

2018 SESSION

INTRODUCED

18104100D

HOUSE BILL NO. 1305

Offered January 10, 2018

A BILL to amend and reenact § 8.01-38.1 of the Code of Virginia, relating to recovery of punitive damages.

Patron—Habeeb

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. Recovery of punitive damages.

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 exceed \$350,000. 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.

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