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By: **Delegates Vallario, Simmons, and Gutierrez**
Introduced and read first time: February 11, 2004
Assigned to: Judiciary

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A BILL ENTITLED

1   AN ACT concerning

2   **Jury Verdict - Damages - Revisory Power of Court**

3   FOR the purpose of authorizing a court to order a new trial on the issue of monetary
4   damages or on the issues of liability and damages if the court determines a jury
5   verdict is excessive or inadequate and the parties do not agree to a certain
6   amount of damages under certain circumstances; providing for the construction
7   and application of this Act; and generally relating to a court's revisory power
8   concerning a verdict for monetary damages under certain circumstances.

9   BY adding to
10   Article - Courts and Judicial Proceedings
11   Section 6-408.1
12   Annotated Code of Maryland
13   (2002 Replacement Volume and 2003 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 6-408.1.

18   (A)   IN A CIVIL ACTION THAT RESULTS IN A JURY VERDICT FOR MONETARY
19 DAMAGES IN FAVOR OF A PLAINTIFF, A COURT MAY ORDER A NEW TRIAL ON THE
20 ISSUE OF DAMAGES, OR ON THE ISSUES OF DAMAGES AND LIABILITY, IF:

21   (1)   THE COURT DETERMINES THAT THE VERDICT IS EXCESSIVE OR
22 INADEQUATE; AND

23   (2)   THE PARTIES DO NOT AGREE TO A DECREASE OR INCREASE OF THE
24 AMOUNT OF DAMAGES AWARDED BY THE JURY TO A REASONABLE AMOUNT
25 DETERMINED BY THE COURT.

26   (B)   SUBSECTION (A) OF THIS SECTION DOES NOT LIMIT A COURT'S POWER OR
27 AUTHORITY TO GRANT A NEW TRIAL ON LIABILITY, DAMAGES, OR BOTH ON ANY
28 OTHER GROUNDS.

1   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
2 construed to apply only prospectively and may not be applied or interpreted to have
3 any effect on or application to any verdict occurring before the effective date of this
4 Act.

5   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2004.