

HOUSE BILL No. 2291

By Committee on Judiciary

2-13

1 AN ACT concerning civil actions; relating to wrongful death; increasing
2 the cap for nonpecuniary damages and escalating annually based on
3 consumer price index; amending K.S.A. 60-1903 and repealing the
4 existing section.

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

7 Section 1. K.S.A. 60-1903 is hereby amended to read as follows: 60-
8 1903. (a) In any wrongful death action, the court or jury may award such
9 damages as are found to be fair and just under all the facts and
10 circumstances, but the damages, other than pecuniary loss sustained by an
11 heir at law, cannot exceed in the aggregate the sum of ~~\$250,000~~ \$500,000
12 and costs.

13 (b) If a wrongful death action is to a jury, the court shall not instruct
14 the jury on the monetary limitation imposed by subsection (a) upon
15 recovery of damages for nonpecuniary loss. If the jury verdict results in an
16 award of damages for nonpecuniary loss ~~which~~ *that*, after deduction of any
17 amounts pursuant to K.S.A. 60-258a, and amendments thereto, exceeds the
18 limitation of subsection (a), the court shall enter judgment for damages of
19 ~~\$250,000~~ \$500,000 for nonpecuniary loss.

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

- 22 (1) Nonpecuniary damages;
23 (2) expenses for the care of the deceased caused by the injury; and
24 (3) pecuniary damages other than those itemized under subsection (c)
25 (2).

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

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

34 (f) *On July 1, 2020, and on July 1 each following year, the dollar*
35 *amounts specified in subsections (a) and (b) shall be increased by an*
36 *amount equal to the percentage increase in the consumer price index for*

1 *all urban consumers as published by the United States department of*
2 *labor for the preceding fiscal year as certified to the judicial administrator*
3 *by the director of the budget on June 1 of each year.*

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

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