

BY: Senator Mooney

AMENDMENTS TO SENATE BILL NO. 836

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first “of” insert “altering the maximum amount of an award or verdict for noneconomic damages for certain causes of action;”.

On page 3, in line 6, after “organizations;” insert “providing for the application of certain provisions of this Act;”; and after line 8, insert:

“BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 3-2A-09(a) and (b)

Annotated Code of Maryland

(2002 Replacement Volume and 2004 Supplement)

(As enacted by Ch. 5 of the Acts of the General Assembly of the 2004 Special Session)”.

AMENDMENT NO. 2

On page 4, after line 35, insert:

“Article - Courts and Judicial Proceedings

3-2A-09.

(a) This section applies to an award under § 3-2A-05 of this subtitle or a verdict under § 3-2A-06 of this subtitle [for a cause of action arising on or after January 1, 2005].

(b) (1) [(i) Except as provided in paragraph (2)(ii) of this subsection, an] AN award or verdict [under this subtitle] for noneconomic damages [for a cause of action arising between January 1, 2005, and December 31, 2008, inclusive,] may not exceed [ \$650,000] \$350,000.

(Over)

[(ii) The limitation on noneconomic damages provided under subparagraph (i) of this paragraph shall increase by \$15,000 on January 1 of each year beginning January 1, 2009. The increased amount shall apply to causes of action arising between January 1 and December 31 of that year, inclusive.]

(2) [(i) Except as provided in subparagraph (ii) of this paragraph, the] THE limitation under paragraph (1) of this subsection shall apply in the aggregate to all claims for personal injury and wrongful death arising from the same medical injury, regardless of the number of claims, claimants, plaintiffs, beneficiaries, or defendants.

[(ii) If there is a wrongful death action in which there are two or more claimants or beneficiaries, whether or not there is a personal injury action arising from the same medical injury, the total amount awarded for noneconomic damages for all actions may not exceed 125% of the limitation established under paragraph (1) of this subsection, regardless of the number of claims, claimants, plaintiffs, beneficiaries, or defendants.]”.

### AMENDMENT NO. 3

On page 34, after line 22, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That § 3-2A-09(a) and (b) of the Courts Article, as enacted by Section 1 of this Act, shall be construed to apply only prospectively to an award or verdict for a cause of action arising on or after the effective date of this Act.”;

and in line 23, strike “4.” and substitute “5.”.