

February 6, 2014

The Honorable Jeff King, Chairperson
Senate Committee on Judiciary
Statehouse, Room 341-E
Topeka, Kansas 66612

Dear Senator King:

SUBJECT: Fiscal Note for SB 311 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 311 is respectfully submitted to your committee.

Under the Kansas Code of Civil Procedure (KCCP), the noneconomic damages cap in personal injury actions is \$250,000. SB 311 would impose the following damage caps on noneconomic loss claims in personal injury actions:

1. \$250,000 for causes of action accruing on or after July 1, 1988, and before July 1, 2014;
2. \$300,000 for causes of action accruing on or after July 1, 2014, and before July 1, 2018;
3. \$325,000 for causes of action accruing on or after July 1, 2018, and before July 1, 2022;
and,
4. \$350,000 for causes of action accruing on or after July 1, 2022.

If a jury awards noneconomic losses which exceed these limits, the court would enter judgment for noneconomic losses in the appropriate amount listed above.

SB 311 would also amend the KCCP by modifying several rules regarding the introduction of expert testimony as it relates to what qualifies as acceptable testimony; the examination of an expert witness concerning the data upon which his or her testimony is founded; and questions calling for the opinion of an expert being framed hypothetically. In addition, the bill would amend statutes which govern the weighing of collateral source benefits. Current law stipulates such evidence would not be admissible unless the claimant demands judgment for damages in excess of \$150,000. SB 311 would strike this limitation so that the evidence is admissible regardless of the damages sought. The bill would add a new severability

The Honorable Jeff King, Chairperson

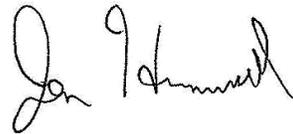
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provision that states if a clause of the act is held to be invalid, the invalidity of that portion will not affect the remaining provisions of the act.

The Office of Judicial Administration indicates that certain provisions in SB 311 regarding expert testimony could add to the amount of court time spent in proceedings in which expert witnesses appear. However, until the courts have an opportunity to operate with the provisions of SB 311 in place, an accurate estimate of the fiscal effect on expenditures by the Judicial Branch cannot be given.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is written in a cursive style with a large initial "J" and a distinct "H".

Jon Hummell,
Interim Director of the Budget

cc: Mary Rinehart, Judiciary