

HOUSE BILL No. 2550

By Committee on Judiciary

1-25

1 AN ACT concerning civil actions; relating to wrongful death; removing
2 caps on damages in certain actions; amending K.S.A. 60-1903 and
3 repealing the existing section.

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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 and costs.

11 (b) If a wrongful death action is to a jury, the court shall not instruct
12 the jury on the monetary limitation imposed by subsection (a) upon
13 recovery of damages for nonpecuniary loss. If the jury verdict results in an
14 award of damages for nonpecuniary loss which, after deduction of any
15 amounts pursuant to K.S.A. 60-258a, and amendments thereto, exceeds the
16 limitation of subsection (a), the court shall enter judgment for damages of
17 \$250,000 for nonpecuniary loss.

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

- 20 (1) Nonpecuniary damages;
21 (2) expenses for the care of the deceased caused by the injury; and
22 (3) pecuniary damages other than those itemized under subsection (c)
23 (2).

24 (d) Where applicable, the amounts required to be itemized pursuant to
25 subsections (c)(1) and (c)(3) shall be further itemized by the trier of fact to
26 reflect those amounts awarded for injuries and losses sustained to date and
27 those awarded for injuries and losses reasonably expected to be sustained
28 in the future.

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

32 (f) *The limitation on damages as provided in this section shall only*
33 *apply to judgments based on medical malpractice of a healthcare provider,*
34 *as defined in K.S.A. 40-3401, and amendments thereto.*

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 K.S.A. 60-1903 is hereby repealed.

36 Sec. 3. This act shall take effect and be in force from and after its

- 1 publication in the statute book.