

*****Not Germane***
AMENDMENT No. 7 PROPOSED TO**

House Bill NO. 11

By Representative(s) Ellington

1 **AMEND** by inserting the following after line 249 and by
2 renumbering succeeding sections:

3 **SECTION 8.** In all civil actions where an entitlement to
4 punitive damages shall have been established under Section
5 11-1-65, no award of punitive damages shall exceed the greater of
6 three (3) times the amount of the total compensatory damages
7 awarded to the plaintiff in an action or Three Million Dollars
8 (\$3,000,000.00); however, if the defendant is an individual or a
9 business with less than fifty (50) full-time employees, an award
10 of punitive damages shall not exceed two (2) times the amount of
11 the plaintiff's compensatory damages or Two Million Dollars
12 (\$2,000,000.00) or three percent (3%) of such defendant's net
13 worth, whichever is less, unless the finder of fact and court find
14 by clear and convincing evidence that the defendant acted with
15 criminal intent to cause serious physical bodily injury. This
16 restriction shall not be disclosed to the trier of fact, but shall
17 be applied by the court to any punitive damages verdict.

18 Nothing herein shall be construed as creating a right to an
19 award of punitive damages or to limit the duty of the court, or
20 the appellate courts, to scrutinize all punitive damage awards,
21 ensure that all punitive damage awards comply with applicable
22 procedural, evidentiary and constitutional requirements, and to
23 order remittitur where appropriate.

24 **AMEND FURTHER** the title by inserting the following on line 6
25 after the semicolon: "TO LIMIT THE AMOUNT OF PUNITIVE DAMAGES
26 THAT MAY BE AWARDED;"