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HOUSE BILL 1423

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State of Washington

54th Legislature

1995 Regular Session

By Representatives McMahan, Hargrove, Huff, Beeksma, Fuhrman, Johnson, Sheldon, Koster, McMorris, Delvin, Chandler, Robertson, L. Thomas, Stevens, Clements, Goldsmith, D. Schmidt, Pelesky, Crouse, Mulliken, Cooke, Thompson, Schoesler and Basich

Read first time 01/25/95. Referred to Committee on Law and Justice.

1 AN ACT Relating to claims for noneconomic damages; and amending RCW  
2 4.56.250.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 4.56.250 and 1986 c 305 s 301 are each amended to read  
5 as follows:

6 (1) As used in this section, the following terms have the meanings  
7 indicated unless the context clearly requires otherwise.

8 (a) "Economic damages" means objectively verifiable monetary  
9 losses, including medical expenses, loss of earnings, burial costs,  
10 loss of use of property, cost of replacement or repair, cost of  
11 obtaining substitute domestic services, loss of employment, and loss of  
12 business or employment opportunities.

13 (b) "Noneconomic damages" means subjective, nonmonetary losses,  
14 including, but not limited to pain, suffering, inconvenience, mental  
15 anguish, disability or disfigurement incurred by the injured party,  
16 emotional distress, loss of society and companionship, loss of  
17 consortium, injury to reputation and humiliation, and destruction of  
18 the parent-child relationship.

1 (c) "Bodily injury" means physical injury, sickness, or disease,  
2 including death.

3 ~~((d) "Average annual wage" means the average annual wage in the  
4 state of Washington as determined under RCW 50.04.355.))~~

5 (2) In no action seeking damages for personal injury or death may  
6 a claimant recover a judgment for noneconomic damages exceeding ~~((an  
7 amount determined by multiplying 0.43 by the average annual wage and by  
8 the life expectancy of the person incurring noneconomic damages, as the  
9 life expectancy is determined by the life expectancy tables adopted by  
10 the insurance commissioner. For purposes of determining the maximum  
11 amount allowable for noneconomic damages, a claimant's life expectancy  
12 shall not be less than fifteen years))~~ five hundred thousand dollars.  
13 The limitation contained in this subsection applies to all claims for  
14 noneconomic damages made by a claimant who incurred bodily injury.  
15 Claims for loss of consortium, loss of society and companionship,  
16 destruction of the parent-child relationship, and all other derivative  
17 claims asserted by persons who did not sustain bodily injury are to be  
18 included within the limitation on claims for noneconomic damages  
19 arising from the same bodily injury.

20 (3) If a case is tried to a jury, the jury shall not be informed of  
21 the limitation contained in subsection (2) of this section.

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