

2018 Kansas Statutes

60-19a02. Personal injury action defined; limitation established; itemization of verdict; no jury instruction on limitation to be given; wrongful death limitation not affected; limited to actions accruing on or after July 1, 1988. (a) As used in this section "personal injury action" means any action seeking damages for personal injury or death.

(b) In any personal injury action, the total amount recoverable by each party from all defendants for all claims for noneconomic loss shall not exceed a sum total of:

- (1) \$250,000 for causes of action accruing on or after July 1, 1988, and before July 1, 2014;
- (2) \$300,000 for causes of action accruing on or after July 1, 2014, and before July 1, 2018;
- (3) \$325,000 for causes of action accruing on or after July 1, 2018, and before July 1, 2022; or
- (4) \$350,000 for causes of action accruing on or after July 1, 2022.

(c) In every personal injury action, the verdict shall be itemized by the trier of fact to reflect the amount awarded for noneconomic loss.

(d) If a personal injury action is tried to a jury, the court shall not instruct the jury on the limitations of this section. If the verdict results in an award for noneconomic loss which exceeds the limit of this section, the court shall enter judgment for all the party's claims for noneconomic loss in the amount of:

- (1) \$250,000 for causes of action accruing on or after July 1, 1988, and before July 1, 2014;
- (2) \$300,000 for causes of action accruing on or after July 1, 2014, and before July 1, 2018;
- (3) \$325,000 for causes of action accruing on or after July 1, 2018, and before July 1, 2022; or
- (4) \$350,000 for causes of action accruing on or after July 1, 2022.

Such entry of judgment by the court shall occur after consideration of comparative negligence principles in K.S.A. 60-258a, and amendments thereto.

(e) The provisions of this section shall not be construed to repeal or modify the limitation provided by K.S.A. 60-1903, and amendments thereto, in wrongful death actions.

(f) The provisions of this section shall apply only to personal injury actions which are based on causes of action accruing on or after July 1, 1988.

History: L. 1988, ch. 216, § 3; L. 2014, ch. 84, § 1; July 1.