

hbd-08

Bill No. CS/HB 1879

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Brutus offered the following:

13 **Amendment**

14 On page 92, line 26, through page 93, line 7,
15 remove from the bill: all of said lines

17 and insert in lieu thereof:

18 (b) Where the fact finder determines that the wrongful
19 conduct proven under this section was motivated by
20 unreasonable financial gain and determines that the
21 unreasonably dangerous nature of the conduct, together with
22 the high likelihood of injury resulting from the conduct, was
23 actually known by the managing agent, director, officer, or
24 other person responsible for making policy decisions on behalf
25 of the defendant, punitive damages may be awarded to punish
26 the defendant and deter such conduct. There shall be no cap on
27 punitive damages awarded under this paragraph; however, the
28 finder of fact shall be instructed that any punitive damage
29 award shall not bankrupt a defendant or create unreasonable
30 financial hardship. In making this determination, the fact
31 finder shall consider the following:

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- 1 1. The nature, extent, and degree of misconduct by the
- 2 defendant;
- 3 2. The defendant's financial resources, including net
- 4 worth, revenues, expenses, and any other relevant financial
- 5 information; and
- 6 3. Any other circumstances and mitigating factors
- 7 which may affect the amount of punitive damages, including the
- 8 assessment of punitive damages against the defendant in any
- 9 prior case involving the same conduct.
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