

**Department of Legislative Services**

Maryland General Assembly

1999 Session

**FISCAL NOTE**

**Revised**

House Bill 1060 (Delegate Hurson)

Judiciary

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**Civil Actions - Limitation on Awards for Noneconomic Damages - Occupational Exposure**

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This bill excludes from the noneconomic damages caps any action for damages for personal injury or wrongful death that is based on an "occupational exposure" that occurred before July 1, 1986.

"Occupational exposure" is defined as exposure to a substance in a place of employment that is a cause of disease in:

- ° a person exposed to the substance in the person's employment; or
- ° the spouse or other family or household member of the person.

Under current law, 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.

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, increasing by \$15,000 on October 1 of each year beginning October 1, 1995.

The bill applies to any case pending or filed on or after the bill's October 1, 1999 effective date, but may not be applied to any case in which a final judgment has been entered and in which appeals, if any, have been exhausted before the bill's effective date.

**State Effect:** None. The bill would not directly affect State finances.

**Local Effect:** None.

**Small Business Effect:** Potential minimal.

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**Information Source(s):** Judiciary (Administrative Office of the Courts), Office of the Attorney General, Department of Legislative Services

**Fiscal Note History:** First Reader - March 1, 1999

Inc/jr Revised - House Third Reader - March 31, 1999

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