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HOUSE BILL NO. 1552

Offered January 9, 2013

Prefiled January 4, 2013

*A BILL to amend and reenact § 8.01-38.1 of the Code of Virginia, relating to punitive damages cap.*Patron—Loupassi

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 8.01-38.1 of the Code of Virginia is amended and reenacted as follows:****§ 8.01-38.1. Limitation on recovery of punitive damages.**

A. In any action accruing on or after July 1, 1988, including an action for medical malpractice under Chapter 21.1 (§ 8.01-581.1 et seq.), the total amount awarded for punitive damages against all defendants found to be liable shall be determined by the trier of fact. ~~In no event shall the total amount awarded for punitive damages and shall not exceed \$350,000.~~ *In any action accruing on or after July 1, 2013, the total amount awarded for punitive damages shall not exceed \$675,000. On January 1, 2014, and each January 1 thereafter, the maximum award for punitive damages shall be adjusted annually in an amount equal to the annual increase in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor. Each annual increase shall apply to any action accruing on or after the effective date of the increase.*

B. The jury shall not be advised of the limitation prescribed by this section. However, if a jury returns a verdict for punitive damages in excess of the maximum amount specified in this section, the judge shall reduce the award and enter judgment for such damages in the maximum amount provided by this section.

INTRODUCED

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