

## Texas Becomes the Latest State to Consider Legislation Limiting the Amount of Personal Injury Plaintiffs' Recovery

JUNE 4, 2025

Last month, the Texas Senate passed Senate Bill 30, joining a growing group of state legislatures seeking to limit plaintiffs' tort recovery. According to the bill's proponents, the legislation is intended to limit so-called "nuclear verdicts,"<sup>[1]</sup> generally understood to refer to verdicts in excess of \$10 million.<sup>[2]</sup> S.B. 30 collapses many types of noneconomic damages into just two groups: "mental or emotional pain or anguish" and "physical pain and suffering."<sup>[3]</sup> Critics of the bill are concerned that plaintiffs will no longer be able to recover for certain harms that do not clearly fit within the definitions of these two categories—for example, if their "mental or emotional pain or anguish" does not meet the proposed legislation's requirement of "caus[ing] a substantial disruption in [the plaintiff's] life."<sup>[4]</sup> The bill now awaits approval by the Texas House of Representatives.

Texas, through S.B. 30, follows a trend of states seeking to limit exorbitant damages in tort cases. For example, West Virginia<sup>[5]</sup> and Iowa<sup>[6]</sup> now restrict noneconomic damage awards to \$5 million in most personal injury cases involving commercial motor vehicles. Other states have limited economic damages. In 2023, Florida enacted H.B. 837, which limits plaintiffs' evidence of past medical expenses to what was actually paid, not what was billed.<sup>[7]</sup> Georgia's recently enacted legislation, S.B. 68, limits special damages for medical expenses to "the reasonable value of medically necessary care, treatment, or services"; for those with health insurance, this amount is to be calculated based on evidence of both the amount charged and the amount "actually necessary to satisfy such charges."<sup>[8]</sup>

States differ in their approaches to legislating limits on tort recovery, and not all states have moved toward similar reforms. As a result, the venue for tort cases can greatly impact the potential liability a company faces. Companies defending against mass tort claims should work with their counsel to understand how state laws impact their exposure.

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[1] Spencer Brewer, *Texas Bill May Limit Full Redress For Personal Injury Victims*, Law360 (May 7, 2025), <https://www.law360.com/productliability/articles/2337083/texas-bill-may-limit-full-redress-for-personal-injury-victims>.

[2] *What's Driving Huge Jury Awards? Navigating Legal Liability in the Era of the Nuclear Verdict*, Travelers, <https://www.travelers.com/resources/business-topics/top-100-verdicts/whats-driving-huge-jury-awards>.

[3] S.B. 30, 89th Leg., Reg. Sess. (Tex. 2025), <https://capitol.texas.gov/BillLookup/Text.aspx?LegSess=89R&Bill=SB30>.

[4] Brewer, *supra* note 1; Tex. S.B. 30.

[5] Noel Fletcher, *New West Virginia Law Countering Civil Suit Abuse Starts July 1*, Transport Topics (Apr. 11, 2024), <https://www.ttnews.com/articles/west-virginia-lawsuit-abuse>.

[6] Noel Fletcher, *Iowa Tort Reform Bill Goes to Governor*, Transport Topics (Apr. 20, 2023), <https://www.ttnews.com/articles/iowa-tort-reform-governor>.

[7] H.B. 837, 2023 Leg. (Fla. 2023), <https://www.flsenate.gov/Session/Bill/2023/837>.

[8] S.B. 68, 2025–2026 Reg. Sess. (Ga. 2025), <https://www.legis.ga.gov/legislation/69756>.

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