



American Tort Reform Association

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As of December 31, 1998

1998 State Tort Reform Enactments

Colorado Volunteer Immunity

SB 124--effective date: July 1, 1998

Grants immunity for licensed engineers and architects who volunteer their services during a declared emergency or disaster.

Florida Medicaid Third Party Liability

HB 3077--effective date: retroactive to July 1, 1994

Reverses amendments made in 1994 to the Medicaid Third-Party Liability Act, essentially restoring the provisions governing third-party reimbursement of Medicaid expenses to their condition prior to the 1994 Regular Session.

Maryland Certificate of Merit

HB 188--effective date: October 1, 1998

Requires a certificate of merit by a qualified expert to be filed in claims against licensed professionals.

Mississippi Statute of Repose for Medical Malpractice

SB 2192-- effective date: July 1, 1998

Establishes a seven-year statute of repose in medical malpractice actions and creates exceptions for fraudulent concealment and foreign objects.

Ohio Certification of Class Actions

HB 394--effective date: July 22, 1998.

Provides that certification of a class for a class action lawsuit is an appealable order. The measure applies to pending cases.

Felony Reform

HB 547--effective date: Aug 5, 1998

Prevents individuals convicted of a felony or violent misdemeanor from suing their victims for personal injury or damages suffered in the course of committing the crime. The bill broadens the definition of "tort action" to specifically include a product liability claim, an action for wrongful death and an action based on derivative claims for relief.

West Virginia Volunteer Liability Reform

SB 744--effective date: June 11, 1998

Limits liability for physicians who volunteer for certain athletic events sponsored by a public or private elementary or secondary school.