

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE GENERALLY

Introduced By: Representatives Trillo, Reilly, Chippendale, Morgan, and Costa

Date Introduced: February 16, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 9 of the General Laws entitled "COURTS AND CIVIL  
2 PROCEDURE-PROCEDURE GENERALLY" is hereby amended by adding thereto the  
3 following chapter:

4 CHAPTER 34

5 NONECONOMIC DAMAGE AWARDS ACT

6 **9-34-1. Short title.** – This act shall be known and may be cited as the “Noneconomic  
7 Damage Awards Act.”

8 **9-34-2. Definitions.** – The following words, as used in this chapter, shall have the  
9 meaning set forth below, unless the context clearly requires otherwise:

10 (1) “Noneconomic damages” means subjective, nonpecuniary damages arising from pain,  
11 suffering, inconvenience, physical impairment, disfigurement, mental anguish, emotional distress,  
12 loss of society and companionship, loss of consortium, injury to reputation, humiliation, and other  
13 nonpecuniary damages.

14 (2) “Economic damages” means objectively verifiable pecuniary damages arising from  
15 medial expenses and medical care, rehabilitation services, custodial care, loss of earnings and  
16 earning capacity, loss of income, burial costs, loss of use of property, costs of repair or  
17 replacement of property, costs of obtaining substitute domestic services, loss of employment, loss  
18 of business or employment opportunities, and other objectively verifiable monetary losses.

19 **9-34-3. Damage awards.** – Notwithstanding any general or public law to the contrary, in

1 any personal injury action, the prevailing plaintiff may be awarded:

2 (1) Compensation for economic damages suffered by the injured plaintiff; and

3 (2) Compensation for the noneconomic damages suffered by the injured plaintiff not to  
4 exceed:

5 (i) Five hundred thousand dollars (\$500,000); or

6 (ii) The amount awarded in economic damages, whichever amount is greater.

7 **9-34-4. Special damages finding required.** – (a) If liability is found in a personal injury  
8 or wrongful death action, then the trier of fact, in addition to other appropriate findings, shall  
9 make separate findings for each claimant specifying the amount of:

10 (1) Any past damages; and

11 (2) Any future damages and the periods over which they will accrue, on an annual basis,  
12 for each of the following types of damages:

13 (i) Medical and other costs of healthcare;

14 (ii) Other economic loss; and

15 (iii) Noneconomic loss.

16 (b) The calculation of all future medical care and other costs of healthcare and future  
17 noneconomic loss must reflect the costs and losses during the period of time the claimant will  
18 sustain those costs and losses. The calculation for other economic loss must be based on the  
19 losses during the period of time the claimant would have lived but for the injury upon which the  
20 claim is based.

21 **9-34-5. Severability.** – If any provision of this chapter or the application thereof to any  
22 person or circumstances is held invalid, such invalidity shall not affect other provisions or  
23 applications of the chapter, which can be given effect without the invalid provision or application,  
24 and to this end the provisions of this chapter are declared to be severable.

25 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would create the noneconomic damage awards act which provides compensation  
2 with limitations for noneconomic damages suffered by an injured plaintiff.

3           This act would take effect upon passage.

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