

GRETCHEN WHITMER
GOVERNOR

RACHAEL EUBANKS STATE TREASURER

Revised January 18, 2019

LIMITATION ON NONECONOMIC DAMAGES and PRODUCT LIABILITY DETERMINATION ON ECONOMIC DAMAGES

Subsection 1 of Section 1483 of Act No. 236 of the Public Acts of 1961 (M.C.L. Section 600.1483), as amended by Act No. 78 of 1993, states the following:

- (1) In a claim for damages alleging medical malpractice by or against a person or party, the total amount of damages for noneconomic loss recoverable by all plaintiffs, resulting from the negligence of all defendants, shall not exceed \$280,000.00 unless, as the result of the negligence of 1 or more of the defendants, 1 or more of the following exceptions apply as determined by the court pursuant to section 6304, in which case damages for noneconomic loss shall not exceed \$500,000.00:
- (a) The plaintiff is hemiplegic, paraplegic, or quadriplegic resulting in a total permanent functional loss of 1 or more limbs caused by 1 or more of the following:
- (i) Injury to the brain.
- (ii) Injury to the spinal cord.
- (b) The plaintiff has permanently impaired cognitive capacity rendering him or her incapable of making independent, responsible life decisions and permanently incapable of independently performing the activities of normal, daily living.
- (c) There has been permanent loss of or damage to a reproductive organ resulting in the inability to procreate.

Subsection 4 of Section 1483 of Act No. 236 of the Public Acts of 1961, as amended (M.C.L. Section 600.1483), states the following:

Sec. 1483. (4) . . . the state treasurer shall adjust the limitations on damages for noneconomic loss set forth in subsection (1) by amounts determined by the state treasurer at the end of each calendar year to reflect the cumulative annual percentage change in the consumer price index. As used in this subsection, "consumer price index" means the most comprehensive index of consumer prices available for this state from the bureau of labor statistics of the United States department of labor.

Enacting Section 4 of Act No. 78 of 1993 provides, in part:

Section 4. (1) Section(s) 1483.of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, do(es) not apply to causes of action arising before October 1, 1993.

Subsection 1 of Section 2946a of Act No. 236 of the Public Acts of 1961 (M.C.L. Section 600.2946a), as amended by Act No. 249 of 1995 states the following:

Sec. 2946a. (1) In an action for product liability, the total amount of damages for noneconomic loss shall not exceed \$280,000.00, unless the defect in the product caused either the person's death or permanent loss of a vital bodily function, in which case the total amount of damages for noneconomic loss shall not exceed \$500,000.00. On the effective date of the amendatory act that added this section, the state treasurer shall adjust the limitations set forth in this subsection so that the limitations are equal to the limitations set forth in this subsection at the end of each calendar year so that they continue to be equal to the limitations provided in section 1483.

Subsection 4 of Section 2946a of Act No. 236 of the Public Acts of 1961 (M.C.L. Section 600.2946a), as amended by Act No. 249 of 1995 states the following:

Sec. 2946a. (4) If damages for economic loss cannot readily be ascertained by the trier of fact, then the trier of fact shall calculate damages for economic loss based on an amount that is equal to the state average median family income as reported in the immediately preceding federal decennial census and adjusted by the state treasurer in the same manner as provided in subsection (1).

Pursuant to the above requirements, I, Rachael Eubanks, State Treasurer of the State of Michigan, hereby certify that the annual percentage change in the Detroit consumer price index for the 2018 calendar year was 2.4% (2.4 percent). For causes of action arising after September 30, 1993, this results in a cumulative 66.4% increase in the standard limitation on noneconomic damages for a 2019 limitation of \$465,900 and a cumulative 66.4% increase in the limitation on noneconomic damages for certain permanent disabilities for a 2019 limitation of \$832,000. For causes of action alleging medical malpractice arising before October 1, 1993, the 2.4% increase in the Detroit consumer price index results in a cumulative 117.5% increase in the previous \$225,000 limitation of noneconomic damages for a 2019 limitation of \$489,400.

And further, in an action for product liability for damages for economic loss not readily ascertained by the trier of fact, the estimated state average median family income for 2017, reported in the 2017 American Community Survey, is \$69,664. Effective January 1, 2019, the 2.1% increase in the calendar year 2017 Detroit consumer price index results in a 2018 median family income of \$71,127. The cumulative 4.5% net increase in the Detroit consumer price index between calendar year 2016 and 2018 results in a 2019 median family income of \$72,799. (The 2010 Census Bureau decennial census did not collect income data.)

Rachael Eubanks
State Treasurer

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January 18, 2019

Limitation on Noneconomic Damages and Product Liability Determination on Economic Damages

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2007 414,200 394,200 704,000 59,618 2008 421,700 401,500 717,000 60,615 2009 431,300 410,800 733,500 56,681 2010 428,600 408,200 729,000 56,101 2011 432,000 411,300 734,500 58,068 2012 446,200 424,800 758,500 59,295 2013 455,200 433,400 774,000 60,846 2014 462,400 440,200 786,000 62,143 2015 467,300 444,900 794,500 63,893 2016 460,800 438,800 783,500 67,330 2017 468,000 445,500 795,500 69,664 2018 477,900 455,000 812,500 71,127	2005	390,600	371,800	664,000		60,460		
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2013 455,200 433,400 774,000 60,846 2014 462,400 440,200 786,000 62,143 2015 467,300 444,900 794,500 63,893 2016 460,800 438,800 783,500 67,330 2017 468,000 445,500 795,500 69,664 2018 477,900 455,000 812,500 71,127	2011	432,000	411,300	734,500			58,068	
2014 462,400 440,200 786,000 62,143 2015 467,300 444,900 794,500 63,893 2016 460,800 438,800 783,500 67,330 2017 468,000 445,500 795,500 69,664 2018 477,900 455,000 812,500 71,127	2012	446,200	424,800	758,500			59,295	
2015 467,300 444,900 794,500 63,893 2016 460,800 438,800 783,500 67,330 2017 468,000 445,500 795,500 69,664 2018 477,900 455,000 812,500 71,127	2013	455,200	433,400	774,000			60,846	
2016 460,800 438,800 783,500 67,330 2017 468,000 445,500 795,500 69,664 2018 477,900 455,000 812,500 71,127	2014	462,400	440,200	786,000			62,143	
2017 468,000 445,500 795,500 69,664 2018 477,900 455,000 812,500 71,127	2015	467,300	444,900	794,500			63,893	
2018 477,900 455,000 812,500 71,127	2016	460,800	438,800	783,500			67,330	
	2017	468,000	445,500	795,500			69,664	
2019 489,400 465,900 832,000 72,799	2018	477,900	455,000	812,500			71,127	
	2019	489,400	465,900	832,000			72,799	

⁽¹⁾ Listed median family income for years 2006-2017 is the American Community Survey (ACS) Michigan median family income for each given year. The listed 2018 and 2019 median family incomes represent the 2017 ACS Michigan median family income grown by inflation. The Census Bureau conducts the ACS annually. The most recently published ACS data are for 2017. The Census Bureau did not collect income data in its 2010 decennial census.

Prepared by Office of Revenue and Tax Analysis, Michigan Department of Treasury

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