

---

By: **Senator Forehand**

Introduced and read first time: January 31, 2003

Assigned to: Judicial Proceedings

---

A BILL ENTITLED

1 AN ACT concerning

2 **Punitive Damages - High-Risk Drunk Drivers**

3 FOR the purpose of authorizing a finder of fact to determine that a person with a  
4 certain alcohol concentration in the blood or breath of the person who causes  
5 personal injury or wrongful death while driving or attempting to drive a motor  
6 vehicle was acting with malice and award punitive damages under certain  
7 circumstances; requiring a party who seeks to recover punitive damages under  
8 this Act to plead certain facts with particularity; providing for a standard of  
9 proof of clear and convincing evidence for a claim of punitive damages under this  
10 Act; providing that punitive damages under this Act may not be awarded in the  
11 absence of an award of compensatory damages; providing that evidence of the  
12 defendant's financial means is not admissible until there has been a finding of  
13 liability and that punitive damages under this Act are supportable under the  
14 facts; authorizing a motor vehicle insurer to exclude coverage for an award of  
15 punitive damages under this Act; providing that an exclusion of certain coverage  
16 for punitive damages does not constitute a reduction in coverage by a motor  
17 vehicle liability insurer; defining a certain term; providing for the application of  
18 this Act; and generally relating to authorizing a finder of fact to determine that  
19 a person who causes personal injury or wrongful death while driving or  
20 attempting to drive with a certain alcohol concentration in the blood or breath of  
21 the person was acting with malice and award punitive damages under certain  
22 circumstances.

23 BY adding to  
24 Article - Courts and Judicial Proceedings  
25 Section 10-913.1  
26 Annotated Code of Maryland  
27 (2002 Replacement Volume)

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



