
By: Senator Ferguson

Introduced and read first time: February 2, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Punitive Damages - Limitation**

3 FOR the purpose of providing that an award of punitive damages may not exceed a
4 certain amount in certain actions; prohibiting a jury from being informed of a
5 certain limitation on punitive damages in certain actions; requiring a court to
6 reduce an award of punitive damages under certain circumstances; providing for the
7 application and construction of this Act; and generally relating to a certain
8 limitation on an award of punitive damages in certain actions.

9 BY adding to

10 Article - Courts and Judicial Proceedings
11 Section 11-111
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1995 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Courts and Judicial Proceedings**

17 11-111.

18 (A) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, THIS SECTION
19 APPLIES TO ANY ACTION IN WHICH A PARTY SEEKS PUNITIVE DAMAGES.

20 (B) AN AWARD OF PUNITIVE DAMAGES TO A PARTY MAY NOT EXCEED FOUR
21 TIMES THE AMOUNT OF AN AWARD OF COMPENSATORY DAMAGES.

22 (C) IN A JURY TRIAL, A JURY MAY NOT BE INFORMED BY ANY MEANS,
23 INCLUDING VOIR DIRE, INTRODUCTION INTO EVIDENCE, OR INSTRUCTION, OF THE
24 LIMITATION ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.

25 (D) IF A JURY AWARDS AN AMOUNT OF PUNITIVE DAMAGES TO A PARTY
26 THAT EXCEEDS THE LIMITATION ESTABLISHED UNDER SUBSECTION (B) OF THIS
27 SECTION, THE COURT SHALL REDUCE THE AMOUNT OF THE AWARD OF PUNITIVE
28 DAMAGES TO CONFORM TO THE LIMITATION.

1 (E) THIS SECTION DOES NOT AFFECT, AND MAY NOT BE CONSTRUED AS
2 AFFECTING, THE AUTHORITY OF A COURT TO ENTER A REMITTITUR OR ORDER A
3 NEW TRIAL.

4 (F) THIS SECTION DOES NOT APPLY TO AN AWARD OF PUNITIVE DAMAGES, A
5 PENALTY, OR A FORFEITURE DESCRIBED UNDER:

6 (1) ARTICLE 27, § 764 OF THE CODE;

7 (2) ARTICLE 48, § 4 OF THE CODE;

8 (3) ARTICLE 48A, § 345 OF THE CODE;

9 (4) ARTICLE 65, § 52 OF THE CODE;

10 (5) ARTICLE 70B, § 14 OF THE CODE;

11 (6) § 2-605, § 6-219, OR § 8-603 OF THE AGRICULTURE ARTICLE;

12 (7) § 11-109, § 11-209, § 11-1001, § 11-1203, § 12-106.1, § 12-114, § 12-313, § 12-413,
13 § 12-707, § 12-807, § 12-918, § 12-1018, § 14-505, OR § 14-1109 OF THE COMMERCIAL LAW
14 ARTICLE;

15 (8) § 4-116 OF THE ENVIRONMENT ARTICLE;

16 (9) § 7-1103 OR § 15-123 OF THE HEALTH - GENERAL ARTICLE;

17 (10) § 3-507, § 3-605, § 3-704, OR § 9-606 OF THE LABOR AND EMPLOYMENT
18 ARTICLE;

19 (11) § 5-409 OF THE NATURAL RESOURCES ARTICLE;

20 (12) § 8-203, § 8A-502, § 8A-1001, OR § 14-102 OF THE REAL PROPERTY
21 ARTICLE;

22 (13) § 11-205 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

23 (14) § 21-10A-06 OF THE TRANSPORTATION ARTICLE; OR

24 (15) ANY OTHER PROVISION OF THE CODE OR OTHER STATUTE IN
25 FORCE IN THE STATE ON OR AFTER OCTOBER 1, 1996, THAT SPECIFIES THE AMOUNT
26 OF, OR A METHOD OF CALCULATION OF, AN AWARD OF PUNITIVE DAMAGES, A
27 PENALTY, OR A FORFEITURE.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed
29 only prospectively and may not be applied or interpreted to have any effect on or
30 application to a case filed before the effective date of this Act.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 1996.