

## HOUSE BILL No. 2563

By Representative Owens  
(By Request)

1-3

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10 AN ACT concerning civil procedure; relating to personal injury actions;  
11 amending K.S.A. 60-19a02 and repealing the existing section.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 60-19a02 is hereby amended to read as follows: 60-  
15 19a02. (a) As used in this section “personal injury action” means any  
16 action seeking damages for personal injury or death.

17 (b) In any personal injury action, the total amount recoverable by  
18 each party from all defendants for all claims for noneconomic loss shall  
19 not exceed a sum total of \$250,000 *for causes of action accruing on July*  
20 *1, 1988 through June 30, 2006, or \$750,000 for causes of action accruing*  
21 *on or after July 1, 2006.*

22 (c) In every personal injury action, the verdict shall be itemized by  
23 the trier of fact to reflect the amount awarded for noneconomic loss.

24 (d) If a personal injury action is tried to a jury, the court shall not  
25 instruct the jury on the limitations of this section. If the verdict results in  
26 an award for noneconomic loss which exceeds the limit of this section,  
27 the court shall enter judgment for \$250,000 *for causes of action accruing*  
28 *on July 1, 1988 through June 30, 2006, or \$750,000 for causes of action*  
29 *accruing on or after July 1, 2006,* for all the party’s claims for nonecon-  
30 omic loss. Such entry of judgment by the court shall occur after consid-  
31 eration of comparative negligence principles in K.S.A. 60-258a and  
32 amendments thereto.

33 (e) The provisions of this section shall not be construed to repeal or  
34 modify the limitation provided by K.S.A. 60-1903 and amendments  
35 thereto in wrongful death actions.

36 ~~(f) The provisions of this section shall apply only to personal injury~~  
37 ~~actions which are based on causes of action accruing on or after July 1,~~  
38 ~~1988.~~

39 Sec. 2. K.S.A. 60-19a02 is hereby repealed.

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