
23 or the court.

24 EXPLANATION

25 This bill adds a subsection to Code section 624.18
26 pertaining to designation and calculation of damages. The new
27 subsection would limit damages for noneconomic losses to
28 \$250,000, and defines "noneconomic losses". The new
29 subsection would also require a special interrogatory and
30 instructions in a jury trial where noneconomic losses are
31 claimed.