



# **American Tort Reform Association**

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## **2016 State Tort Reform Enactments**

### **Mississippi**

#### **Appeal Bond Reform – H.B. 1529**

Limits the amount a defendant can be required to pay to secure the right to appeal to 50 percent of an appellant's net worth not to exceed \$35 million.

#### **Trespasser Liability – H.B. 767**

Provides that a possessor of land owes no duty of care to a trespasser, except to refrain from willfully or wantonly injuring such a person. The land possessor may be subject to liability for injury to a trespasser if the land possessor discovers the trespasser in a position of peril and fails to exercise reasonable care, or the trespasser is a child injured by an artificial condition if specific criteria are met.

### **New Mexico**

#### **Medical Liability Reform – H.B. 270**

Prohibits New Mexico courts from accepting lawsuits for care rendered out-of-state, if the patient has consented to choice of law and jurisdiction. The legislation applies to out-of-state physicians, physician groups, health care providers, hospitals, outpatient facilities and their employees.

### **Tennessee**

#### **Asbestos Trust Transparency – S.B. 2062**

Pertains to asbestos bankruptcy trust claims transparency, asbestos medical criteria requirements, and several asbestos-related tort reforms including codification of heightened causation standards. These include no duty to warn about asbestos products made by third parties, no punitive damages for asbestos cases, and no consolidated asbestos trials absent consent of all parties.

### **Utah**

#### **Asbestos Litigation Reform – H.B. 403**

Enacts transparency requirements with respect to asbestos bankruptcy trust claims in civil asbestos actions by requiring the plaintiff to provide specified information to the court and the parties, and allows the defendant to move the court requesting a stay of the proceedings if the defendant has information that could support additional trust claims by the plaintiff. Provides parties with all trust claims materials after commencement of an asbestos-related lawsuit.

### **West Virginia**

#### **Government Retention of Personal Injury Lawyers - H.B. 4007**

Places guidelines and regulatory parameters on the practice of the Attorney General hiring private attorneys on a contingency fee basis in civil litigation.

**Learned Intermediary Doctrine - S.B. 15**

Adopts and allows the development of a learned intermediary doctrine as a defense in cases based upon claims of inadequate warning or instruction for prescription drugs or devices.

**Wrongful Conduct - S.B. 7**

Provides that in any civil action, a defendant is not liable for damages suffered by the plaintiff as a result of the negligence of the defendant if such damages arise out of the plaintiff's commission or attempted commission of a felony, and the plaintiff's injuries were suffered as a proximate result of the commission or attempted commission of the felony. It further provides that an action against a health care provider cannot be maintained by a plaintiff whose damages arise as a proximate result of the commission or attempted commission of a felony.