## **HOUSE BILL 1096**

Unofficial Copy D3 HB 1060/99 - JUD 2000 Regular Session 0lr2408

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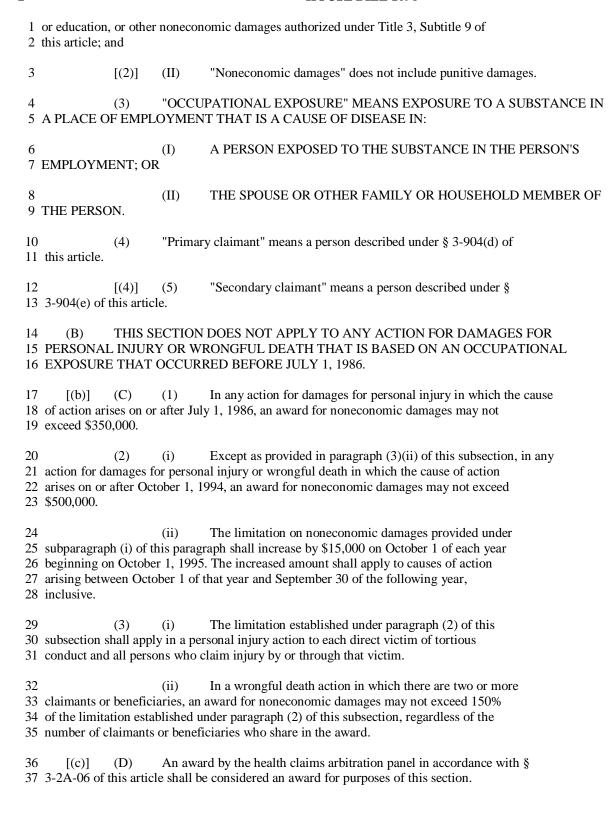
By: <b>Delegates Dembrow</b> ,	Zirkin, Grosfeld	, Barkley, Bu	rns, Montague,
Griffith, and Me	enes		

Introduced and read first time: February 11, 2000

Assigned to: Judiciary

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	A BILL ENTITLED				
1	AN ACT concerning				
2	Civil Actions - Limitation on Awards for Noneconomic Damages - Occupational Exposure				
4 5 6 7 8 9	wrongful death 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				
10 11 12 13	Section 11-108 Annotated Code of Maryland				
15 16	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:				
17	Article - Courts and Judicial Proceedings				
18	11-108.				
19 20	(a) (1) In this section [:] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.				
21	[(1)] (2) (I) "Noneconomic damages" means:				
	[(i)] 1. In an action for personal injury, pain, suffering, inconvenience, physical impairment, disfigurement, loss of consortium, or other nonpecuniary injury; and				
	[(ii)] 2. In an action for wrongful death, mental anguish, emotional pain and suffering, loss of society, companionship, comfort, protection, care, marital care, parental care, filial care, attention, advice, counsel, training, guidance				



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1 2	[(d)] (E) (1) In a jury trial, the jury may not be informed of the limitation established under subsection [(b)] (C) of this section.		
	(2) (i) If the jury awards an amount for noneconomic damages that exceeds the limitation established under subsection [(b)] (C) of this section, the court shall reduce the amount to conform to the limitation.		
8	(ii) In a wrongful death action in which there are two or more claimants or beneficiaries, if the jury awards an amount for noneconomic damages that exceeds the limitation established under subsection $[(b)(3)(ii)]$ (C)(3)(II) of this section, the court shall:		
	1. If the amount of noneconomic damages for the primary claimants equals or exceeds the limitation under subsection $[(b)(3)(ii)]$ (C)(3)(II) of this section:		
	A. Reduce each individual award of a primary claimant proportionately to the total award of all of the primary claimants so that the total award to all claimants or beneficiaries conforms to the limitation; and		
16 17	B. Reduce each award, if any, to a secondary claimant to zero dollars; or		
	2. If the amount of noneconomic damages for the primary claimants does not exceed the limitation under subsection [(b)(3)(ii)] (C)(3)(II) of this section or if there is no award to a primary claimant:		
21 22	A. Enter an award to the primary claimant, if any, as directed by the verdict; and		
	B. Reduce each individual award of a secondary claimant proportionately to the total award of all of the secondary claimants so that the total award to all claimants or beneficiaries conforms to the limitation.		
28	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to any case pending or filed on or after the effective date of this Act, 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 effective date of this Act.		
30 31	SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2000.		