



State Laws Chart I: Liability Reforms

State	Damage Caps	Joint Liability Reform	Collateral Source Reform	Attorney Fees Limited	Periodic Payments Permitted
Alabama	None	No. Each defendant is jointly and severally liable.	Yes	No	Yes for awards of future damages in excess of \$150,000.
Alaska	\$250,000 cap on non-economic damages; \$400,000 cap on non-economic damages for wrongful death or severe permanent physical impairment that is more than 70% disabling. (2005)	Yes. Defendants are responsible only for their proportionate share of negligence.	Yes. After the fact-finder has rendered an award, and not including evidence of benefits received from a federal program that must subrogate, or death benefits paid under a life insurance policy.	No	Yes
Arizona	None - Constitution prohibits limiting recoverable damages	Yes. Defendants are responsible only for their proportionate share of negligence, except where co-defendants act in concert or a person is an agent or servant of a party.	Yes. Discretionary. Defendant may submit evidence of collateral sources of payment and claimant may submit evidence of amount paid to secure benefits.	No. But at the request of any party the court shall review the reasonableness of each party's attorney's fees.	Yes. Any party may elect, and judge must order. (Found unconstitutional <i>Smith v. Myers</i> , 191 Ariz. 11, 887 P.2d 541 (1994))
Arkansas	None	No	No	No	Yes. Mandatory, upon motion by either party, for future damages in excess of \$100,000
California	\$250,000 cap on non-economic damages. (1975)	Yes. Defendants are proportionately liable for non-economic damages. However, they are jointly and severally liable for economic damages.	Yes. Defendant may introduce evidence of collateral sources of payment, claimant may introduce evidence of amount paid to secure benefits.	Yes. Limited to 40% of the first \$50,000; 33.3% of the next \$50,000; 25% of the next \$500,000; and 15% of any amount exceeding	Yes. Any party may elect in cases where damages exceed \$50,000.

State	Damage Caps	Joint Liability Reform	Collateral Source Reform	Attorney Fees Limited	Periodic Payments Permitted
				\$600,000.	
Colorado	\$300,000 cap on non-economic damages, including damages for physical impairment and disfigurement \$1,000,000 cap on total damages. (1988; 2003)	Yes. Defendants are responsible only for their proportionate share of negligence unless persons have consciously conspired and deliberately pursued a common plan or design to commit a tortious act.	Yes. Benefits from collateral sources must be disclosed and used to reduce recoverable economic damages, minus any amount paid by the claimant to secure the benefit.	No	Yes. Mandatory for awards of future damages greater than \$150,000. Discretionary for damage awards \$150,000 or less.
Connecticut	None	Yes. Defendants are responsible only for their proportionate share of negligence. However, if within one year after the final judgment the court determines that all or part of a defendant's proportionate share is uncollectible, it shall reallocate the uncollectible non-economic damages among other defendants according to their percentages of negligence. The court may not reallocate to any such defendant an amount greater than that defendant's percentage of negligence multiplied by such uncollectible amount.	Yes. Benefits from collateral sources must be disclosed and used to reduce recoverable economic damages, minus any amount paid by the claimant to secure the benefit.	Yes. Limited to 33 1/3% of the first \$300,000; 25% of the next \$300,000, 20% of the next \$300,000, 15% of the next \$300,000, and 10% of amounts exceeding \$1.2 million.	For damages exceeding \$200,000, the court shall give the parties 60 days to negotiate an agreement on method of payment, either in lump sum, periodic payments, or a combination thereof. If they cannot agree, the judge must order payment in a lump sum.
Delaware	None	No. Each defendant is jointly and severally liable.	Yes. The defendant may offer evidence of certain public collateral sources. These sources may not include life insurance or private collateral sources.	Yes. Fees are limited to 35% of the first \$100,000, 25% of the next \$100,000, and 10% of any remaining award.	Yes. Courts may order periodic payment.
D.C.	None	No. Each defendant is jointly and severally liable.	No	No	Yes. But courts are not required to award payments periodically.
Florida	None	Yes. Defendants are responsible only for their proportionate share of	Yes. The court must reduce damages by the amounts paid to the claimant from collateral sources. If a right	Patients receive 70% of the first \$250,000	Yes. For future economic awards exceeding \$250,000, the court must

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	\$500,000 damage cap overturned, <i>North Broward Hosp. Dist. v. Kalitan</i> , 219 So.3d 49 (Fla. 2017)	negligence.	of subrogation exists, there is no reduction in damages. Benefits received by the government sources are not considered collateral benefits.	awarded and 90% of the remainder of the award. Attorneys will still get payment for court and witness expenses. (2004) Patients may waive contingency fee limits.	order periodic payments at the request of any party unless the court determines that manifest injustice would result to any party.
Georgia	\$250,000 cap on punitive damages. (1992) \$350,000 cap on non-economic damages for a judgment against all health care provider(s); additional \$350,000 cap on non-economic damages for a judgment against a single health care facility; \$350,000 cap on non-economic damages for a judgment against multiple health care facilities. Maximum total award of non-economic damages is \$1.05 million. (2005) (Ruled unconstitutional <i>Atlanta Oculoplastic Surgery PC v. Nestlehatt</i> , March 2010)	Yes. Defendants are responsible only for their proportionate share of negligence. If the plaintiff is to some degree responsible for the injury or damages claimed, the judge must first decrease the damages based on the plaintiff's degree of fault.	No	No	Upon the request of either party, the court must establish a schedule of payments for future damages exceeding \$350,000.
Hawaii	\$375,000 cap on non-economic damages, with exceptions for certain types	Yes. Defendants are responsible only for their proportionate share of negligence, with the following	No	In all tort actions, fees shall be limited to a reasonable amount as	No

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	of damages, i.e. mental anguish. (1986)	exceptions: recovery of economic damages in actions involving injury or death, and non-economic damages in such actions, where a tortfeasor's negligence is 25% or more; intentional torts; strict liability torts; and product liability torts.		approved by the court.	
Idaho	\$250,000 cap on non-economic damages per claimant in all personal injury and wrongful death actions. Cap will be adjusted annually beginning on July 1, 2004 based on the average state wage increase. Cap does not apply to willful or reckless conduct or felonious acts. (2003)	Yes. Defendants are responsible only for their proportionate share of negligence, except where co-defendants were acting in concert or a person is an agent or servant of a party.	Yes. Collateral sources may be submitted to the judge following the verdict. Judgments may be entered only for amounts that exceed recovery from collateral sources.	No	Yes. Upon the request of either party, at the discretion of the court, and only in PI cases, where damages exceed \$100,000. May not be ordered for intentional torts, gross negligence or an extreme deviation from reasonable standard of conduct.
Illinois	\$500,000 cap on non-economic damages for awards against physicians. \$1 million cap on non-economic damages for awards against hospital. (2005) (Ruled unconstitutional – LeBron v. Gottlieb Memorial Hospital, February 2010)	No. Each defendant is jointly and severally liable.	Yes. Applicable only to medical malpractice claims. A judgment will be offset by 50% of lost wages and 100% of medical benefits received, minus any amount paid by the claimant to secure such benefits. The total judgment may not be reduced more than 50%. Does not apply to benefits that are subject to subrogation.	Yes. Fees are limited to one-third of a plaintiff's award. (2013) Previously, fees were limited to one-third of the first \$150,000; 25% of the next \$850,000; and 20% of amounts over \$1 million. Attorney may not petition court for additional fees.	Yes. Either party may elect or the court may order partial payment of future medical expenses through an annuity. The court must order the defendant to pay to the plaintiff 20% of the present cash value of future medical expenses and cost of life care. The remaining 80% shall be paid for through an annuity. (Ruled unconstitutional – LeBron v. Gottlieb Memorial Hospital, February 2010)
Indiana	\$1.25 million total cap for	No. Each defendant is jointly and	Yes. Trier of fact shall consider collateral sources of	Yes. Attorney may	Yes. Law permits, but does not

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	<p>any act of malpractice that occurs after 6/30/1999 and before 7/1/2017. \$1.65 million total cap for any act of malpractice that occurs after 6/30/2017 and before 7/1/2019. \$1.8 million total cap for any act of malpractice that occurs after 6/30/2019.</p> <p>Health care providers are not liable for more than:</p> <ul style="list-style-type: none"> • \$250,000 for an act of malpractice that occurs after 6/30/1999 and before 7/1/2017; • \$400,000 for an act of malpractice that occurs after 6/30/2017 and before 7/1/2019; and • \$500,000 for an act of malpractice that occurs after 6/30/2019. <p>Any amount awarded in excess of the total liability of a health care provider will be paid through the Patient Compensation Fund. (Ind. Code Ann. § 34-18-14-3) (1975) (Revised 2016)</p>	severally liable.	payment when determining award and court shall consider when reviewing awards that are allegedly excessive. Evidence of life insurance or other death benefits; benefits paid by claimant or family; or payments made by state or U.S. prior to trial shall not be considered collateral sources of payment. (Ind. Code Ann. § 34-44-1-2)	collect only 15% of damages awarded under Patient Compensation Fund. (Ind. Code Ann. § 34-18-18-1)	require. (Ind. Code Ann. § 34-18-14-4)
Iowa	None	Yes. Defendants are responsible	Yes. Damages must be reduced by the amount	No. But courts	Yes. Any party may request

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		only for their proportionate share of negligence where a defendant is found to bear less than 50% of the total fault. If a defendant is 50% or more liable, he is jointly and severally liable for economic damages only.	received from collateral sources.	determine reasonableness of fee arrangements.	periodic/structured payment. Court determines the reasonableness.
Kansas	\$250,000 cap on non-economic damages. The cap will increase to \$300,000 for causes of action accruing after July 1, 2014; \$325,000 after July 1, 2018; and \$350,000 after July 1, 2022. (2014)	Yes. Defendants are responsible only for their proportionate share of negligence.	No	No	Not mandated
Kentucky	None	When court apportions percentage of fault, defendant is only liable for comparable share of damages.	No	No	Not mandated
Louisiana	\$500,000 cap on total damages, excluding damages recoverable for future medical care. A health care provider covered by the Patient's Compensation Fund shall not be liable for more than \$100,000. The Patient's Compensation Fund will cover the excess amount awarded up to the cap. (1975)	Yes. Defendants are responsible only for their proportionate share of negligence.	No	No	Yes. For amounts paid by the state from the Patient Compensation Fund.
Maine	\$500,000 cap on non-economic damages in	No. Each defendant is jointly and severally liable.	Yes. Evidence is admissible after a verdict has been rendered, and the judgment must be reduced by the	Yes. Fees are limited to 33 1/3% of the first	Yes. If damages exceed \$250,000, either party may request periodic

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	wrongful death actions (2007)		amount received from collateral sources.	\$100,000; 25% of the next \$100,000; and 20% of amounts over \$200,000.	payment.
Maryland	The limit on non-economic damages is frozen at \$650,000 until January 1, 2009, after which time the cap will increase annually by \$15,000 per year. Cap applies in aggregate to all claims and defendants arising from the same medical injury beneficiary. Cap also applies in wrongful death actions if the claim involves only one claimant or if the wrongful death action involves two or more claimants or beneficiaries, the total cap on non-economic damages is \$812,500 (i.e., 125% of the current \$650,000 non-economic damages cap in PI claims. (2004)	No. Each defendant is jointly and severally liable.	No	No	Yes. Courts and arbitrators may order periodic payment.
Massachusetts	\$500,000 cap on non-economic damages, with exceptions for proof of substantial disfigurement or permanent loss or impairment of a bodily function, or other special	No. Each defendant is jointly and severally liable.	Yes. Benefits from collateral sources must be disclosed and used to reduce recoverable economic damages, minus any amount paid by the claimant to secure the benefit.	Yes. Fees are limited to 40% of the first \$150,000; 33 1/3% of the next \$150,000 and 30% of the next \$200,000; and 25% of amounts exceeding	No

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	circumstances which warrant a finding that imposition of such limitation would deprive the plaintiff of just compensation for the injuries sustained. (1986)			\$500,000. An attorney may not take an amount that would leave the claimant with less than the amount of unpaid past and future medical expenses, with exceptions.	
Michigan	280,000 cap on non-economic damages, adjusted annually for inflation, except in cases where the plaintiff is hemiplegic, paraplegic, or quadriplegic due to an injury to the brain \$ or spinal cord, or where the plaintiff has permanently impaired cognitive capacity, or the plaintiff has had a permanent loss of or damage to a reproductive organ, then non-economic damages shall not exceed \$500,000. As of 2010 the \$280,000 cap is \$408,200 and the \$500,000 cap is \$729,000. (1993) A 2012 bill clarified that loss of society or companionship constitutes noneconomic damages and is therefore subject to Michigan's	No. Each defendant is jointly and severally liable.	Yes. Benefits from collateral sources must be disclosed and used to reduce recoverable economic damages, minus any amount paid by the claimant to secure the benefit.	Rules limit contingency fees to one third of total compensation.	No

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	noneconomic damages limit.				
Minnesota	None	Yes. Joint and several liability law is abolished except for the following persons: persons who are greater than 50% at fault, persons who engage in a common scheme or plan that causes the injury, persons who commit an intentional tort, or persons whose liability is based on an environmental or similar statute.	Yes. Within 10 days of the verdict and upon motion of a party. In such cases, the court must reduce the award by the amount received from collateral sources. Such reduction shall be offset by any amount paid by the plaintiff to secure the award.	No	Yes. Court must hold hearing in cases where future damages exceed \$100,000 to allow the claimant to consider if damages should be paid periodically.
Mississippi	\$500,000 cap on non-economic damages per plaintiff. (2004)	Yes. Defendants are responsible only for their proportionate share of negligence except where they consciously or deliberately pursue a common plan or design to commit a tortious act or actively take part in it. (2004)	No	No	Yes. But they are not mandated.
Missouri	\$400,000 cap on non-economic damages. \$700,000 cap on non-economic damages for cases involving catastrophic injury. \$350,000 cap on non-economic damages in medical liability actions, overturned, <i>Watts v. Lester E. Cox Medical Centers</i> , No. SC91867 (2012).	A defendant can only be held jointly liable for damages if the defendant is greater than 51% at fault. A defendant who is less than 51% at fault shall only be responsible for damages in proportion to his or her degree of fault.	Yes.	No	Yes. In cases where payment for future damages exceeds \$100,000, court may order periodic payment upon request of either party. Court has upheld the constitutionality of this law.
Montana	\$250,000 cap on non-economic damages (1995,	Any party whose negligence is 50% or less of the combined negligence of	Yes. In cases where damages exceed \$50,000. Total damages must be reduced by amount of prior payment	No	Yes. Upon any party's request, the court must enter an order for periodic

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	1997)	all persons is severally liable only. The remaining parties are jointly and severally liable for the total less the amount attributable to the claimant. A party may be jointly liable for all damages caused by the negligence of another if both acted in concert or if one party acted as an agent of the other.	from collateral sources that do not involve rights of subrogation.		payment of future damages exceeding \$50,000.
Nebraska	\$1.75 million in total damages. Health care providers who qualify under the Hospital-Medical Liability Act (i.e. carry minimum levels of liability insurance and pay surcharge into excess coverage fund) shall not be liable for more than \$500,000 in total damages. Any excess damages shall be paid from the excess coverage fund. (1975, 1984, 1986, 1992)	Yes. Defendants are responsible only for their proportionate share of negligence, except where parties have acted in concert and caused harm as part of a common enterprise or plan.	Yes. The court shall determine in a separate hearing the amount of any credit against a claimant's damages based on any non-refundable insurance benefits reimbursed to the claimant. This information, however, is not admissible as evidence.	No. But upon motion of either party, the court must review and determine reasonableness of fees.	No
Nevada	\$350,000 cap on non-economic damages. (2004)	Yes. Defendants only severally liable for economic or non-economic damages in medical liability cases. (2004)	Yes. The judge must reduce the verdict by the amount of any collateral benefits. Third parties are no longer permitted to recover from the defendant the expenses they have paid on behalf of a medical liability victim. (2004)	Yes. 40% percent of the first \$50,000 recovered; 33 1/3% of the next \$50,000; 25% of the next \$500,000 recovered; and 15% of the amount of recovery that exceeds \$600,000. (2004).	Yes. When an award equals or exceeds \$50,000 in future damages, the court must allow the same to be paid in periodic payments instead of a lump sum, if requested by either party.
New	None	Yes	No. Supreme Court has held abolition of the rule	The court must approve	Yes. The court has authority to order

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Hampshire			unconstitutional.	fees for actions resulting in settlement/judgment of \$200,000 or more. Specific limits for medical liability cases have been ruled unconstitutional.	periodic payment. Specific requirements for med mal cases have been ruled unconstitutional.
New Jersey	Punitive damages limited to the greater of \$350,000 or five times compensatory damages.	Yes. Defendants are responsible only for their proportionate share of negligence if they are found to be less than 60% at fault. Defendants found to be 60% at fault are subject to a modified rule.	Yes. Collateral source payments must be disclosed and deducted from claimant's damages	Yes. Fees may not exceed the following: 33 1/3% of the first \$500,000; 30% of the next \$500,000; 25% of the next \$500,000; 20% of the next \$500,000; and an amount the court deems reasonable for fees over \$2 million.	No
New Mexico	\$600,000 cap on total damages, excluding punitive damages and past and future medical care. Health care providers personal liability shall not exceed \$200,000, including payments for future medical expenses. Any award in excess of this amount shall be paid by the patient compensation fund. (1992)	Yes. Defendants are responsible only for their proportionate share of negligence except in cases where defendant intended to inflict injury, strict liability, vicarious liability or situations "having a sound basis in public policy."	No	No	Yes. Future medical expenses are paid as they are incurred by claimant.
New York	None	Yes. For non-economic damages. Defendants are responsible only for their proportionate share of	Yes. Collateral sources of payment are admissible as evidence and must reduce the award by the amount recovered. Such reduction shall be offset by premiums	Yes. Fees are capped as follows: 30% of the first \$250,000; 25% of	Yes. Future damages over \$250,000 must be paid periodically.

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		negligence if they are found to be 50% or less liable. Defendants can be held jointly and severally liable for economic damages.	paid by the claimant for the benefit for two years preceding the action and projected future costs of maintaining benefits.	the next \$250,000; 20% of the next \$500,000; 15% of the next \$250,000; and 10% of fees of \$1.25 million or more.	
North Carolina	\$500,000 cap for all claims brought by all parties arising out of the same professional services. Indexed for inflation starting on January 1, 2014. There shall be no cap if the trier of fact finds both that (1) the plaintiff suffered disfigurement, loss of use of part of the body, permanent injury or death; and (2) the defendant's acts or failures, which are the proximate cause of the plaintiff's injuries, were committed in reckless disregard of the rights of others, grossly negligent, fraudulent, intentional or with malice. (2011)	No. Each defendant is jointly and severally liable.	No	No	No
North Dakota	\$500,000 cap on non-economic damages. (1995) Economic damage awards in excess of \$250,000 are subject to judicial review for reasonableness. (1987)	Yes. Defendants are responsible only for their proportionate share of negligence except where defendants act in concert in committing, aiding and encouraging, or ratifying or adopting a tortious act.	Yes. Defendant may apply to the court for a reduction of economic damages based on collateral sources of payment.	No	Yes. In cases where future economic damages will be awarded for continuing institutional/custodial care lasting more than two years, a party may request periodic payments. Court has discretion to grant.
Ohio	Cap on non-economic	Yes. Defendants are responsible for	Yes. Defendants may introduce evidence of collateral	No. But their fees are	Yes. Court may award periodic

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	damages of the greater of \$250,000 or three times economic damages up to a maximum of \$350,000 per plaintiff or \$500,000 if there are multiple plaintiffs. For catastrophic injuries the maximum may increase to \$500,000 per plaintiff or \$1 million for multiple plaintiffs. (2002)	their proportionate share of negligence for non-economic damages. For economic damages, defendants who are 50% or less at fault are responsible for their proportionate share of negligence, but defendants who are held more than 50% at fault are jointly and severally liable.	sources of payments made to plaintiffs. The plaintiff may submit evidence of any amount the plaintiff has paid or contributed to secure the benefits.	subject to approval by the probate court if their fees exceed the non-economic damages awarded.	payment of damages for awards that exceed \$50,000 if the plaintiff or defendant files a motion with the court.
Oklahoma	\$350,000 cap on non-economic damages for civil actions arising from claims for bodily injury. Cap applies regardless of the number of parties against whom the action is brought or the number of actions brought. There shall be no limit on the amount of non-economic damages that may be awarded in a claim for bodily injury resulting from negligence if a judge and jury find, by clear and convincing evidence, that the defendant's acts or failures to act were: (1) in reckless disregard for the rights of others; (2) grossly negligent; (3) fraudulent; or (4) intentional or with	Yes. In any civil action based on fault and not arising out of contract, the liability for damages caused by two or more persons shall be several only and a joint tortfeasor shall be liable only for the amount of damages allocated to that tortfeasor.	Yes. In any medical liability action, the court will admit evidence of payments made to the plaintiff from collateral sources unless the court makes a determination that the payment from a collateral source is subject to subrogation or other right of recovery.	Yes. In contingency fee arrangements, attorney may not contract to receive more than 50% of the recovery.	Yes. For awards of future damages that exceed a present value of \$100,000.00, upon request of a party, the court may order that future damages be paid in whole or in part in periodic payments rather than by a lump-sum payment. Periodic payments shall not exceed seven years from the date of entry of judgment.

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	malice. (2011)				
Oregon	\$500,000 for non-economic damages.	Yes. Defendants are responsible only for their proportionate share of negligence, but if within one year after the final judgment the court determines that all or part of a defendant's proportionate share is uncollectible, it shall reallocate the uncollectible non-economic damages among other defendants according to their percentages of negligence.	Yes. But no deduction can be made for life insurance, benefits for which the claimant has paid, retirement/disability, social security, or insurance benefits for which the person injured or deceased paid premiums.	Partially. Attorney fees recovered from an award for punitive damages are limited to 20% of the 40% paid to the prevailing party. No limit on attorney fees for economic or non-economic damages.	No
Pennsylvania	Constitution prohibits caps on non-economic damages. Punitive damages are capped at 2 times actual damages.	Yes. Liability is several and not joint unless conduct involves an intentional misrepresentation or intentional tort or when the defendant has 60 percent or more of the judgment apportioned to him/her.	Yes. Awards are reduced by the amount paid to the claimant from other sources.	No	Yes. For future economic damages that exceed \$100,000, unless the claimant objects.
Rhode Island	None	No. Each party is jointly and severally liable.	Yes. Collateral payment sources may be introduced and claimant may introduce evidence of any payments made to secure such benefit. Award must be reduced by the difference between the collateral payments received and payments made by the plaintiff to secure such benefits.	No	Not mandated, but parties must consider if damages exceed \$150,000.
South Carolina	\$350,000 cap on non-economic damages for a judgment against a single health care provider or institution. An award for non-economic damages against two or more health care providers or institutions cannot exceed \$1.05 million with a single provider or	Partially. Defendants who are less than 50% at fault are liable only for their proportionate share of negligence. Defendants who are equal to or greater than 50% at fault can be held jointly and severally liable.	No	No	No

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	institution not liable for more than \$350,000. Cap adjusts annually for inflation based on the Consumer Price Index. (2005)				
South Dakota	\$500,000 cap on total general damages (non-economic) (1985)	No. Each party is jointly and severally liable, but parties who are allocated less than 50% of the total fault may only be jointly liable for more than 2xs the percentage of fault allocated to that party.	Yes. But no evidence of payments subject to subrogation and not purchased by the claimant or paid by the government.	No	Yes. If a party makes an effective election and both parties agree or a timely objection is not filed, or if a timely objection is filed but the claimant can prove future damages are in excess of \$200,000.
Tennessee	\$750,000 cap for non-economic damages for all injuries and occurrences in an action, including health care liability actions. The limit on non-economic damages applies regardless of if the action is based on a single act or omission or on a series of acts or omissions. The cap shall include actions by the plaintiff as well as derivative (%), in which case recovery for any damages barred claims by a spouse or child of the claimant, including loss of consortium. The limit on compensation for non-economic damages may increase to \$1 million in	Yes. If multiple defendants are found liable under the principle of comparative fault, the amount of all non-economic damages, shall be apportioned among the defendants based upon the percentage of fault for each defendant, so long as the plaintiff's comparative fault (or in a wrongful death action, the fault of the decedent) is not equal to or greater than fifty percent	Yes. Damages awarded will be reduced by collateral sources of payment. Such reduction shall be offset by the amount paid by the claimant to secure the benefit.	Yes. Attorney compensation shall be awarded by the court, but may not exceed 33 1/3% of total damages.	No

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	<p>cases of catastrophic loss or injury, which may include: (1) spinal cord injuries resulting in paraplegia or quadriplegia; (2) amputation of two hands or two feet or one of each; (3) third degree burns covering 40 percent of the body or the face; or (4) wrongful death of a parent with a minor child(ren). The cap shall not apply to personal injury or wrongful death cases when: (1) the defendant had a specific intent to inflict serious physical injury; (2) the defendant intentionally falsified, destroyed or concealed records containing material evidence for the purpose of evading liability in the claim; or (3) the defendant was under the influence of alcohol, drugs or other intoxicant or stimulant resulting in substantial impairment and causing the injury or death. (2011)</p>				
Texas	\$250,000 cap on non-economic damages for judgments against	Yes. Named defendants are held responsible only for the portion of fault attributable to them	No	No	Yes. Court must order payment of periodic damages if the present value of damages in case equals or exceeds

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	physicians and health care providers; additional \$250,000 cap on non-economic damages for judgment against first health care institution; \$250,000 cap on non-economic damages if judgment made on any subsequent health care institution. (2003)				\$100k.
Utah	\$450,000 for non-economic damages. (2010)	Yes. Defendants are responsible only for their proportionate share of negligence.	Yes. Court must reduce damages by any collateral sources of payment received by the claimant, except for benefits from payors with subrogation rights. Reduction shall be offset by amount paid by claimant to secure such benefits.	Yes. Total compensation may not exceed 1/3 of total damages.	Yes. Any party may request periodic payments, and the court must order such payments if future damages exceed \$100,000.
Vermont	None	No. Each party is jointly and severally liable.	No	No	No
Virginia	\$2.0 million cap on total damages. Cap will increase by \$50,000 per year starting July 1, 2012 until the increases stop at \$3 million for claims after July 1, 2031. (2011)	No. Each party is jointly and severally liable.	No	No	Yes. But no requirement exists for such payments in PI cases.
Washington	None	If the claimant is at fault, defendants are responsible only for their proportionate share of negligence, except where parties act in concert or where a person was acting as an agent or servant of the party. If the claimant is not at fault, defendants are jointly and severally liable.	Yes. Any party may present evidence to the trier of fact that the plaintiff has already been compensated for the injury complained of from any source except the assets of the plaintiff, the plaintiff's representative, or the plaintiff's immediate family. In the event such evidence is admitted, the plaintiff may present evidence of an obligation to repay such compensation and evidence of any amount paid by the plaintiff, or his or her representative or immediate family, to secure the	Court shall determine the reasonableness of each party's attorneys' fees.	Yes. Any party may request periodic payments, and the court must order such payments if future economic damages exceed \$100,000.

State	Damage Caps	Joint Liability Reform	Collateral Source Reform	Attorney Fees Limited	Periodic Payments Permitted
West Virginia	<p>\$250,000 cap on non-economic damages per occurrence. \$500,000 cap on non-economic damages for cases involving (1) wrongful death, (2) permanent and substantial physical deformity, loss of use of limb or loss of a bodily organ system, or (3) permanent physical or mental functional injury that permanently prevents the injured person from being able to independently care for himself or herself and perform life sustaining activities. Adjusted annually for inflation, but the \$250,000 cap shall not exceed \$375,000 and the \$500,000 cap shall not exceed \$750,000. (2003)</p> <p>\$500,000 cap on liability due to emergency care conducted in trauma centers. The cap also applies to any act/omission in rendering continued care or assistance in the event that surgery is</p>	<p>Yes. Defendants are responsible only for their proportionate share of negligence. In any action based on tort or any other legal theory seeking damages for personal injury, property damage, or wrongful death, recovery shall be predicated upon principles of comparative fault and the liability of each person, including plaintiffs, defendants and nonparties who proximately caused the damages, shall be allocated to each applicable person in direct proportion to that person's percentage of fault.</p> <p>The jury, or the court acting without a jury, shall make findings as to: (1) The total amount of compensatory damages recoverable by the plaintiff; (2) The portion of the damages that represents damages for noneconomic loss; (3) The portion of the damages that represents damages for each category of economic loss; (4) The percentage of fault, if any, attributable to each plaintiff; and (5) The percentage of fault, if any, attributable to each of the defendants.</p>	<p>right to the compensation.</p> <p>Yes. The defendant may introduce evidence of collateral sources of payment – both past and future (see §55-7B-9a for details) – into evidence and the plaintiff may introduce evidence of payments made to secure such benefits. The court must reduce the award by the amount the plaintiff recovered from collateral sources offset by any payments or contributions made to secure such benefits.</p>	No	No

State	Damage Caps	Joint Liability Reform	Collateral Source Reform	Attorney Fees Limited	Periodic Payments Permitted
	required as a result of the emergency condition within a reasonable time after the patient's condition is stabilized. Cap does not apply to willful/wanton misconduct or actions in violation of protocols developed by the Office of Emergency Medical Services or recognized standards for triage and emergency health care procedures.				
Wisconsin	\$750,000 non-economic damages for medical negligence. (2006) A wrongful death action may be brought jointly with a negligence action. Wrongful death actions are capped at \$500,000 per occurrence for minors and \$350,000 per occurrence for adults.	Yes. Defendants are responsible only for their proportionate share of negligence if they are less than 51% at fault unless a defendant acted as part of a common scheme or plan.	Yes. The defendant may introduce evidence of payments received from collateral sources.	Yes. As follows: 33 1/3% of the first \$1 million, or 25% if certain procedural timeframes are met; 20% of amounts exceeding \$1 million. Court has discretion to increase fees.	Yes. If future medical expenses are expected to exceed \$100,000.
Wyoming	None - Constitution prohibits caps	Yes. Defendants are responsible only for their proportionate share of negligence.	No	No	Not mandated

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