

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1522 – HB 2008

April 11, 2011

SUMMARY OF AMENDMENT (005910): Deletes the original bill. Requires civil actions against defendants who are not natural persons to be brought in the county where the cause of action occurred, the county of the defendant's principal place of business, or the county where the person designated by statute as the defendant's agent for service of process if the defendant does not maintain a principal office in Tennessee. Limits the maximum appeal bond to the lesser of \$25,000,000 or 125 percent of the judgment amount. Limits non-economic damages in any health care liability action to \$750,000 per injured plaintiff. Apportions non-economic damages among multiple defendants found liable under comparative fault based on the percentage of fault so long as the plaintiff's fault is not equal to or greater than 50 percent. Limits the amount of non-economic damages in a catastrophic injury to \$1,000,000 and limits punitive damages to the greater of two times the compensatory damages or \$500,000. Limits liability for punitive damages in product liability actions. Requires the Court of Appeals to hear appeals from trial court orders granting or denying class action certification within 10 days after entry of the order. Specifies that no private right of action shall be commenced under this section for any alleged unfair or deceptive act or practice involving the marketing or sale of a security as defined in the Tennessee Securities Act.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions applied to amendment:

- Expediting appeals of class action certification orders will not have a significant impact on the case load of the appellate courts.
- Restricting damage awards in designated cases may result in a decrease in civil litigation but will not significantly reduce the case load of the trial and appellate courts.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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