

## SENATE JOINT RESOLUTION NO. SJ0004

Noneconomic damages-constitutional amendment.

Sponsored by: Senator(s) Meier and Representative(s)  
Childers

## A BILL

for

1 A JOINT RESOLUTION proposing to amend the Wyoming  
2 Constitution to modify the prohibition against the  
3 legislature limiting the amount of damages that may be  
4 recovered for causing personal injury or death of any  
5 person.

6

7 *BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING,*  
8 *two-thirds of all the members of the two houses, voting*  
9 *separately, concurring therein:*

10

11 **Section 1.** The following proposal to amend Wyoming  
12 Constitution, Article 10, Section 4(a), by creating a new  
13 subsection (c) and by renumbering (c) as (d) is proposed  
14 for submission to the electors of the State of Wyoming at  
15 the next general election for approval or rejection to

1 become valid as a part of the Constitution if ratified by a  
2 majority of the electors at the election:

3  
4 **Article 10, Section 4. Damages for personal injuries**  
5 **or death; worker's compensation.**

6  
7 (a) Except as otherwise provided in this section, no  
8 law shall be enacted limiting the amount of damages to be  
9 recovered for causing the injury or death of any person.

10  
11 (c) Any section of this constitution to the contrary  
12 notwithstanding, for any civil action where a person  
13 alleges that an act or omission resulted in death or  
14 injury, the legislature may by general law:

15  
16 (i) Uniformly limit the amount to be recovered  
17 by any person for damages for noneconomic loss resulting  
18 from the death or injury, unless the death or injury is  
19 adjudged to be the result of an act or omission that, at  
20 minimum, constitutes gross negligence. These limits shall  
21 be set for an aggregate of not more than one million  
22 dollars (\$1,000,000.00). No law shall be enacted limiting  
23 the amount of damages to be recovered for economic loss.

24

1       ~~(e)~~(d) Any contract or agreement with any employee  
2 waiving any right to recover damages for causing the death  
3 or injury of any employee shall be void. As to all  
4 extrahazardous employments the legislature shall provide by  
5 law for the accumulation and maintenance of a fund or funds  
6 out of which shall be paid compensation as may be fixed by  
7 law according to proper classifications to each person  
8 injured in such employment or to the dependent families of  
9 such as die as the result of such injuries, except in case  
10 of injuries due solely to the culpable negligence of the  
11 injured employee. The fund or funds shall be accumulated,  
12 paid into the state treasury and maintained in such manner  
13 as may be provided by law. Monies in the fund shall be  
14 expended only for compensation authorized by this section,  
15 for administration and management of the Worker's  
16 Compensation Act, debt service related to the fund and for  
17 workplace safety programs conducted by the state as  
18 authorized by law. The right of each employee to  
19 compensation from the fund shall be in lieu of and shall  
20 take the place of any and all rights of action against any  
21 employer contributing as required by law to the fund in  
22 favor of any person or persons by reason of the injuries or  
23 death. Subject to conditions specified by law, the  
24 legislature may allow employments not designated

1 extrahazardous to be covered by the state fund at the  
2 option of the employer. To the extent an employer elects  
3 to be covered by the state fund and contributes to the fund  
4 as required by law, the employer shall enjoy the same  
5 immunity as provided for extrahazardous employments.

6

7       **Section 2.** That the Secretary of State shall endorse  
8 the following statement on the proposed amendment:

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10       This amendment would expand the current constitutional  
11 limitation and allow the Wyoming legislature to uniformly  
12 limit amounts to be recovered for noneconomic loss in any  
13 civil action where a person alleges an act or omission  
14 resulted in death or injury with the exclusion of conduct  
15 that equals or exceeds gross negligence. This amendment  
16 would allow the legislature to set these limits at not more  
17 than one million dollars.

18

19

(END)