

Introduced: 3/8/77
Referred: Commerce and
Judiciary

1 IN THE HOUSE

BY BEIRNE

2 HOUSE BILL NO. 311

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to limiting the amount of damages
7 which may be awarded for pain and suffering."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 09.55.548(a) is amended to read:

10 (a) Damages shall be awarded in accordance with principles of the
11 common law. The fact finder in a malpractice action shall render any
12 award for damages by category of loss, except that damages for pain and
13 suffering may not exceed \$50,000. The court may enter a judgment that
14 future damages be paid in whole or in part by periodic payments rather
15 than by a lump-sum payment; the judgment shall include, if necessary,
16 other provisions to assure that funds are available as periodic payments
17 become due. Insurance from an authorized insurer as defined in AS 21.-
18 90.080 or from the Medical Indemnity Corporation of Alaska is sufficient
19 assurance that funds will be available. Any part of the award which is
20 paid on a periodic basis shall be adjusted annually according to changes
21 in the consumer price index in the community where the claimant resides.
22 In this subsection, future damages includes damages for future medical
23 treatment, care or custody, loss of future earnings, or loss of bodily
24 function of the claimant.