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HOUSE BILL 900

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

W. Ken Martinez

AN ACT

**RELATING TO TORT CLAIMS; AMENDING THE TORT CLAIMS ACT TO DELETE
THE MAXIMUM LIABILITY AMOUNT FOR MEDICAL AND MEDICALLY RELATED
EXPENSES.**

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. In any action for damages against a governmental
entity or a public employee while acting within the scope of
his duties as provided in the Tort Claims Act, the liability
shall not exceed:**

**(1) the sum of one hundred thousand dollars
(\$100,000) for damage to or destruction of property arising out
of a single occurrence; and**

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

4 ~~(3)]~~ (2) the sum of four hundred thousand
5 dollars (\$400,000) to any person for any number of claims
6 arising out of a single occurrence for all damages other than
7 property damage and medical and medically related expenses as
8 permitted under the Tort Claims Act; or

9 [~~(4)]~~ (3) the sum of seven hundred fifty
10 thousand dollars (\$750,000) for all claims other than medical
11 or medically related expenses arising out of a single
12 occurrence.

13 B. Liability for past and future medical and
14 medically related expenses is not subject to the limits
15 specified in Subsection A of this section.

16 [~~B.]~~ C. No judgment against a governmental entity
17 or public employee for any tort for which immunity has been
18 waived under the Tort Claims Act shall include an award for
19 exemplary or punitive damages or for interest prior to
20 judgment. "