

VIRGINIA: TORT REFORM: BILL COPIES

TI19961277

Approved -

VA - Tort

1987 SESSION
VIRGINIA ACTS OF ASSEMBLY - CHAPTER 87-255

An Act to amend the Code of Virginia by adding a section numbered 8.01-38.1, relating to monetary limitation on the amount of punitive damages recoverable.

[S 402]

UNRECORDED COPY

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-38.1 as follows:

§ 8.01-38.1. Limitation on 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.

President of the Senate

Speaker of the House of Delegates

Approved:

Governor

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LD9028131

SENATE JOINT RESOLUTION NO. 109

Offered January 14, 1987

Continuing the joint subcommittee studying the liability insurance crisis and the need for tort reform.

Patrons—Parkerson, Fears, Mitchell, Andrews, Schewel, Russell, R. E., Truban, Russell, J. W., Colgan, Cross, Waddell and Canada; Delegate: Cooper

Referred to the Committee on Rules

WHEREAS, the 1986 Session of the General Assembly created a joint subcommittee to study the availability and affordability problems affecting liability insurance coverage and to examine the tort reparations system and its impact, if any, on those problems; and

WHEREAS, the joint subcommittee made considerable progress in its study and recommended to the 1987 Session of the General Assembly a number of legislative changes; and

WHEREAS, due to the complexity of the issues under study and the time constraints under which the joint subcommittee was operating, its members were unable to address several of the charges to the joint subcommittee contained in Senate Joint Resolution No. 22; and

WHEREAS, the joint subcommittee believes that an evaluation of the need for and effects of the implementation of various forms of alternative dispute resolution is desirable; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the joint subcommittee studying the liability insurance crisis and the need for tort reform is continued. The membership of the joint subcommittee will remain the same, with any vacancy being filled in the same manner as the original appointment. The joint subcommittee shall complete its study and submit its recommendations, if any, to the 1988 Session of the General Assembly.

The indirect costs of this study are estimated to be \$10,650; the direct costs of this study shall not exceed \$5,760.

Official Use By Clerks

Agreed to By The Senate

without amendment ☐
with amendment ☐
substitute ☐
substitute w/amdt ☐

Date: _____

Clerk of the Senate

Agreed to By

The House of Delegates

without amendment ☐
with amendment ☐
substitute ☐
substitute w/amdt ☐

Date: _____

Clerk of the House of Delegates