

## State law limits money awarded in bus crash lawsuits

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Reported by Heather Hourigan

Six children have died since the crash in Chattanooga on Monday. (WSMV)

Years after it passed, a controversial law is still garnering more scrutiny.

The Tennessee state law limits the amount of money a person can be awarded in certain lawsuits.

The law has once again come to the forefront after the deadly school bus crash in Chattanooga.

Some experts said the amount of money families could be awarded, or lack thereof, is unacceptable.

Five years ago, Gov. Bill Haslam signed the Tennessee Civil Justice Act of 2011 into law. The legislature decided to limit how much someone can sue a company when dealing with pain and suffering.

"This case may be the case that changes the law," said David Raybin, a Nashville attorney.

Raybin knows the ins and outs of lawsuits in Tennessee that deal with pain and suffering.

"Our legislature has put a cap on this and a cap on how much you can sue the county and your family is limited in pain and suffering. That's not right when you are dealing with little kids who have been killed and injured," Raybin said.

Under Tennessee law, the cap on all non-economic damages in most civil actions is \$750,000 per injured plaintiff. That cap can be increased to \$1 million in cases where a life is lost.

In 2011, Haslam said he signed this into law to protect businesses.

"I honestly think this will help encourage a better business environment. I think we did it in a way that protects victim's rights but set a predictable landscape for business," Haslam said in 2011.

"These are always the most difficult to deal with because how do you put a dollar amount on a young child's life, but that's the only way we can do that to compensate the families," Raybin said.

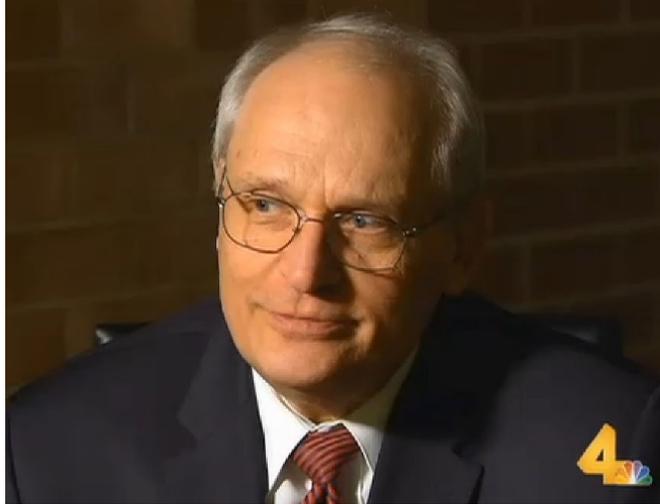
In the first lawsuit after the crash, a family is suing Durham School Services and the bus driver, but not the school system because there is a \$300,000 cap on that.

"So the real target in this case, if they have significant insurance, is going to be the bus company that was the private provider," Raybin said.

Durham School Services operates more than 13,000 buses in school districts across the country. The company is headquartered in Illinois.

Illinois does not have caps on pain and suffering damages, so Raybin said plaintiffs could file in Illinois and potentially avoid these restrictions.

"At the end of the day, the children need to be compensated, the parents of the children need to be compensated, and something needs to be done," Raybin said.



David Raybin