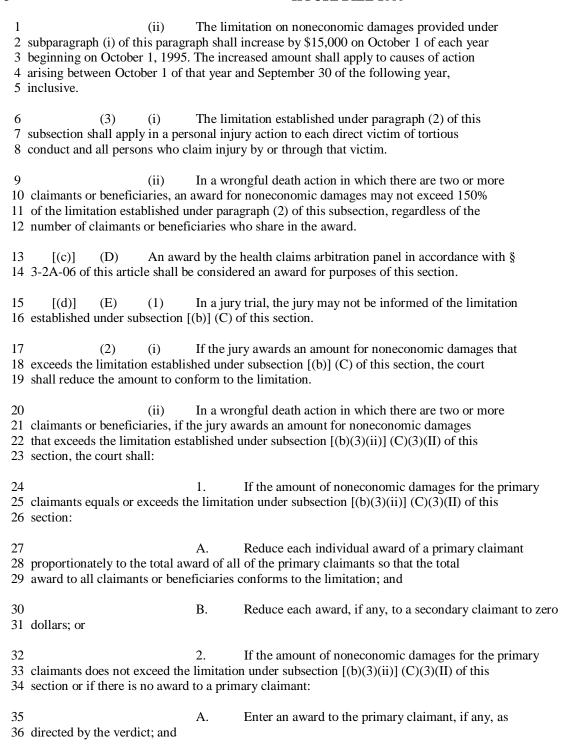
Unofficial Copy D3 1999 Regular Session 9lr2422 CF 9lr1371

By: Delegate Hurson Introduced and read first time: February 19, 1999 Assigned to: Rules and Executive Nominations Re-referred to: Judiciary, February 26, 1999  Committee Report: Favorable with amendments House action: Adopted Read second time: March 27, 1999					
1 AN ACT concerning					
<ul> <li>Civil Actions - Limitation on Awards for Noneconomic Damages - Exposure</li> <li>to Asbestos or Tobacco Occupational Exposure</li> </ul>					
FOR the purpose of providing that a certain limitation on an award for noneconomic damages does not apply to certain actions for damages for personal injury or wrongful death in which a person was exposed to asbestos, tobacco, or tobacco smoke based on a certain exposure to a substance that occurred before a certain date; defining a certain term; making stylistic changes; providing for the application of this Act; and generally relating to a certain limitation on awards for noneconomic damages.					
11 BY repealing and reenacting, with amendments, 12 Article - Courts and Judicial Proceedings 13 Section 11-108 14 Annotated Code of Maryland 15 (1998 Replacement Volume)					
16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:					
18 Article - Courts and Judicial Proceedings					
19 11-108.					
20 (a) (1) In this section: THE FOLLOWING WORDS HAVE THE MEANINGS 21 INDICATED.					

## HOUSE BILL 1060

1	(1)	<u>(2)</u>	<u>(I)</u>	"Noneconomic damages" means:	
	(i) <u>1.</u> In an action for personal injury, pain, suffering, inconvenience, physical impairment, disfigurement, loss of consortium, or other nonpecuniary injury; and				
7 8	(ii) <u>2.</u> In an action for wrongful death, mental anguish, 6 emotional pain and suffering, loss of society, companionship, comfort, protection, care, 7 marital care, parental care, filial care, attention, advice, counsel, training, guidance, 8 or education, or other noneconomic damages authorized under Title 3, Subtitle 9 of 9 this article; and.				
10	<del>(2)</del>	<u>(II)</u>	"None	conomic damages" does not include punitive damages.	
11 12	1 (3) "OCCUPATIONAL EXPOSURE" MEANS EXPOSURE TO A SUBSTANCE IN 2 A PLACE OF EMPLOYMENT THAT IS A CAUSE OF DISEASE IN:				
13 14	EMPLOYMENT	( <u>I)</u> ; OR	A PER	SON EXPOSED TO THE SUBSTANCE IN THE PERSON'S	
15 16	THE PERSON.	<u>(II)</u>	THE S	POUSE OR OTHER FAMILY OR HOUSEHOLD MEMBER OF	
17 18	this article.	"Primai	y claima	ant" means a person described under § 3-904(d) of	
19 20	(4) 3-904(e) of this ar	( <u>5)</u> rticle.	"Secon	dary claimant" means a person described under §	
23	21 (B) THIS SECTION DOES NOT APPLY TO ANY ACTION FOR DAMAGES FOR 22 PERSONAL INJURY OR WRONGFUL DEATH IN WHICH A PERSON WAS EXPOSED THAT 23 IS BASED ON AN OCCUPATIONAL EXPOSURE THAT OCCURRED BEFORE JULY 1, 1986, 24 TO:				
25 26	25 (1) ASBESTOS, WHICH IS A CAUSE OF MALIGNANCY OR DEATH TO THE 26 PERSON RESULTING FROM THE MALIGNANCY; OR				
27 28	27 (2) TOBACCO OR TOBACCO SMOKE, WHICH IS A CAUSE OF PERSONAL 28 INJURY OR DEATH TO THE PERSON.				
	[(b)] (C) (1) In any action for damages for personal injury in which the cause of action arises on or after July 1, 1986, an award for noneconomic damages may not exceed \$350,000.				
34	(2) (i) Except as provided in paragraph (3)(ii) of this subsection, in any action for damages for personal injury or wrongful death in which the cause of action arises on or after October 1, 1994, an award for noneconomic damages may not exceed \$500,000.				

## **HOUSE BILL 1060**



## **HOUSE BILL 1060**

- 1 B. Reduce each individual award of a secondary claimant
- $2\,$  proportionately to the total award of all of the secondary claimants so that the total
- 3 award to all claimants or beneficiaries conforms to the limitation.
- 4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
- 5 any case pending or filed on or after the effective date of this Act, but may not be
- 6 applied to any case in which a final judgment has been entered and in which appeals, 7 if any, have been exhausted before the effective date of this Act.
- 8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 9 October 1, 1999.