

# SENATE BILL REPORT

## SJR 8207

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As Reported By Senate Committee On:  
Health & Long-Term Care, February 4, 2003

**Brief Description:** Allowing the legislature to limit noneconomic damages.

**Sponsors:** Senators Deccio, Rasmussen, Winsley, Hewitt, T. Sheldon, Morton, Hale, Stevens, Parlette, Brandland, Mulliken, McCaslin, Oke and Schmidt.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 1/23/03, 2/4/03 [w/oRec-JUD].

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** That it be referred to Committee on Judiciary without recommendation.  
Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland and Parlette.

**Staff:** Tanya Karwaki (786-7447)

**Background:** In 1986 the Legislature enacted a cap on noneconomic damages that could be awarded in cases of personal injury or death. This cap was based on a formula multiplying 0.43 by the average annual wage and by the life expectancy of the person incurring noneconomic damages. This cap was subsequently held to be unconstitutional by the Washington Supreme Court. Noneconomic damages are subjective losses such as pain and suffering, while economic damages are objectively verifiable monetary losses such as medical expenses and loss of earnings. Thus, under current law, there is no cap on damages of any kind awarded in personal injury actions, including medical malpractice.

**Summary of Bill:** A constitutional amendment is put to the voters, permitting the Legislature to place limitations on the amount of noneconomic damages recoverable in any or all civil causes of action.

**Appropriation:** None.

**Fiscal Note:** Available.

**Testimony For:** This bill is necessary to implement SB 5209 regarding medical malpractice.

**Testimony Against:** This bill would authorize the Legislature to cap damages in any civil action. This represents a fundamental shift in power that takes power away from the jury.

**Testified:** PRO: Cliff Webster, Liability Reform Coalition; Maureen Callaghan, MD, WA State Medical Assn.; Jean Roberts, WA State Hospital Assn.; Sally Yates, Group Health Cooperative; Gary Morse, Physicians Insurance; Dr. Dan Brzusek, WA Osteopathic Medical Assn.; CON: Karen Nelson; Nancy Mead; David and Christine Malone, Carole Johnston,

Larry Shannon, Reed Schifferman, Joel Cunningham, WSTLA; Anne and Don Griffin; Robert Guile; Danny O'Keefe; Bill Monto, WA Citizen Action.