

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 643

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
INCREASING THE MAXIMUM TOTAL LIABILITY OF A GOVERNMENT ENTITY
OR PUBLIC EMPLOYEE UNDER THE TORT CLAIMS ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 41-4-19 NMSA 1978 (being Laws 1976,
Chapter 58, Section 17, as amended) is amended to read:

"41-4-19. MAXIMUM LIABILITY.--

A. Unless limited by Subsection B of this section,
in any action for damages against a governmental entity or a
public employee while acting within the scope of the employee's
duties as provided in the Tort Claims Act, the liability shall
not exceed:

(1) the sum of two hundred thousand dollars
(\$200,000) for each legally described real property for damage

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1 to or destruction of that legally described real property
2 arising out of a single occurrence;

3 (2) the sum of three hundred thousand dollars
4 (\$300,000) for all past and future medical and medically
5 related expenses arising out of a single occurrence; and

6 (3) the sum of four hundred thousand dollars
7 (\$400,000) to any person for any number of claims arising out
8 of a single occurrence for all damages other than real property
9 damage and medical and medically related expenses as permitted
10 under the Tort Claims Act.

11 B. The total liability for all claims pursuant to
12 Paragraphs (1) and (3) of Subsection A of this section that
13 arise out of a single occurrence shall not exceed [~~seven~~
14 ~~hundred fifty thousand dollars (\$750,000)] two million dollars
15 (\$2,000,000).~~

16 C. Interest shall be allowed on judgments against a
17 governmental entity or public employee for a tort for which
18 immunity has been waived under the Tort Claims Act at a rate
19 equal to two percentage points above the prime rate as
20 published in the *Wall Street Journal* on the date of the entry
21 of the judgment. Interest shall be computed daily from the
22 date of the entry of the judgment until the date of payment.

23 D. No judgment against a governmental entity or
24 public employee for any tort for which immunity has been waived
25 under the Tort Claims Act shall include an award for exemplary

1 or punitive damages or for interest prior to judgment."

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