



## **American Tort Reform Association**

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As of December 31, 1994

### **1994 TORT REFORM ENACTMENTS**

#### **Alabama**

##### **Statute of Limitations and Repose**

###### **HB 341**

- o provides for a 13 year statute of repose for architects & engineers, meaning that architects and engineers would be immune from civil liability 13 years after substantial completion of a construction project. The bill also provides for a two year statute of limitations on such actions.

#### **Alaska**

##### **Statute of Limitations**

###### **HB 160**

- o provides for a 15 year statute of repose in civil actions brought against design and construction professionals. The statute would begin to run from substantial completion of the work and require that liability be assigned proportionally to the defendant's degree of fault.

#### **Arizona**

##### **Comprehensive General Tort Reform, Postjudgment Interest**

###### **SB 1305**

- o prohibits suits brought by drunk drivers in accidents where they are more than 50% at fault;
- o provides immunity from civil liability for volunteers, non-profit organizations and emergency medical technicians;
- o limits prisoners' suits;

- o provides immunity from civil liability for fire fighters and police officers acting within the scope of their duties and
- o provides for an assumption of the risk defense in personal injury suits.

(Under the Arizona Constitution, SB 1305 is technically unconstitutional and cannot be enacted until the constitution is amended).

#### **HB 2162**

- o applies only to postjudgment interest on medical liability actions, including those resolved through ADR. The postjudgment interest rate is tied to the federal postjudgment interest rate and now has a floor of 3% and a ceiling of 9%.

### **Hawaii**

#### **Joint and Several Liability**

##### **HB 1088**

- o abolishes joint and several liability for all government entities. Earlier drafts of the bill would have abolished joint and several for any tortfeasor whose individual degree of negligence was found to be no more than the degree of negligence of the person seeking recovery of damages. The 1986 statute abolished joint and several liability for low fault defendants (less than 25% at fault). However, the 1986 statute exempted auto, products and environmental cases.

### **Maryland**

#### **Noneconomic Damages for Wrongful Death**

##### **SB 283**

- o limits noneconomic damages in wrongful death actions to \$500,000. In cases where there are two or more beneficiaries, the limit is \$700,000. The limit is not retroactive but takes effect on October 1, 1994. This bill somewhat counters the effect of the Streidel decision, which held that Maryland' \$350,000 limit on noneconomic damages did not apply in wrongful death actions.

## **Minnesota**

### **Volunteer Immunity**

#### **HF 2825\SF 2429**

- o HF 2825\SF 2429 was originally introduced in 1993, but this year was successfully added to HF 2603\SF 2309, a broader bill on consolidation of immunity laws. The measure will take effect the first of August and will provide immunity for volunteer team physicians and volunteer certified athletic trainers who give care at non-profit team sporting events. Immunity will not apply if the sponsoring organizations have insurance coverage or if the attending physician acts recklessly.

## **Wisconsin**

### **Statutes of Limitation and Repose**

#### **SB 358**

- o establishes a 6 year statute of repose for actions against accountants, with a one year statute of limitations for causes of action which arise the last year the statute of repose runs.

#### **SB 314**

- o establishes a 10 year statute of repose for real property design cases, with a three year statute of limitations for causes of action which arise between the eighth and tenth years that the statute of repose runs.

## **Wyoming**

### **Comparative Fault**

#### **SF 35**

- o amends the previous joint and several reform passed in 1986. Defines when an individual is at fault as well as specifies the amount of damages recoverable in cases where more than one party is at fault. This new law clarifies the relationship between fault and negligence.