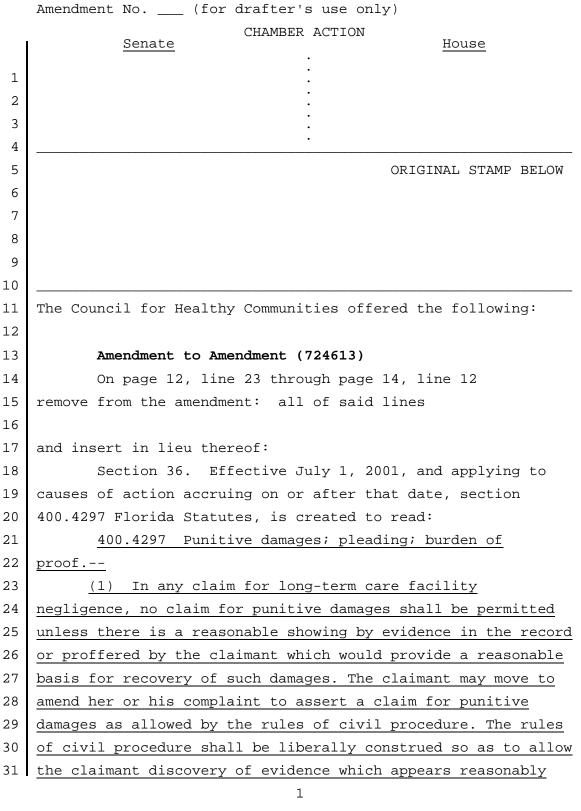
HOUSE AMENDMENT

Bill No. HB 1879



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Bill No. HB 1879

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Amendment No. ____ (for drafter's use only)

calculated to lead to admissible evidence on the issue of 1 2 punitive damages. No discovery of financial worth shall 3 proceed until after the pleading concerning punitive damages 4 is permitted. 5 (2) A defendant may be held liable for punitive 6 damages only if the trier of fact, based on clear and 7 convincing evidence, finds that the defendant was personally guilty of intentional misconduct or gross negligence. As used 8 in this section, the term: 9 (a) "Intentional misconduct" means that the defendant 10 had actual knowledge of the wrongfulness of the conduct and 11 12 the high probability that injury or damage to the claimant would result and, despite that knowledge, intentionally 13 pursued that course of conduct, resulting in injury or damage. 14 15 (b) "Gross negligence" means that the defendant's 16 conduct was so reckless or wanting in care that it constituted 17 a conscious disregard or indifference to the life, safety, or 18 rights of persons exposed to such conduct. (3) In the case of an employer, principal, 19 corporation, or other legal entity, punitive damages may be 20 21 imposed for the conduct of an employee or agent only if the conduct of the employee or agent meets the criteria specified 22 in subsection (2) and: 23 24 (a) The employer, principal, corporation, or other 25 legal entity actively and knowingly participated in such 26 conduct; 27 The officers, directors, or managers of the (b) employer, principal, corporation, or other legal entity 28 knowingly condoned, ratified, or consented to such conduct; or 29 30 The employer, principal, corporation, or other (C) legal entity engaged in conduct that constituted gross 31 2 04/23/01 09:15 pm File original & 9 copies

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1	negligence and that contributed to the loss, damages, or
2	injury suffered by the claimant.
3	(4) The plaintiff must establish at trial, by clear
4	and convincing evidence, its entitlement to an award of
5	punitive damages. The "greater weight of the evidence" burden
6	of proof applies to a determination of the amount of damages.
7	of proof appried to a determination of the amount of damages.
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