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# Legislative panels greet tort reform with strong support

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SACRAMENTO — In an uncommon demonstration of legislative efficiency, a bipartisan, nine-bill tort-reform package has been whisked through key Assembly and Senate policy committees with negligible opposition.

Despite a system noted more for special-interest pressure tactics than cooperative resolution, there appears to be widespread agreement on the legislative package.

It is not clear, however, whether Gov. George Deukmejian will support the measures if they pass, according to his spokesmen.

The legislation is a product of years of negotiations involving major associations representing local government, legislative leadership and the state attorney general's office.

Last year, many of those groups were instrumental in supporting the successful so-called "deep pockets" initiative, Proposition 51. But now they have become disenchanted because liability insurance premiums have not dropped. So the associations have entered into an unusual alliance with the California Trial Lawyers Association, the main opponents of Proposition 51 last year.

The cities and counties also are withdrawing support for the so-called "Fair Liability Act," which the Prop 51 supporters have targeted for next June's ballot. That proposition would include limits on civil liability that are considerably broader than the narrower tort reform package moving through the Legislature.

The bulk of the package is expected to reach the Assembly and Senate floors early next week. As a package, the nine bills are "double-joined," which means all the bills pass or none will.

Three of the nine bills require action by the Senate Appropriations Committee because fiscal considerations are involved, but no substantial problems are expected in passage of the bills. Here are the highlights of the package:

- Inverse condemnation. SB 1382, by Sen. Bill Lockyer, D-Hayward, chairman of the Senate Judiciary Committee, would reduce the liability of a public agency in property damage cases when the property owner's negligence has contributed to the damage. It also reduces the statute of limitations from five to three years.

- Negligence per se. Under SB 1598, by Sen. Robert Presley, D-Riverside, only such rules, policies, manuals and guidelines formally adopted as law could be used for a finding of negligence per se. Under present law, a rule, policy or guideline established by a public agency can be used to establish negligence per se — guilt in failing to comply with a mandatory duty.

- Sliding scale settlements. AB 344, by Assemblymen Lloyd Connelly, D-Sacramento

and William Lancaster, R-Covina, would in multi-defendant cases require notice to all defendants when one is going to enter into a sliding-scale settlement. It also allows the judge to tell the jury about the agreement when a witness who has entered into such an agreement testifies at trial.

- Collateral source rule. AB 2616, by Assembly Speaker Willie Brown, D-San Francisco, would prevent double recovery of damages against a public agency by allowing the court to adjust the verdict to consider benefits, such as medical insurance, already received by the plaintiff.

- Claims statute. The same bill would extend the time allowed to file a claim against a public entity from 100 days to six months.

- Immunity for public officials. AB 2616 also would provide complete immunity for all public officials for negligent acts of public agencies.

- Police pursuit. AB 1912, by Assemblyman Larry Stirling, R-San Diego, provides that local government personnel and law enforcement officers engaged in emergency pursuit could not be held liable for injuries caused by fleeing suspects when the local entity has adopted "adequate guidelines" for safe vehicular pursuits.

- Public beach immunity. SB 23, by Sen. Marian Bergeson, R-Newport Beach, would protect beach communities' immunity from liability for injuries caused by the natural conditions of the beach if they provide safety services such as lifeguards, security patrols, medical services and beach cleanups.

- Periodic payment. AB 1909 by Assemblyman Elihu Harris, D-Oakland, chairman of the Assembly Judiciary Committee, would allow for the payment by a public agency of a large, uninsured judgment over the course of 10 years.

- Post-trial settlement conferences. The same bill would require a post-trial settlement conference to consider structured settlement agreements to compensate victims while saving taxpayer dollars.

- Arbitration. Harris' bills also would allow a judge to order arbitration in cases with claims of \$50,000 or less, with public entities retaining the option of having a court hearing. The current level is \$25,000.

- Directors and officers immunity. AB 1530, by Brown, would allow corporations to limit or eliminate personal exposure of a corporate director, except in certain circumstances.

- Nonprofit directors and officers immunity. SB 1526, by Lockyer, would protect officers and directors of nonprofit corporations from settlements against their personal assets as long as they made good-faith efforts to obtain insurance