

BILL ANALYSIS

Senate Research Center
80R8836 CAE-D

S.B. 1560
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State Affairs
4/11/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2003, H.B. 4 and proposition 12 established a cap on non-economic damages for personal injury cases. The maximum amount for such damages in any particular cases was set at \$250,000. That bill also provided that the \$250,000 is required to be divided per claimant, defining "claimant" as all persons claiming to have sustained damages as a result of the death of a single individual.

As proposed, S.B. 1560 clarifies that each person who may have a claim in a personal injury case may recover his or her own economic damages up to \$250,000.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 74.303, Civil Practice and Remedies Codes, by adding Subsection (f), as follows:

(f) Requires the limitations in Section 74.301 (Limitation on Noneconomic Damages), in a wrongful death or survival action on a health care liability claim, to be applied individually to each person, including a decedent's estate, seeking or who sought recovery of damages.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.