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NO LIMIT ON DAMAGES FOR WRONGFUL DEATH CLAIMS

House Bill 5684

Sponsor: Rep. David Woodward

Committee: Civil Law and the Judiciary

Complete to 9-3-02

A SUMMARY OF HOUSE BILL 5684 AS INTRODUCED 2-20-02

House Bill 5684 would amend the Revised Judicature Act of 1961 (the “RJA”) to provide an exception to the limitation on damages for “noneconomic loss” in a case of medical malpractice that results in a person’s death. “Noneconomic loss” is defined as “damages or loss due to pain, suffering, inconvenience, physical impairment, physical disfigurement, or other noneconomic loss”. In an action for damages alleging medical malpractice by or against a person or party, the RJA currently limits the total amount of damages for noneconomic loss recoverable by all plaintiffs, resulting from the negligence of all defendants. In most cases, the limit is \$280,000, but in cases where malpractice causes certain permanent disabilities the cap is \$500,000. The bill would amend the act to provide that these limitations on damages for noneconomic loss would not apply to an action to recover damages as a result of a person’s death.

MCL 600.1483

House Bill 5684 (9-3-02)

Analyst: J. Caver

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