

HB 1166 -- TORT VICTIMS' COMPENSATION FUND

SPONSOR: Austin

This bill changes the law regarding the Tort Victims' Compensation Fund. Currently, the state must have a lien for deposit into the fund for 50% of the punitive damage final judgment which must attach in any case after deducting. The bill specifies that the state must have a lien for deposit into the fund for the total amount in excess of \$500,000 of the punitive damage final judgment. The plaintiff must collect an amount not to exceed \$500,000 and must deduct attorney fees and expenses from the amount he or she receives. If the punitive damage final judgment is not more than \$500,000, the plaintiff must collect the entire amount of the judgment less attorney fees and expenses.

Currently, the state can file its lien in all cases where punitive damages are awarded upon the entry of the judgment final for purposes of appeal. The bill specifies that the state can file its lien in all appropriate cases where punitive damages are awarded upon the entry of the judgment final for purposes of appeal.