

1995 SESSION

INTRODUCED

LD3958296

HOUSE BILL NO. 1070

Offered January 25, 1994

A BILL to amend the Code of Virginia by adding a section numbered 8.01-38.2, relating to bifurcation of punitive damages actions.

Patrons—Howell, Davies, Griffith and McClure; Senators: Calhoun, Chichester and Stosch

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-38.2 as follows:

§ 8.01-38.2. Bifurcation of punitive damages actions; award of actual damages required.

A. In any civil action in which punitive damages are sought, the trier of fact shall, at the defendant's request, first determine whether compensatory damages are to be awarded before addressing whether punitive damages should be awarded and their amount. If the trier of fact awards compensatory damages and the court determines that the case is appropriate for punitive damages, the same trier of fact shall make the punitive damages determination. Except in civil actions involving libel or slander, punitive damages may not be awarded in any civil action in the absence of an award for compensatory damages. An award of nominal damages shall not support an award of punitive damages.

B. If a separate proceeding is requested, the court shall preclude the admission of evidence relevant only to the claim of punitive damages in any proceeding to determine whether compensatory damages are to be awarded.

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