

D R A F T  
FOR DISCUSSION ONLY

**UNIFORM LAW COMMISSIONERS'  
MODEL PUNITIVE DAMAGES ACT**

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NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS

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MEETING IN ITS ONE-HUNDRED-AND-FOURTH YEAR  
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**UNIFORM LAW COMMISSIONERS'  
MODEL PUNITIVE DAMAGES ACT**

WITH PREFATORY NOTE AND COMMENTS

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NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS

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**UNIFORM LAW COMMISSIONER'S  
MODEL PUNITIVE DAMAGES ACT**

PREFATORY NOTE

During the past decade serious concern has been expressed regarding the role of punitive damage awards in the civil justice system in the United States. It has been argued that awards often bear no relation to deterrence and merely reflect a jury's dissatisfaction with a defendant and a desire to punish without regard to the true harm threatened by a defendant's conduct. In addition, there is a general feeling that punitive awards should be more difficult to obtain and that the amounts of such awards should be subject to more control than is being exercised under existing law. A number of recommendations for changes have been made by such organizations as the American Bar Association and the American College of Trial Lawyers. As a result, the Conference Study Committee on Tort Reform Proposals reviewed these concerns and recommended to the Committee on Scope and Program that the Conference undertake a drafting project with regard to the subject of punitive damages. In turn, the Committee on Scope and Program recommended to the Executive Committee that such a project be approved. In 1994, the Executive Committee established a Drafting Committee on the subject, but limited the scope of the project to one of developing a model act as compared to a uniform act.

The Drafting Committee has met twice since it was created and the work that you have before you is the third tentative draft.

The current draft of the Model Punitive Damages Act does not authorize punitive damages in the enacting State. If punitive damages are awardable in the State, the Act is designed to govern such awards. It does not define the types of cases in which an award may be made. In addition, the current draft does not place any limit or "caps" on punitive awards that do not already exist in the enacting State. Rather, the Drafting Committee felt that it could improve upon the procedures, burdens of proof, judicial reviews and similar matters so that arbitrary monetary limitations would not be necessary. Finally, the Act attempts to define more precisely when a punitive award may be made by the trier of fact in terms of the standards for culpability and the manner in which the amount of such an award is to be determined.

The Drafting Committee has proceeded with its work mindful that the United States Congress is presently holding hearings and fashioning federal legislation on the subject of punitive damages in the area of products liability and possibly other tort actions. It may be that Congressional action could preempt Conference efforts in drafting a model act. However, at this time it does not appear that the efforts of the Drafting Committee are necessarily inconsistent with what is being proposed in Congress and even if Congress does pass legislation, there may still be ample room for a Model Punitive Damages Act for the States to consider in their respective legislative programs.

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**UNIFORM LAW COMMISSIONER'S  
MODEL PUNITIVE DAMAGES ACT**

**SECTION 1. DEFINITIONS.** In this [Act]:

- (1) "Compensatory damages" means an award of money, including a nominal amount, to compensate for a legally recognized injury, but does not include an award solely to punish, deter, or deprive an actor of unjustified pecuniary gain.
- (2) "Punitive damages" means an award of money solely to punish, deter, or deprive an actor of unjustified pecuniary gain.

**Comment**

This Act is designed to facilitate and in some ways regulate awards of punitive damages in the civil justice system. In order to do this, a distinction must be drawn between compensatory damages and punitive damages, even though there is some overlap in the purposes served by these two types of damages. Compensatory damages, in addition to providing reparations to a tort victim, serve to admonish the tortfeasor, as well as others, not to repeat the wrongful conduct in question. In some measure, compensatory damages also punish a tortfeasor for his or her wrongful conduct. However, punitive damages, in the sense used in this Act, are those damages that serve only to punish, deter, or deprive an actor of unjustified pecuniary gain. To the extent that damages serve to compensate a tort victim, they are not considered to be punitive damages under this Act.

The Act does not dictate to a particular jurisdiction that would enact it how to determine which damages are purely for punitive purposes and which serve to compensate. The resolution of that issue is left to existing law and future developments in the enacting jurisdiction.

**SECTION 2. CIVIL CLAIM FOR PUNITIVE DAMAGES.** This [Act]

governs a claim for punitive damages that may be awarded in a civil action under the law of this State.

**Comment**

This Act does not authorize awards of punitive damages in any State that enacts it, but merely prescribes requirements for assessing, reviewing, and otherwise fine-tuning the law already in existence under which punitive awards may be made. For example, one would have to look to the existing state law to determine if a punitive award is available in a breach of contract situation as

1 compared to tort. The same would be true as to the issue of whether a punitive  
2 award may be assessed against a governmental entity. In short, the Act does not  
3 speak to the types of situations in which a punitive damage award may be made.

4 **SECTION 3. PLEADING AMOUNT FOR PUNITIVE DAMAGES.** A  
5 petition may not designate a monetary amount for any punitive damages sought.

6 **Comment**

7 Many States now prohibit the use of monetary figures in pleadings,  
8 particularly with regard to claims for punitive damages. This type of provision  
9 has been relatively uncontroversial in comparison to other changes purposed for  
10 the tort system.

11 **SECTION 4. DISCOVERY OF WEALTH, FINANCIAL CONDITION,**  
12 **OR ABILITY TO RESPOND IN PUNITIVE DAMAGES.** A party from whom  
13 punitive damages are sought may not be compelled to disclose the party's wealth,  
14 financial condition, or other ability to respond to a judgment for punitive  
15 damages, if the information is sought solely for the purpose of establishing the  
16 amount of a punitive award, until the claimant has made a prima facie showing  
17 that the party may be liable for punitive damages under Section 5(a). The  
18 showing may be made upon motion before or during trial. [A court may issue  
19 orders to protect the confidentiality of the information or avoid undue prejudice  
20 to the party from whom the information is sought.]

21 **Comment**

22 This section attempts to balance the rights of claimants and defendants  
23 by requiring that there be a showing that there is a colorable claim that might  
24 succeed for punitive damages before a claimant is permitted to delve into such  
25 matters as wealth, financial condition, or the ability to respond in punitive  
26 damages. It does not prevent a claimant from engaging in discovery if that type  
27 of evidence is relevant to issues other than the amount of any award. For  
28 example, a claimant may engage in discovery regarding wealth, financial  
29 condition, and the like without first obtaining approval from the court if that  
30 evidence bears on whether or not the defendant may be liable. However, if such  
31 evidence is only relevant to the amount of any punitive award, prior approval for  
32 such discovery must be obtained from the court unless the party voluntarily  
33 agrees to provide the information.

1 All that is required is a prima facie showing as measured by the criteria  
2 set out in Section 5. The section does not dictate how the showing may be made,  
3 but leaves that to be decided by existing rules in the enacting State.

4 The court probably already has the power to enter protective orders to  
5 protect confidentiality of the information sought and to avoid undue prejudice. If  
6 the court does not have this power, an enacting State should consider whether it  
7 should adopt a rule providing that power, as set out in the bracketed language.

## 8 **SECTION 5. LIABILITY FOR PUNITIVE DAMAGES.**

9 (a) If a party is found to be liable for a legally recognized injury for  
10 which punitive damages may be awarded and the claimant has made a timely  
11 claim for punitive damages, the trier of fact, in addition to any compensatory  
12 damages that may be awarded, may award punitive damages. To award punitive  
13 damages, the trier of fact must find, by clear and convincing evidence, that:

14 (1) the defendant wanted to cause serious harm, knew that serious  
15 harm would result, or knew that there was a strong probability that serious harm  
16 would result; and

17 (2) the defendant's conduct was malicious, dishonest, despicable, or  
18 constituted a conscious, flagrant disregard for the rights of others.

19 (b) Punitive damages may be awarded only if the trier of fact finds that  
20 an award is necessary to:

21 (1) discourage similar wrongful conduct by the defendant or others  
22 in like situations;

23 (2) deprive the defendant of any unjustified pecuniary gain derived  
24 from the wrongful conduct; or

25 (3) impose an appropriate punishment on the defendant for the  
26 wrongful conduct.

### 27 **Comment**

28 This section describes the standards of culpability or wrongdoing for  
29 which a punitive award may be made. This language is found in subsection

1 (a)(1) and is a paraphrase of the language from the Restatement (Second) of  
2 Torts, describing the bases for punitive awards. However, it differs from the  
3 Restatement in one regard. It does not encompass the situation, as does the  
4 Restatement, where the actor, from facts which he or she knows, should realize  
5 that there is a strong probability that harm may result. Although contained in the  
6 definition of "reckless" conduct in Section 500 of the Restatement (Second) of  
7 Torts, this language sounds more in negligence and would permit, in the opinion  
8 of the Drafting Committee, cases to go to the jury without proof of the type of  
9 state of mind which should be required to warrant punitive damages. The draft  
10 presently requires the plaintiff to prove that the defendant acted consciously in  
11 disregarding the plaintiff's rights. The great majority of jurisdictions do not  
12 permit punitive awards for negligent conduct, but require conscious wrongdoing.

13 Many jurisdictions today, and in increasing numbers, have also said that  
14 the mere commission of a tort is not sufficient to support an award of punitive  
15 damages. There must be more, i.e., a bad motive. It is inherent in some types  
16 of torts that the evidence showing commission also shows bad motive, but this is  
17 not true of all torts for which an award of punitive damages may be available.  
18 Subsection (a)(2) attempts to describe the particular type of state of mind  
19 required, in addition to the conduct described in subsection (a)(1), to justify an  
20 award of punitive damages.

21 In an action for defamation or other related torts where speech is directly  
22 related to matters of public concern, the imposition of punitive damages may  
23 raise questions under the First Amendment or applicable state constitutional  
24 guarantees of free expression. At a minimum, in those cases where "actual  
25 malice" is required as a prerequisite to an award of compensatory damages, that  
26 finding is not the equivalent of the malice or the other terms required by Section  
27 5 as a basis for awarding punitive damages. To award punitive damages in such  
28 cases, the trier of fact must additionally find that the defendant had the intention  
29 and acted in a manner described in Section 5.

30 Subsection (b) states the purposes for which punitive damages may be  
31 awarded. This language tracks the definition of punitive damages found in the  
32 definitions of the Act. See Section 1.

## 33 **SECTION 6. AMOUNT OF PUNITIVE DAMAGES.**

34 (a) If a defendant is found to be liable for punitive damages, a fair and  
35 reasonable amount of those damages may be awarded for the purposes stated in  
36 Section 5(b). In deciding what is fair and reasonable, evidence of the following  
37 factors, if otherwise admissible, must be considered:

38 (1) the nature of defendant's wrongful conduct;

39 (2) the impact of defendant's wrongful conduct on others;

1                   (3) the defendant's present and future financial condition and the  
2                   impact of the amount of an award on each;

3                   (4) the amount of compensatory damages awarded;

4                   (5) any unjustified pecuniary gain the defendant derived from the  
5                   wrongful conduct;

6                   (6) any fines, penalties, or restitution paid by the defendant arising  
7                   from the wrongful conduct;

8                   (7) any mitigating circumstances;

9                   (8) any impact of the award on innocent persons; and

10                  (9) any other factor relevant to the amount of the award.

11                  (b) If an award of punitive damages is authorized or governed by  
12                  another statute of this State, any limitation of amount or method of calculation  
13                  established by that statute also governs an award under this [Act].

14                  (c) If the issue of the amount of punitive damages is submitted to a jury,  
15                  the court upon motion of a party shall submit the following interrogatories, in  
16                  addition to the instructions required under subsection (a), to the jury regarding  
17                  each defendant who is subject to an award:

18                  Question 1. What amount of money, if any, do you award against  
19                  [defendant] for punitive damages?

20                  ANSWER: \$\_\_\_\_\_

21                  If you have not awarded punitive damages against [defendant], do not answer  
22                  the following question. Otherwise, you should answer it.

23                  Question 2. You were instructed that if you found that a defendant engaged  
24                  in conduct of a kind for which punitive damages are appropriate, you could make  
25                  such an award on one or more of three bases: (1) that the award is necessary to  
26                  deter the defendant or others similarly situated from like conduct (deterrence); (2)



1 that the award is necessary to deprive the defendant of unjustified pecuniary gain  
2 (unjust enrichment); or (3) that an award is necessary to impose an appropriate  
3 punishment on the defendant for the wrongful conduct (punishment). As to  
4 [defendant], indicate how much of your award was based on deterrence, unjust  
5 enrichment, or punishment. Your award may be based on one or more than one  
6 of the alternatives, but the total of your allocations must equal the total amount of  
7 the award as shown in your answer to Question 1.

8 Deterrence: \$ \_\_\_\_\_

9 Unjust enrichment: \$ \_\_\_\_\_

10 Punishment: \$ \_\_\_\_\_

11 Total \$ \_\_\_\_\_

12 (d) If the issue of the amount of punitive damages is decided by the  
13 court, the court upon motion of a party shall make the same findings that a jury  
14 would be required to make in answer to the interrogatories set out in subsection  
15 (c) for each defendant against whom a punitive award will be made.

#### 16 Comment

17 Section 6 deals exclusively with how the amount of punitive damages  
18 should be determined by the trier of fact. Whereas Section 5 requires that the  
19 trier of fact find by clear and convincing evidence that the defendant is liable for  
20 punitive damages, no such standard of proof is required for the amount of  
21 punitive damages. Present law in the enacting State will govern the latter issue.

22 Subsection (a) lists a number of factors that the trier of fact is to  
23 consider in determining the amount of a punitive award, assuming that evidence  
24 has been admitted on the particular factor. This list is not exclusive as the last  
25 factor states that "any other factor relevant to the amount of the award" may be  
26 considered. However, it does attempt to list those factors which would probably  
27 come into play in most cases involving a claim for punitive damages.

28 Subsection (b) deals with a situation where the enacting jurisdiction has  
29 legislation that may limit an award of punitive damages in certain situations. If  
30 the enacting State has such legislation, subsection (b) states that it also governs  
31 the amount of the award. For example, if the enacting State has legislation  
32 requiring that the punitive damages be no more than three times the compensatory  
33 damages or that the punitive damages shall not exceed a particular figure, such as

1 \$250,000, those limitations would not be negated by the enactment of the Model  
2 Punitive Damages Act.

3 Subsection (c) is an attempt to provide reviewing courts with some basis  
4 of determining how the jury reached its decision as to the amount of the award.  
5 Subsection (d) requires a court, when acting as the trier of fact, to make the same  
6 findings that are required of a jury. However, these findings are to be made only  
7 when one of the parties to the proceedings requests the court to submit such  
8 interrogatories to the jury or make such findings itself.

9 **SECTION 7. LIABILITY OF EMPLOYER OR PRINCIPAL.** If an  
10 employee or agent is liable for punitive damages under Section 5, the employer  
11 or principal may also be subject to liability for punitive damages if the trier of  
12 fact finds by clear and convincing evidence that the employee or agent was acting  
13 in the course and scope of the employment or agency at the time of the wrongful  
14 conduct and the employer or principal authorized, participated in, consented to,  
15 acquiesced in, or ratified the conduct of the employee or agent with knowledge of  
16 its wrongful nature; otherwise, an employer or principal is only liable for  
17 punitive damages if the trier of fact finds the employer's or principal's conduct  
18 satisfies the criteria and purposes of Section 5.

19 **Comment**

20 This provision basically tracks the American Law Institute Restatements  
21 regarding vicarious responsibility for punitive damages. See Restatement  
22 (Second) of Agency § 217C (1958) and Restatement (Second) of Torts § 909  
23 (1979). It adopts the majority rule in the United States that there should be no  
24 pure vicarious responsibility for punitive damages. The employer or principal  
25 may be liable for punitive damages on the basis of the conduct of an employee or  
26 agent, but the employer or principal must be at fault in some manner. The  
27 employer or principal, however, is not liable for punitive damages just because  
28 the employee or agent was acting in the course and scope of the employment or  
29 agency when he or she engaged in the type of conduct for which punitive  
30 damages may be awardable.

31 An employer or principal is subject to liability for punitive damages if an  
32 employee or agent is found liable under Section 5 and the employer or principal  
33 was implicated by authorizing, participating in, consenting to, acquiescing in, or  
34 ratifying the act of the employee or agent, knowing of the wrongful character of  
35 the employee's or agent's conduct. In addition, an employer or principal may be  
36 liable in his or her own right for engaging in conduct described in Section 5.

The employee or agent has to be acting in the course and scope of the employment or agency before the employer or principal may be held liable.

The "clear and convincing" evidence standard employed in Section 5(a) is also employed in this section with regard to the burden of proof required for a claimant to establish an employer's or principal's liability for punitive damages based on acts of an employee or agent.

## SECTION 8. TRIAL COURT REVIEW OF JURY AWARD.

(a) If a jury awards punitive damages, the party against whom the award is made may move the trial court [pursuant to the rules of civil procedure] to review the award for the purpose of entering a judgment notwithstanding the verdict or requiring either a new trial or a remittitur. Upon hearing the motion, the court shall review the evidence to determine whether it supports the jury findings under subsections (b) and (c).

(b) If the court determines that there is no legally sufficient basis for a reasonable jury to find liability for punitive damages under the criteria and purposes stated in Section 5, it shall enter judgment notwithstanding the verdict.

(c) If the court determines that the amount of the punitive award is manifestly against the greater weight or preponderance of the evidence under the factors a jury was required to consider under Section 6, the court shall grant a new trial unless the claimant agrees to a remittitur determined by the court. If the court determines that the amount of a punitive award is not supported by the evidence, the court shall enter its findings and the basis for its decision in the record, including the method for determining the reduced award.

(d) An order granting or refusing to grant a new trial solely for the purpose of determining the amount of punitive damages is appealable at the time it is entered.

### Comment

One of the problems alluded to by critics of the present process by which punitive damages are awarded involves the lack of judicial control over juries. Section 8 attempts to provide standards for trial court review. Section 9 provides standards for appellate review.

Subsection (b) of Section 8 adopts the standard employed in the Federal Rules of Procedure for determining whether a case should be dismissed for failure to make out a prima facie case or in ruling on a motion for judgment notwithstanding the verdict. See Rule 50, Federal Rules of Civil Procedure.

Subsection (c) deals with the standard for reviewing the amount of a punitive award by a jury, as compared to subsection (b) which deals with the issue of liability. Subsection (c) uses a standard that is familiar in many States. It requires the reviewing court to determine whether or not the award is "manifestly against the greater weight or preponderance of the evidence" in light of the factors that the jury was required to consider under Section 6. In *Honda Motor Co. v. Oberg*, 114 S. Ct. 2331 (1994) the Supreme Court of the United States reiterated that there must be meaningful judicial review of jury awards for punitive damages. It held a provision of the Oregon Constitution, which prohibited judicial review of the sufficiency of the evidence of a punitive award, to violate the Due Process Clause of the Fourteenth Amendment to the United States Constitution. The Court did not elaborate on what type of judicial review would suffice. However, it clearly stated that a mere "no evidence" standard did not provide meaningful judicial review.

The present draft of the Model Punitive Damages Act contains a provision which the Committee feels would satisfy due process requirements. Whether something less than this standard would also satisfy the Due Process Clause is not clear at this time.

This section is designed to require the trial court to conduct a meaningful review of any award for punitive damages. A number of jurisdictions already have such procedures either explicitly for punitive damage awards or as a general proposition in the rules of procedure. However, the rule in most jurisdictions is that a order granting a new trial by the trial court is not immediately appealable. This section makes such an order appealable.

**SECTION 9. APPELLATE REVIEW.** If a defendant against whom an award of punitive damages has been entered perfects a timely appeal [pursuant to appellate rules of civil procedure] regarding the award, the appellate court shall review the award [de novo] in accordance with the standards set forth in Section 8(b) and (c).

### Comment

1           The Drafting Committee has not decided as of this time whether to say  
2 anything about appellate review or, if it does, whether it should be a "de novo"  
3 review or some other standard, such as abuse of discretion.

4           **SECTION 10. MULTIPLE AWARDS FOR SAME ACT OR COURSE OF**  
5 **CONDUCT.**

6           (a) If a defendant is found in this State to be liable for punitive damages  
7 and has previously been found liable for punitive damages, the defendant, before  
8 entry of judgment, may petition the court for a hearing to determine whether the  
9 liability for the punitive awards arose out of the same act or course of conduct  
10 and, if so, whether the defendant is entitled to have the award in the pending case  
11 reduced. In determining whether any reduction should be made, the court shall  
12 consider the bases of liability for the awards, the purposes for which the damages  
13 were awarded, how the damages were determined or calculated, and any other  
14 evidence offered by the parties relevant to the issue of whether the defendant may  
15 be entitled to a reduction. If the court determines that the awards of punitive  
16 damages are unfairly duplicative, it shall reduce the award in the pending case by  
17 the amount that it finds the award to be unjust. The court shall stay entry of  
18 judgment pending the motion and hearing and may enter any other orders to  
19 avoid prejudice or unnecessary costs or delays while the hearing is pending.

20           (b) If more than one judgment containing an award of punitive damages  
21 is entered against a defendant and one or more of the judgments is sought to be  
22 enforced against the defendant in this State, the defendant judgment debtor may  
23 petition the court in this State in which the judgment is sought to be enforced for  
24 a hearing to determine how much, if any, of the amount of punitive damages  
25 previously paid by the defendant judgment debtor to satisfy one or more of the  
26 judgments is unfairly duplicative because the judgments were based on the same  
27 act or course of conduct. In determining in a hearing under this subsection

1 whether any credit should be allowed against a judgment sought to be enforced in  
2 this State, the court shall consider the bases of liability for the awards, the  
3 purposes for which the damages were awarded, how the damages were  
4 determined or calculated, and any other evidence offered by the parties relevant  
5 to the issue of whether the defendant judgment debtor has been subjected to  
6 unfair duplicative awards of punitive damages. If the court determines that the  
7 judgments contain awards of punitive damages that are unfairly duplicative, it  
8 shall credit any judgment sought to be enforced in this State with any amount  
9 previously paid by the judgment debtor that the court finds to be unjust. Before  
10 or during a hearing under this section, the court may stay execution on the  
11 portion of the judgment sought to be enforced to collect punitive damages and  
12 enter any other orders to avoid prejudice or unnecessary costs or delays while the  
13 hearing is pending.

#### 14 Comment

15 Subsection (a) applies to situations where an action is pending in the  
16 enacting State. It gives the defendant an opportunity to show that he has already  
17 been punished by a punitive award in another judgment for the same conduct and  
18 that the punitive award in the present case should be reduced to prevent excessive  
19 punishment.

20 Subsection (b) applies to situations where multiple judgments have been  
21 entered, perhaps in several different States, and one or more of those judgments  
22 are sought to be enforced in the enacting State. Again, a judgment debtor is  
23 given the opportunity to prevent unfairly duplicative awards of punitive damages  
24 from being enforced against the debtor.

25 **SECTION 11. SEPARATE TRIALS.** In a trial involving a claim for  
26 punitive damages in which evidence may be admissible solely on the issue of the  
27 liability for or the amount of punitive damages, the court shall order a separate  
28 trial of the issue upon motion of a party if necessary to avoid manifest unfairness.  
29 The court may otherwise order a separate trial of any claim or issue in  
30 furtherance of convenience or to avoid undue prejudice.

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Comment

This section provides that a court may bifurcate or otherwise divide a trial in order to avoid undue prejudice or for convenience. However, if the trial involves evidence which is admissible solely on the issue of liability or solely on the issue of the amount of punitive damages, the trial court is required upon motion of a party to order a separate trial of the issue or issues if it is necessary to avoid "manifest unfairness" to the party.

**SECTION 12. CONSOLIDATION OF TRIALS.**

(a) If more than one action asserting a claim for punitive damages is commenced in this State against a defendant for the same act or course of conduct, a court [pursuant to rules of civil procedure] may order:

- (1) all of the actions consolidated for trial; or
- (2) a joint hearing or trial of the matters in issue in the actions.

(b) The court may issue orders concerning any proceedings under subsection (a) to avoid manifest unfairness or unnecessary expense or delay.

Comment

Most States already have provisions in their rules of civil procedure providing for consolidation. Thus, this section is in brackets to indicate that a State should consider adopting this provision if the rules of civil procedure do not provide for consolidation.

**SECTION 13. LIENS AND EXECUTION ON JUDGMENT PENDING**

**APPEAL.** Pending timely appellate review pursuant to [the rules of appellate procedure] or a petition for certiorari pursuant to the rules of the United States Supreme Court seeking a reversal or modification of an award of punitive damages, a judgment creditor may perfect a lien or establish its priority, but may not invoke process to collect the portion of the judgment for punitive damages.

Comment

The section suspends enforcement of an award of punitive damages during the time an appeal is pending. The purpose is to obviate the need for a supersedeas bond. However, the provision does not affect the right of a judgment creditor to perfect a lien or establish its priority.

1           **SECTION 14. APPLICABILITY.** This [Act] applies to all actions for  
2           punitive damages accruing on or after its effective date.

3           **SECTION 15. SHORT TITLE.** This [Act] may be cited as the Uniform  
4           Law Commissioner's Model Punitive Damages Act.

5           **SECTION 16. SEVERABILITY CLAUSE.** If any provision of this [Act]  
6           or its application to any person or circumstance is held invalid, the invalidity  
7           does not affect other provisions or applications of this [Act] which can be given  
8           effect without the invalid provision or application, and to this end the provisions  
9           of this [Act] are severable.

10          **SECTION 17. EFFECTIVE DATE.** This [Act] takes effect on  
11          \_\_\_\_\_.

12          **SECTION 18. REPEALS.** The following acts and parts of acts are  
13          repealed:

14                   (1)

15                   (2)

16                   (3)

