

## SENATE BILL No. 41

By Senator Journey

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9 AN ACT concerning negligence; relating to standard of care; amending  
10 K.S.A. 60-19a02 and repealing the existing section.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 60-19a02 is hereby amended to read as follows: 60-  
14 19a02. (a) As used in this section “personal injury action” means any  
15 action seeking damages for personal injury or death.

16 (b) In any personal injury action, the total amount recoverable by  
17 each party from all defendants for all claims for noneconomic loss shall  
18 not exceed a sum total of \$250,000.

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

21 (d) If a personal injury action is tried to a jury, the court shall not  
22 instruct the jury on the limitations of this section. If the verdict results in  
23 an award for noneconomic loss which exceeds the limit of this section,  
24 the court shall enter judgment for \$250,000 for all the party’s claims for  
25 noneconomic loss. Such entry of judgment by the court shall occur after  
26 consideration of comparative negligence principles in K.S.A. 60-258a and  
27 amendments thereto.

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

31 (f) The provisions of this section shall apply only to personal injury  
32 actions which are based on causes of action accruing on or after July 1,  
33 1988.

34 (g) *If negligence in the storage of a firearm is at issue in a personal*  
35 *injury or wrongful death action, then ordinary care shall be the standard*  
36 *upon which the trier of fact determines liability for the injury or death.*

37 Sec. 2. K.S.A. 60-19a02 is hereby repealed.

38 Sec. 3. This act shall take effect and be in force from and after its  
39 publication in the statute book.