

1 **E2SSB 5304** - H AMD 000375 WITHDRAWN 4-8-93

2 By Representatives Vance and Brumsickle

3 On page 120, after line 10, insert "

4 "Sec. 422. RCW 4.56.250 and 1986 c 305 ú 301 are each
5 amended as follows:

6 (1) As used in this section, the following terms have the
7 meanings 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
12 loss of business or employment opportunities.

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

19 (c) "Bodily injury" means physical injury, sickness, or
20 disease, including death.

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

23 (2) In no action seeking damages for personal injury or death
24 may a claimant recover a judgment for noneconomic damages exceeding
25 an amount determined by multiplying 0.43 by the average annual wage
26 and by the life expectancy of the person incurring noneconomic
27 damages, as the life expectancy is determined by the life
28 expectancy tables adopted by the insurance commissioner. For
29 purposes of determining the maximum amount allowable for
30 noneconomic damages, a claimant's life expectancy shall not be less
31 than fifteen years. The limitation contained in this subsection

1 applies to all claims for noneconomic damages made by a claimant
2 who incurred bodily injury. Claims for loss of consortium, loss of
3 society and companionship, destruction of the parent-child
4 relationship, and all other derivative claims asserted by persons
5 who did not sustain bodily injury are to be included within the
6 limitation on claims for noneconomic damages arising from the same
7 bodily injury.

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

11 (4) Upon motion, the judge shall determine whether
12 extraordinary circumstances exist which would create inequitable
13 and unreasonably sever hardships on the plaintiff, if such hardship
14 is established the judge may decline to impose the formula set
15 forth in subsection (2)."