

# HOUSE BILL No. 5675

March 1, 2018, Introduced by Rep. Sheppard and referred to the Committee on Insurance.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
(MCL 600.101 to 600.9947) by adding section 2979.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 2979. (1) IN AN ACTION FOR PERSONAL INJURY ARISING FROM  
2        THE OWNERSHIP, MAINTENANCE, OR USE OF A MOTOR VEHICLE, THE TOTAL  
3        AMOUNT OF DAMAGES AWARDED TO A PLAINTIFF FOR NONECONOMIC LOSS,  
4        INCLUDING ANY DAMAGES AWARDED TO OTHER PLAINTIFFS AS DERIVATIVE  
5        NONECONOMIC LOSS, AGAINST ALL THE DEFENDANTS MUST NOT EXCEED  
6        \$280,000.00, UNLESS THE PERSONAL INJURY HAS RESULTED IN 1 OF THE  
7        FOLLOWING, IN WHICH CASE THE TOTAL AMOUNT OF DAMAGES AWARDED FOR  
8        NONECONOMIC LOSS MUST NOT EXCEED \$500,000.00:

9        (A) HEMIPLEGIA, PARAPLEGIA, OR QUADRIPEGIA, RESULTING IN A  
10       TOTAL PERMANENT FUNCTIONAL LOSS OF 1 OR MORE LIMBS CAUSED BY EITHER

1 OF THE FOLLOWING:

2 (i) INJURY TO THE BRAIN.

3 (ii) INJURY TO THE SPINAL CORD.

4 (B) PERMANENTLY IMPAIRED COGNITIVE CAPACITY, RENDERING THE  
5 PLAINTIFF INCAPABLE OF MAKING INDEPENDENT, RESPONSIBLE LIFE  
6 DECISIONS AND PERMANENTLY INCAPABLE OF INDEPENDENTLY PERFORMING THE  
7 ACTIVITIES OF NORMAL, DAILY LIVING.

8 (C) PERMANENT LOSS OF OR DAMAGE TO A REPRODUCTIVE ORGAN,  
9 RESULTING IN THE INABILITY TO PROCREATE.

10 (2) IN AWARDING DAMAGES IN AN ACTION ARISING FROM THE  
11 OWNERSHIP, MAINTENANCE, OR USE OF A MOTOR VEHICLE, THE TRIER OF  
12 FACT SHALL ITEMIZE DAMAGES INTO ECONOMIC AND NONECONOMIC LOSSES.  
13 NEITHER THE COURT NOR COUNSEL FOR A PARTY SHALL INFORM THE JURY OF  
14 THE LIMITATIONS UNDER SUBSECTION (1). THE COURT SHALL ADJUST AN  
15 AWARD OF DAMAGES FOR NONECONOMIC LOSS TO CONFORM TO THE LIMITATIONS  
16 UNDER SUBSECTION (1).

17 (3) ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED  
18 THIS SECTION, THE STATE TREASURER SHALL ADJUST THE LIMITATIONS  
19 UNDER SUBSECTION (1) SO THAT THEY ARE EQUAL TO THE LIMITATIONS  
20 APPLICABLE ON THAT DATE UNDER SECTION 1483. AFTER THAT DATE, THE  
21 STATE TREASURER SHALL ADJUST THE LIMITATIONS UNDER SUBSECTION (1)  
22 AT THE END OF EACH CALENDAR YEAR SO THAT THEY CONTINUE TO BE EQUAL  
23 TO THE LIMITATIONS UNDER SECTION 1483.

24 (4) AS USED IN THIS SECTION, "NONECONOMIC LOSS" MEANS DAMAGES  
25 OR LOSS DUE TO PAIN, SUFFERING, INCONVENIENCE, PHYSICAL IMPAIRMENT,  
26 OR PHYSICAL DISFIGUREMENT, LOSS OF SOCIETY AND COMPANIONSHIP,  
27 WHETHER CLAIMED UNDER SECTION 2922 OR OTHERWISE, LOSS OF

**1 CONSORTIUM, OR OTHER NONECONOMIC LOSS.**

**2** Enacting section 1. This amendatory act takes effect 90 days  
**3** after the date it is enacted into law.

**4** Enacting section 2. This amendatory act does not take effect  
**5** unless House Bill No. 5517 of the 99th Legislature is enacted into  
**6** law.