

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 890, Page 2, Section 510.259, Line 21, by  
2 deleting the words "actual damages" and inserting in lieu thereof the following:

3  
4 "damages, whether characterized as economic, special, non-economic, general, actual, nominal,  
5 statutory, liquidated, unjust enrichment, or other damages"; and

6  
7 Further amend said bill and section, Pages 2 and 3, Lines 23 through 55, by deleting all of said  
8 lines, and inserting in lieu thereof the following:

9  
10 "3. No initial pleading in a civil action may contain a claim for a punitive damage"; and

11  
12 Further amend said bill and section, Page 3, Lines 62 through 67, by deleting all of said lines and  
13 inserting in lieu thereof the following:

14  
15 "punitive damage award under this section are not met. The trial court may prohibit the pleading of  
16 punitive damages if upon review of the evidence, it finds that there is no dispute on any genuine  
17 issue of material fact relating to punitive damages, and that the defendant is entitled to judgment as  
18 a matter of law"; and

19  
20 Further amend said bill, page, and section, Line 67, by inserting after all of said line the following:

21  
22 "4. Notwithstanding the provisions of subsection 3 of this section, a plaintiff may plead  
23 punitive damages in an initial petition in cases alleging any of the following:

24 (1) an intentional tort;

25 (2) a statutory cause of action which requires a knowing mental state;

26 (3) reckless driving, including but not limited to driving while drugged or intoxicated,  
27 driving in excess of 25 miles per hour over the posted speed limit, or driving for a longer time  
28 period than legally permitted;

29 (4) an action which constitutes a criminal felony;

30 (5) attacks on the character or dignity of another, including but not limited to invasion of  
31 privacy, intrusion upon seclusion, libel, slander, public disclosure of private facts, false light  
32 publicity, misappropriation of name or likeness, false imprisonment, or harassment;

33 (6) child abuse including intentional or negligent poisoning;

34 (7) intentional or negligent infection of another with a sexually transmitted disease;

35 (8) sexual misconduct;

36 (9) tortious interference with a contract, misappropriation of trade secrets, or trade libel;

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1       (10) unreasonable and substantial interference with the private property rights of another,  
2 including but not limited to, interfering with a landowner's use and enjoyment of his or her  
3 property, or trespass;

4       (11) abuse of process or authority; or

5       (12) conduct which shows a complete indifference to or a conscious disregard for the safety  
6 of others and for which serious bodily harm is reasonably foreseeable."; and

7  
8 Further amend said bill and section, Pages 3 and 4, by renumbering all of said subsections  
9 accordingly; and

10  
11 Further amend said bill and section, Pages 3 and 4, Lines 84 through 90, by deleting all of said lines  
12 and inserting in lieu thereof the following:

13  
14       "9. The provisions of this section shall apply to any civil action filed on or after August 28,  
15 2017."; and

16  
17 Further amend said bill, Pages 4 through 6, Section 510.263, Lines 1 through 80, by deleting all of  
18 said lines; and

19  
20 Further amend said bill, Pages 6 through 8, Section 537.675, Lines 1 through 71, by deleting all of  
21 said lines; and

22  
23 Further amend said bill by amending the title, enacting clause, and intersectional references  
24 accordingly.  
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