

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 428

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO CIVIL ACTIONS; AMENDING SECTION 6-1601, IDAHO CODE, TO DEFINE A TERM.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 6-1601, Idaho Code, be, and the same is hereby amended to read as follows:

6-1601. DEFINITIONS. As used in this act:

(1) "Charitable corporation or organization or charitable trust" means a corporation or organization or charitable trust including any community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation.

(2) "Claimant" means any party to a civil action making a claim for relief, legal or equitable, compensatory or noncompensatory.

(3) "Economic damages" means objectively verifiable monetary loss, including, but not limited to, out-of-pocket expenses, loss of earnings, loss of use of property, cost of replacement or repair, cost of obtaining substitute domestic services, loss of employment, medical expenses, or loss of business or employment opportunities.

(4) "Future damages" means noneconomic damages and economic damages to be incurred after entry of a judgment.

(5) "Noneconomic damages" means subjective, nonmonetary losses including, but not limited to, pain, suffering, inconvenience, mental anguish, disability or disfigurement incurred by the injured party; emotional distress; loss of society and companionship; loss of consortium; or destruction or impairment of the parent-child relationship.

(6) "Nonprofit corporation or organization" means a charitable corporation or organization or charitable trust; any other corporation organized or existing under chapter 30, title 30, Idaho Code, or an equivalent provision of the law of another state; or an unincorporated association; which corporation, organization, charitable trust or unincorporated association is organized and existing exclusively for nonprofit purposes, and which:

(a) Either is tax exempt under section 501(c)(3) of the Internal Revenue Code or regularly bestows benefits to the community at large; and

(b) No part of the net income of which is distributable to its members, directors or officers.

1 (7) "Personal injury" means a physical injury, sickness or death suf-
2 ferred by an individual.

3 (8) "Property damage" means loss in value or in use of real or personal
4 property, where such loss arises from physical damage to or destruction of
5 such property.

6 (9) "Punitive damages" means damages awarded to a claimant, over and
7 above what will compensate the claimant for actual personal injury and prop-
8 erty damage, to serve the public policies of punishing a defendant for outra-
9 geous conduct and of deterring future like conduct.

10 (10) "Willful or reckless misconduct" means consciously doing or fail-
11 ing to do an act one has a duty to do when one knows or should know that the act
12 or omission both creates an unreasonable risk of harm to another and involves
13 a high degree of probability that such harm will result.