

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: H3/9/15
A Bill

HOUSE BILL 1423

5 By: Representative Bell
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7 **For An Act To Be Entitled**

8 AN ACT CONCERNING PUNITIVE DAMAGES AWARDS; TO
9 ALLOCATE A PORTION OF PUNITIVE DAMAGES AWARDS TO THE
10 STATE; TO CREATE THE TAX RELIEF FUND; AND FOR OTHER
11 PURPOSES.
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14 **Subtitle**

15 TO ALLOCATE A PORTION OF PUNITIVE DAMAGES
16 AWARDS TO THE STATE; AND TO CREATE THE
17 TAX RELIEF FUND.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 16, Chapter 65, Subchapter 1, is
23 amended to add an additional section to read as follows:

24 16-65-123. Judgments for punitive damages.

25 (a) If punitive damages are awarded in a case, the court shall enter
26 judgment as follows:

27 (1) Judgment in favor of the state in an amount equal to
28 seventy-five percent 75% of the punitive damages award; and

29 (2) Judgment in favor of the injured party in an amount equal to
30 twenty-five percent (25%) of the punitive damages award.

31 (b)(1) The party against whom judgment was entered shall pay the
32 punitive damages award to the clerk of the court where the judgment was
33 entered.

34 (2) Upon receiving payment of the punitive damages award, the
35 clerk of the court shall:

36 (A) Pay the injured party his or her share; and



1 (B) Pay the state's share to the Treasurer of State, who
2 shall deposit the funds into the Tax Relief Fund.

3 (c) Any attorney's fees awarded in the case shall be based solely on
4 the injured party's share of the punitive damages award.

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6 SECTION 2. Arkansas Code Title 19, Chapter 5, Subchapter 12, is
7 amended to add an additional section to read as follows:

8 19-5-1255. Tax Relief Fund.

9 (a) There is created on the books of the Treasurer of State, the
10 Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous
11 fund to be known as the "Tax Relief Fund".

12 (b) The fund shall consist of:

13 (1) Funds deposited under § 16-65-123; and

14 (2) Any other funds authorized or provided by law.

15 (c) Moneys in the fund shall be used by the Treasurer of State as
16 directed by the General Assembly, to be deposited and credited to the General
17 Revenue Fund Account of the State Apportionment Fund to be distributed as
18 general revenue to offset the cost of tax relief measures, fee reductions,
19 and tax refunds.

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21 /s/Bell
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