

**1991 TORT REFORM ENACTMENTS**

as of December 31, 1991

Arkansas --

**HB 1556**

- reduces the statute of limitations in cases by minors against OB-GYNs from nineteen years to nine years. A person to whom a claim has accrued who is under nine years of age, has two years to file suit after reaching his/her ninth birthday. All other actions are to be commenced within 2 years of the accrual of the cause of action.

Arizona --

**SB 1204**

- requires all cases filed in superior court to go to arbitration, if the parties agree that the amount in question does not exceed \$50,000, which is the jurisdictional limit. The bill also allows the parties to waive the arbitration requirement for good cause, if all parties file a written stipulation to do so.

California --

**SB 527**

- extends the requirement for a certificate of merit in actions against engineers, architects and surveyors.

Colorado --

**HB 1093**

- expands 1990's prohibition against seeking punitive damages in cases in which FDA approved drugs are administered by a physician, to include medically prescribed drugs or products used on an experimental basis (when such experimental use has not received specific FDA approval) and when the patient has given informed consent.

District of Columbia **9-42**

- amends the "Good Samaritan" statute to provide limited immunity to OB-GYNs providing medical services on behalf of free health care clinics.

Hawaii --

**SB 1529**

- removes the October 1, 1991, sunset provision within the 1986 tort reform statute.

Louisiana --

**HB 502**

- requires a licensed psychologist's or psychiatrist's diagnosis of any mental stress injuries that are not manifested by a physical injury.

Nebraska --

**LB 88**

- replaces Nebraska's current slight-gross negligence rule with a 50/50 rule in which the plaintiff wins if the plaintiff's responsibility is less than the responsibility of all the defendants. In addition, the bill eliminates joint and several liability for non-economic damages for all defendants in all types of cases. Nebraska's common law defense of assumption of the risk is also codified in this enactment.

North Carolina --

**SB 791**

- establishes pilot programs to require mediation of civil actions, including medical malpractice lawsuits.

**HB 425**

- expands the 1989 Good Samaritan statute, which included only volunteer physician immunity for free emergency services at local health department facilities or non-profit community health centers, to include all free services rendered at these sites.

Utah --

**SB 92**

- establishes a 10 year statute of repose for actions brought against architects, engineers, and builders for design error or faulty construction. Actions must be brought two years from the date that the defect is discovered. Breach of contract or warranty claims must be made within 6 years of the date of completion. Exceptions to these periods of repose will be made for claims of intentional or wilful misconduct, or for a warranty which exceeds the statutory period of six years.

Washington -- SB 5023

- allows courts to impose sanctions, including the awarding of attorney fees and costs, against a party to a lawsuit that advances the lawsuit frivolously, even if the case is settled by the parties and does not proceed to trial. The

trial court may enter an order requiring the non-prevailing party to pay attorney fees and costs whether a case is ended through a voluntary or involuntary order of dismissal.