

SENATE BILL No. 1137

May 23, 2012, Introduced by Senator JOHNSON and referred to the Committee on Insurance.

A bill to amend 1961 PA 236, entitled
"Revised judiciary act of 1961,"
by amending section 6306 (MCL 600.6306), as amended by 1995 PA 161.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6306. (1) After a verdict rendered by a trier of fact in
2 favor of a plaintiff, an order of judgment shall be entered by the
3 court. Subject to section 2959, the order of judgment shall be
4 entered against each defendant, including a third-party defendant,
5 in the following order and in the following judgment amounts:

6 (a) All past economic damages, less collateral source payments
7 as provided for in section 6303.

8 (b) All past noneconomic damages.

9 (c) All future economic damages, less medical and other health
10 care costs, and less collateral source payments determined to be
11 collectible under section 6303(5) reduced to gross present cash

1 value.

2 (d) All future medical and other health care costs reduced to
3 gross present cash value.

4 (e) All future noneconomic damages reduced to gross present
5 cash value.

6 (f) All taxable and allowable costs, including interest as
7 permitted by section 6013 or 6455 on the judgment amounts.

8 (2) As used in this section, "gross present cash value" means
9 the total amount of future damages reduced to present value at a
10 rate of 5% per year for each year in which those damages accrue, as
11 found by the trier of fact as provided in section 6305(1)(b).

12 (3) If the plaintiff was assigned a percentage of fault under
13 section 6304, the total judgment amount shall be reduced, subject
14 to section 2959, by an amount equal to the percentage of
15 plaintiff's fault. When reducing the judgment amount as provided in
16 this subsection, the court shall determine the ratio of total past
17 damages to total future damages and shall allocate the amounts to
18 be deducted proportionally between the past and future damages.

19 **(4) IF A VERDICT IS RENDERED AGAINST A DEFENDANT IN A MEDICAL**
20 **MALPRACTICE ACTION AND THE TRIER OF FACT MAKES A DETERMINATION THAT**
21 **REQUIRES AN ADJUSTMENT UNDER THIS SUBSECTION, AFTER MAKING THE**
22 **ADJUSTMENTS REQUIRED BY SUBSECTIONS (1) AND (3), THE COURT SHALL**
23 **ADJUST THE AWARD AGAINST THE DEFENDANT FURTHER BY DOUBLING THE**
24 **AMOUNTS FOR PAST AND FUTURE NONECONOMIC DAMAGES OR BY ENTERING A**
25 **TOTAL AWARD FOR NONECONOMIC DAMAGES OF \$500,000.00, WHICHEVER**
26 **RESULTS IN THE LARGER AWARD. AN ADJUSTMENT SHALL ONLY BE MADE UNDER**
27 **THIS SUBSECTION IF THE TRIER OF FACT DETERMINES THAT THE DEFENDANT**

1 DID 1 OR MORE OF THE FOLLOWING:

2 (A) ACTED WITH THE INTENT TO HARM THE PLAINTIFF.

3 (B) PRACTICED MEDICINE ON THE PLAINTIFF WHILE UNDER THE
4 INFLUENCE OF AN ALCOHOLIC BEVERAGE OR CONTROLLED SUBSTANCE.

5 (C) INTENTIONALLY ALTERED RECORDS RELEVANT TO THE ACTION
6 BEFORE THE TRIAL ENDED WITH THE INTENT OF AVOIDING LIABILITY.

7 (D) PROMOTED THE USE OF AN UNNECESSARY DRUG, DEVICE,
8 TREATMENT, PROCEDURE, OR SERVICE FOR PERSONAL GAIN.

9 (E) THREATENED, COERCED, OR ATTEMPTED TO COERCE THE PLAINTIFF
10 OR, IF THE PLAINTIFF IS A MINOR, A PARENT OF THE PLAINTIFF TO
11 PREVENT OR ATTEMPT TO PREVENT THE PLAINTIFF OR PARENT FROM
12 REPORTING MISCONDUCT BY THE DEFENDANT.