

Hall of the House of Representatives
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 1263
"UNIFORM APPORTIONMENT OF TORT RESPONSIBILITY ACT."

Amendment No. 1 to House Bill No. 1263.

Amend House Bill No. 1263 as originally introduced:

Add Representative Ferguson as a cosponsor of the bill

AND

Delete the title and substitute the following:

"AN ACT TO CLARIFY THE LIMITATION ON THE AWARD OF PUNITIVE DAMAGES; AND FOR OTHER PURPOSES."

AND

Delete the subtitle and substitute the following:

"AN ACT TO CLARIFY THE LIMITATION ON THE AWARD OF PUNITIVE DAMAGES."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Section 11(a) of Act 649 of 2003 is amended to read as follows:

(a) Except as provided in subsection (b) of this section, a punitive damages award for each plaintiff shall not be more than the greater of the following:

- (1) Two hundred fifty thousand dollars (\$250,000); or
- (2) Three (3) times the amount of compensatory damages awarded in the action not to exceed one million dollars (\$1,000,000).

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that Act 649 of 2003 is now in effect; that its cap on punitive damage awards is unclear as to whether it applies to each plaintiff or to the judgment; that this act clarifies that the cap applies to each plaintiff and not the judgment; and that until this



act goes into effect, confusion may exist. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

The Amendment was read _____

By: Representative Hathorn

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Chief Clerk