

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H4/2/03

A Bill

HOUSE BILL 1263

5 By: Representatives Hathorn, C. Taylor, Ledbetter, Verkamp, Childers, Thyer, Lamoureux, *Ferguson*
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For An Act To Be Entitled

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

Subtitle

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

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Section 11(a) of Act 649 of 2003 is amended to read as
20 follows:

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

- 24 (1) Two hundred fifty thousand dollars (\$250,000); or
25 (2) Three (3) times the amount of compensatory damages awarded
26 in the action not to exceed one million dollars (\$1,000,000).
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28 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
29 General Assembly of the State of Arkansas that Act 649 of 2003 is now in
30 effect; that its cap on punitive damage awards is unclear as to whether it
31 applies to each plaintiff or to the judgment; that this act clarifies that
32 the cap applies to each plaintiff and not the judgment; and that until this
33 act goes into effect, confusion may exist. Therefore, an emergency is
34 declared to exist and this act being immediately necessary for the
35 preservation of the public peace, health, and safety shall become effective
36 on:



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(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.

/s/ Hathorn, et al

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