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MEMORANDUM

To: Health Care Stabilization Fund Oversight Committee
From: Renae Jefferies, Assistant Revisor
Date: October 15, 2014
Subject: SB 311

SB 311 amends the code of civil procedure and civil actions relating to limits on recoverable damages for non economic damages in personal injury actions to:

- \$250,000 for causes of action accruing from July 1, 1988, to July 1, 2014;
- \$300,000 for causes of action accruing on or after July 1, 2014, to July 1, 2018;
- \$325,000 for causes of action accruing on or after July 1, 2018, to July 1, 2022; and
- \$350,000 for causes of action accruing on or after July 1, 2022.

The rule of evidence concerning opinion testimony of a person not testifying as an expert witness may be admitted if the judge finds that such opinions or inferences are based on the perception of the witness; are helpful to a clearer understanding of the testimony of the witness and are not based on scientific, technical or other specialized knowledge within the scope of an expert witness. Before testifying as a nonexpert witness, the judge may require the witness be examined concerning the facts or data upon which such witness's opinion or inference is founded.

If scientific, technical or other specialized knowledge will help the trier of fact understand the evidence or determine a fact in issue, a witness who is qualified as an expert may testify in the

form of an opinion or otherwise if: The testimony is based on sufficient facts or data; the testimony is the product of reliable principles and methods; and the witness has reliably applied the principles and methods to the facts of the case. The court may hold a pretrial hearing to determine whether the witness qualifies as an expert and whether the witness's testimony satisfies the requirements of subsection (b) of K.S.A. 60-456. Such hearing and ruling are to be completed no later than the final pretrial conference contemplated under subsection (d) of K.S.A. 60-216.

Lastly, the bill repeals statutes allowing evidence of collateral source benefits to be admissible in actions for personal injury or death.