

HB 2119 -- PUNITIVE DAMAGES

SPONSOR: Mathews

This bill provides that punitive damages shall not be awarded except upon proof by clear and convincing evidence, and only if there is an award of damages more than nominal damages. Punitive damages may not be awarded against an employer or principal because of the conduct of an employee or agent unless specified criteria are met.

The bill prohibits any initial pleading from containing a claim for a punitive damage award. A claimant may amend a pleading with leave of court based upon evidence providing a reasonable basis for the recovery of punitive damages. The bill repeals a provision of law that allows a judge to apply the doctrines of remittitur and additur to a punitive damage award.

The provisions of this bill apply to any civil action pending on August 28, 2018, or filed on or after August 28, 2018.