

hbd-06

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Representative(s) Bloom offered the following:

Amendment (with title amendment)

On page 28, between lines 10 and 11, of the bill

insert:

(2) In any civil action, an award of punitive damages is payable as follows:

(a) Sixty-five percent of the award is payable to the claimant.

(b) If the cause of action was based on personal injury or wrongful death, 35 percent of the award is payable to the Public Medical Assistance Trust Fund; otherwise, 35 percent of the award is payable to the General Revenue Fund.

(3) The clerk of the court shall transmit a copy of the jury verdict to the State Treasurer by certified mail. In the final judgment, the court shall order the percentages of the award, payable as provided in subsection (2).

(4) A settlement agreement entered into between the original parties to the action after a verdict has been returned must provide a proportionate share payable to the

hbd-06

Bill No. HB 775

Amendment No. ____ (for drafter's use only)

fund specified in paragraph (2)(b). For purposes of this subsection, a proportionate share is a 35-percent share of that percentage of the settlement amount which the punitive damage portion of the verdict bore to the total of the compensatory and punitive damages in the verdict.

(5) The Department of Banking and Finance shall collect or cause to be collected all payments due the state under this section. Such payments are made to the Comptroller and deposited in the appropriate fund specified in subsection (2).

(6) If the full amount of punitive damages awarded cannot be collected, the claimant and the other recipient designated pursuant to paragraph (2)(b) are each entitled to a proportional share of the punitive damages collected.

(7) Claimant's attorney's fees, if payable from the judgment, are, to the extent that they are based on the punitive damages, calculated based only on the portion of the judgment payable to the claimant as provided in subsection (2). Nothing herein limits the payment of attorney's fees based upon the award of damages other than punitive damages.

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

And the title is amended as follows:

On page 3, line 18,

after the semicolon insert:

requiring an allocation of a share of punitive damages to the state; providing a procedure;