

As of June 30, 2001

2001 State Tort Reform Enactments

Colorado

“Construction Defect Action Reform Act”

HB 1166—effective date: August 8, 2001

Prohibits damages arising from improvements to residential property provided construction complies with the applicable building code or industry standards. A claim for relief must be brought within ninety days of discovering physical manifestations of a defect in the improvement which ultimately causes injury.

Inmate Litigation Reform

HB 1226—effective date: July 1, 2001

Prohibits an inmate from filing a lawsuit until all available administrative remedies have been exhausted. Requires an inmate who files more than three lawsuits that are determined to be frivolous be required to pay for filing and processing fees before filing additional lawsuits.

District Judges

HB 1075—effective date: July 1, 2001

Adds twenty-four district judges to the judiciary to handle the growing number of overcrowded cases on the dockets.

Florida

Judicial Nominating Commission Reform

HB 367—effective date: June 19, 2001

Allows only the governor to appoint members to the state’s Judicial Nominating Commission (JNC). The JNC submits judicial nominees to the governor for appointment to the Florida courts. Prior to this enactment, both the Florida Bar Association and the governor appointed members to the JNC.

Long Term Care Facility Residents’ Protection Act

SB 1202—effective date: May 15, 2001

Applies a clear and convincing evidence standard for awarding punitive damages in litigation involving nursing home facility. Limits punitive damage awards to the greater of three times compensatory damages or \$1 million. Where conduct is proven to be motivated by financial gain, punitive damages may not exceed four times compensatory or \$4 million, whichever is greater. If intentional harm is proven, there shall be no limit on punitive damages. Requires claims to be filed within 2 years from the time the incident is discovered.

Louisiana

Appeal Bond Wavier Act*

HB 1524—effective date: June 19, 2001

Places a \$150 million limit on the amount that defendants have to post to obtain a bond during the appeals process.

Mississippi

Appeal Bond Waiver Act

The Mississippi Supreme Court, acting on its own motion, imposed a \$100 million limit on the amount that defendants have to post to secure a bond to appeal large punitive damages verdicts.

Nevada

Appeal Bond Waiver Act*

AB 576—effective date: May 29, 2001

Places a \$50 million limit on the amount that defendants have to post to obtain a bond during the appeals process.

Oklahoma

Appeal Bond Waiver Act*

SB 372—effective date: April 10, 2001

Places a \$25 million limit on the amount that defendants have to post to obtain a bond during the appeals process.

West Virginia

Appeal Bond Waiver Act*

SB 661—effective date: May 2, 2001

Places a \$200 million limit on the defendants who have to post to obtain a bond during the appeals process. Provides that an appeal bond may not exceed \$100 million for compensatory damages and \$100 million in punitive damages.

HB 601—effective date: December 1, 2001

Establishes a certificate of merit in medical liability actions, abolishes third-party bad faith lawsuits in medical liability actions, establishes a certificate of merit in

medical liability actions, and permits parties to submit their claim to either pretrial mediation or a summary jury trial. In jury trials, increases the number of jurors from 9 to 12, but adjudication of claim if nine members of the jury are in agreement, rather than a unanimous verdict.

*Pursuant to the Master Settlement Agreement entered into between this state and tobacco product manufacturers.