



Bill No. CS for SB 378

Amendment No. \_\_\_\_

1 civil action, the term "the same act or single course of  
2 conduct" includes acts resulting in the same manufacturing  
3 defects, acts resulting in the same defects in design, or  
4 failure to warn of the same hazards, with respect to similar  
5 units of a product.

6 (b) In subsequent civil actions involving the same act  
7 or single course of conduct for which punitive damages have  
8 already been awarded, if the court determines by clear and  
9 convincing evidence that the amount of prior punitive damages  
10 awarded was insufficient to punish that defendant's behavior,  
11 the court may permit the jury to consider the issue of  
12 awarding subsequent punitive damages. In permitting the issue  
13 of awarding subsequent punitive damages, the court shall make  
14 specific findings of fact in the record to support its  
15 determination of the insufficiency of the prior punitive  
16 damages awards. In its determination the court may consider  
17 whether the defendant's act or course of conduct has ceased.  
18 If a jury then subsequently awards punitive damages, the court  
19 shall, in entering final judgment, reduce the subsequent  
20 punitive damages award by the total amount of any prior  
21 punitive damages awards rendered in any state or federal  
22 court; provided the subsequent damages award shall be reduced  
23 only if, prior to the jury making a determination of the  
24 amount of any subsequent award, the jury is informed that the  
25 amount of its award will be reduced and informed of the amount  
26 of such reduction.

27 (3) The claimant attorney's fees, if payable from the  
28 judgment, are, to the extent that the fees are based on the  
29 punitive damages, calculated based on the entire judgment for  
30 punitive damages. This subsection does not limit the payment  
31 of attorney's fees based upon an award of damages other than

Bill No. CS for SB 378

Amendment No. \_\_\_\_

1 punitive damages.

2       ~~(4)(2)~~ Except as provided in subsection (2),the jury  
3 may neither be instructed nor informed as to the provisions of  
4 this section.

5  
6

7 ===== T I T L E    A M E N D M E N T =====

8 And the title is amended as follows:

9       On page 1, lines 19-22, strike all of said lines

10

11 and insert:

12       with respect to intentional misconduct or gross  
13       negligence; specifying the basis for  
14       calculating attorney's fees on judgments for  
15       punitive damages; providing for the effect of  
16       certain previous punitive damages awards;

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31