

HOUSE BILL No. 2130

By Committee on Judiciary

1-27

1 AN ACT concerning the code of civil procedure; relating to wrongful
2 death actions; amount of damages; amending K.S.A. 60-1903 and
3 repealing the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 60-1903 is hereby amended to read as follows: 60-
7 1903. (a) In any wrongful death action, the court or jury may award such
8 damages as are found to be fair and just under all the facts and
9 circumstances, but the damages, other than pecuniary loss sustained by an
10 heir at law, cannot exceed in the aggregate the sum of ~~\$250,000~~ \$500,000
11 and costs. *Such sum shall be increased or decreased on an annual basis*
12 *effective July 1 of each year in accordance with the consumer price index*
13 *as published by the bureau of economic analysis of the United States*
14 *department of commerce. The current value of the limitation shall be*
15 *calculated by the state commissioner of insurance, who shall furnish such*
16 *value to the secretary of state, who shall publish such value in the Kansas*
17 *register as soon as practicable. The sum calculated by the state*
18 *commissioner of insurance shall apply to all causes of action accruing on*
19 *or after July 1 of such year through June 30 of the following year.*

20 (b) If a wrongful death action is to a jury, the court shall not instruct
21 the jury on the monetary limitation imposed by subsection (a) upon
22 recovery of damages for nonpecuniary loss. If the jury verdict results in an
23 award of damages for nonpecuniary loss which, after deduction of any
24 amounts pursuant to K.S.A. 60-258a and amendments thereto, exceeds the
25 limitation of subsection (a), the court shall enter judgment for ~~damages of~~
26 ~~\$250,000~~ *the sum calculated by the state commissioner of insurance*
27 *pursuant to subsection (a) for nonpecuniary loss.*

28 (c) In any wrongful death action, the verdict shall be itemized by the
29 trier of fact to reflect the amounts, if any, awarded for:

- 30 (1) Nonpecuniary damages;
31 (2) expenses for the care of the deceased caused by the injury; and
32 (3) pecuniary damages other than those itemized under subsection (c)
33 (2).

34 (d) Where applicable, the amounts required to be itemized pursuant to
35 subsections (c)(1) and (c)(3) shall be further itemized by the trier of fact to
36 reflect those amounts awarded for injuries and losses sustained to date and

1 those awarded for injuries and losses reasonably expected to be sustained
2 in the future.

3 (e) In any wrongful death action, the trial court shall instruct the jury
4 only on those items of damage upon which there is some evidence to base
5 an award.

6 Sec. 2. K.S.A. 60-1903 is hereby repealed.

7 Sec. 3. This act shall take effect and be in force from and after its
8 publication in the statute book.