

JAN 28 2004
COMMERCE, REGULATION & LABOR

HOUSE FILE 2099
BY HORBACH

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

A BILL FOR

1 An Act relating to an award of noneconomic damages.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2099

1 Section 1. NEW SECTION. 668B.1 CITATION.

2 This chapter may be cited as the "Noneconomic Damage Awards
3 Act".

4 Sec. 2. NEW SECTION. 668B.2 DEFINITIONS.

5 As used in this chapter, unless the context otherwise
6 requires:

7 1. "Economic damages" means objectively verifiable
8 pecuniary damages arising from medical expenses and medical
9 care, rehabilitation services, custodial care, loss of
10 earnings and earning capacity, loss of income, burial costs,
11 loss of use of property, costs of repair or replacement of
12 property, costs of obtaining substitute domestic services,
13 loss of employment, loss of business or employment
14 opportunities, and other objectively verifiable monetary
15 losses.

16 2. "Noneconomic damages" means subjective, nonpecuniary
17 damages arising from pain, suffering, inconvenience, physical
18 impairment, disfigurement, mental anguish, emotional distress,
19 loss of services, companionship, society, or consortium,
20 injury to reputation, humiliation, and other nonpecuniary
21 damages.

22 Sec. 3. NEW SECTION. 668B.3 DAMAGE AWARDS.

23 In any personal injury action, the prevailing plaintiff may
24 be awarded all of the following damages:

25 1. Compensation for economic damages suffered by the
26 injured plaintiff.

27 2. Compensation for the noneconomic damages suffered by
28 the injured plaintiff not to exceed the greater of either of
29 the following:

30 a. Two hundred fifty thousand dollars.

31 b. The amount awarded in economic damages.

32 Sec. 4. NEW SECTION. 668B.4 SPECIAL DAMAGES -- FINDINGS.

33 1. In any action seeking damages for personal injury or
34 wrongful death in which liability is found, the trier of fact,
35 in addition to other appropriate findings, shall make separate

1 findings for each claimant specifying the amount of both of
2 the following:

3 a. Any past damages.

4 b. Any future damages and the periods over which they will
5 accrue, on an annual basis, for each of the following types of
6 damages:

7 (1) Medical and other costs of health care.

8 (2) Other economic loss.

9 (3) Noneconomic loss.

10 2. The calculation of the costs of any future medical
11 care, other costs of health care, and future noneconomic loss
12 must reflect the costs and losses during the period of time
13 the claimant will sustain those costs and losses. The
14 calculation for other economic loss must be based on the
15 losses during the period of time the claimant would have lived
16 but for the injury upon which the claim is based.

17 EXPLANATION

18 This bill establishes the noneconomic damage awards Act and
19 provides that an award for noneconomic damages in a personal
20 injury action shall not exceed \$250,000 or the amount awarded
21 in economic damages, whichever amount is greater. Special
22 findings are required by the trier of fact where liability is
23 assessed in a personal injury or wrongful death action.

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