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HOUSE BILL 339

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Al Park

AN ACT

RELATING TO TORT CLAIMS; PROVIDING FOR POST-JUDGMENT INTEREST
IN ACTIONS BROUGHT PURSUANT TO 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. 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

(2) the sum of three hundred thousand dollars

underscored material = new
[bracketed material] = delete

1 (\$300,000) for all past and future medical and medically
2 related expenses arising out of a single occurrence; and

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

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

11 B. Interest shall be allowed on judgments against a
12 governmental entity or public employee for a tort for which
13 immunity has been waived under the Tort Claims Act at a rate
14 equal to two percentage points above the prime rate as
15 published in the *Wall Street Journal* on the date of the entry
16 of the judgment. Interest shall be computed daily from the
17 date of the entry of the judgment until the date of payment and
18 shall be compounded annually.

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