



**House
Legislative
Analysis
Section**

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CAP ON NONECONOMIC DAMAGES

House Bill 6139

Sponsor: Rep. Robert Gosselin

Committee: Civil Law and the Judiciary

Complete to 8-1-02

A SUMMARY OF HOUSE BILL 6139 AS INTRODUCED 5-28-02

The bill would amend the Revised Judicature Act of 1961 (Public Act 236) to place a cap on the total amount of damages for noneconomic loss in an action for personal injury or wrongful death. Under the bill, damages could not exceed \$280,000. However, damages would be capped at \$500,000 in cases in which the court determined that the conduct and actions of the defendant resulted in the plaintiff becoming a hemiplegic, paraplegic, or quadriplegic due to an injury to the brain or spinal cord; the impairment of the cognitive capacity of the plaintiff rendering him or her incapable of making independent, responsible life decisions and permanently incapable of independently performing the activities of normal, daily living; or the permanent loss of or damage to a reproductive organ resulting in the inability to procreate.

In awarding damages, the ‘trier of fact’ (the person or persons responsible for determining the factual issues of a trial – a judge or jury) would be required to itemize the damages into damages for economic loss and damages for noneconomic loss. The court would reduce an award for damages that exceed the limits stated above. However, neither the court nor the attorneys for either party in a case would be permitted to advise the jury of the damage limits.

On the effective of the bill, the state treasurer would adjust the limits so that they are equal to the cap set in MCL 600.1483 for damages awarded for noneconomic loss in medical malpractice cases. After that date, the amounts would be adjusted at the end of each calendar year, so that they are equal with the adjusted limits set in MCL 600.1483. [Note: Similar to the bill, MCL 600.1483 sets the limitations on the damages awarded at \$280,000 and \$500,000. However, these limits are indexed to the rate of inflation.]

MCL 600.1482

House Bill 6139 (8-1-02)

Analyst: M. Wolf

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