

Bill No. CS for SB 2-B

Amendment No. ____ Barcode 500628

CHAMBER ACTION

Senate

House

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Senator Diaz de la Portilla moved the following amendment:

Senate Amendment (with title amendment)

On page 131, line 29, through
page 132, line 7, delete those lines

and insert: not exceed \$250,000 per defendant, regardless of the number of claimants involved in the action, subject to the limitations set forth in subsection (2). The maximum amount of noneconomic damages that may be awarded under this section must be adjusted each year on July 1 to reflect the rate of inflation or deflation as indicated by the Consumer Price Index for All Urban Consumers published by the United States Department of Labor. However, the maximum amount of noneconomic damages which may be awarded may not be less than \$250,000.

(2) Notwithstanding subsection (1), a trier of fact may award noneconomic damages under this section in excess of the limits in subsection (1) in cases in which the trier of fact determines that there is a substantial or permanent loss or impairment of a bodily function, substantial disfigurement,

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1 or other special circumstances in the case which warrant a
 2 determination that the imposition of such limitation would
 3 deprive the claimant of just compensation for the injuries
 4 sustained.

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7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 On page 14, line 24, after the second semicolon,

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11 insert:

12 providing for cost-of-living adjustments to the
 13 maximum amount of noneconomic damages;

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