



Just what does SB 507 do?

Class actions

- Requires an independent attorney to be appointed to represent the class in the awarding of attorney fees.
- Requires a conscious decision by a potential class action member to include himself/herself in the class.

Expert Testimony

- Requires that if the plaintiff is using an expert witness to prove liability, that the plaintiff file a written opinion of the expert within sixty days of filing the lawsuit showing why the expert believes that liability exists.
- Sets out the rules for testimony by lay witnesses and experts thus protecting against “junk science” being introduced.

Prejudgment Interest

- Restricts the assessment of prejudgment interest until three years following the filing of a lawsuit.
- Sets the calculation of prejudgment interest at the average “T-Bill” rate.

Appeals Bond

- Caps appeals bonds at \$25 million.
- For individuals or small businesses (less than 250 employees), the cap is \$1 million.

Frivolous Lawsuits

- Better defines what “frivolous” means and provides for easier dismissal of such lawsuits.

Damages

- Requires that in a professional liability action, the jury may only award punitive damages if they find “by clear and convincing evidence” that the defendant has been guilty of intentional or gross negligence.
- Sets out how periodic payments of future damages are to be paid out in awards that exceed \$100,000.
- Caps non-economic damages at an inflation-adjusted maximum of \$300,000 unless the jury finds “by clear and convincing evidence that the defendant was grossly negligent, or acted intentionally or with malice.

Joint & Several Liability

- Eliminates joint and several liability, thus making every defendant responsible for only its own fault.

Collateral Source

- Allows for the admission of evidence showing the plaintiff received compensation for the harm that gave rise to the cause of action, and requires that such sum be deducted from the amount of damages awarded.

Seat Belts

- Allows for the admissibility of evidence showing that a plaintiff, or child of a plaintiff, was not wearing their seat belt.

Peer Review

- Peer review shall be private, confidential (except for providing relevant information to a state agency or board which licensed the professional) and not subject to discovery.
- Records of quality assessments and assurance committees in skilled nursing facilities shall not be disclosed to any person or entity.

Educator Liability

- Provides teachers, principals, and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline, and an appropriate educational environment.
- Adds that the use of necessary discipline is immune from liability.

Medical Statute of Repose

- Sets a statute of repose for actions against any physician, health care provider, or hospital at eight years from the date of the act or omission that gave rise to the claim.

Volunteer Protection

- Clarifies the old definition of “volunteer” thus providing for clearer immunity from liability and clarifies where such volunteer medical services were provided.

Common Sense

- Protects restaurants and food manufacturers from lawsuits claiming they are responsible for the eating habits of their patrons.

Gun Manufacturers

- Exempts gun manufacturers from liability for someone shooting someone else.