

## Article – Courts and Judicial Proceedings

11-108.

(a) In this section:

(1) "Noneconomic damages":

(I) IN AN ACTION FOR PERSONAL INJURY, means pain, suffering, inconvenience, physical impairment, disfigurement, loss of consortium, or other nonpecuniary injury; AND

(II) IN AN ACTION FOR WRONGFUL DEATH, MEANS MENTAL ANGUISH, EMOTIONAL PAIN AND SUFFERING, LOSS OF SOCIETY, COMPANIONSHIP, COMFORT, PROTECTION, CARE, MARITAL CARE, PARENTAL CARE, FILIAL CARE, ATTENTION, ADVICE, COUNSEL, TRAINING, GUIDANCE, OR EDUCATION, OR OTHER NONECONOMIC DAMAGES AUTHORIZED UNDER TITLE 3, SUBTITLE 9 OF THIS ARTICLE; and

(2) "Noneconomic damages" does not include punitive damages.

(b) (1) In any action for damages for personal injury ~~OR WRONGFUL DEATH~~ in which the cause of action arises on or after July 1, 1986, an award for noneconomic damages may not exceed \$350,000.

(2) (I) EXCEPT AS PROVIDED IN PARAGRAPH (3)(II) OF THIS SUBSECTION, IN ANY ACTION FOR DAMAGES FOR PERSONAL INJURY OR WRONGFUL DEATH IN WHICH THE CAUSE OF ACTION ARISES ON OR AFTER OCTOBER 1, 1994, AN AWARD FOR NONECONOMIC DAMAGES MAY NOT EXCEED \$450,000 \$500,000.

(II) THE LIMITATION ON NONECONOMIC DAMAGES PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCREASE BY \$15,000 ON OCTOBER 1 OF EACH YEAR BEGINNING ON OCTOBER 1, 1995. THE INCREASED AMOUNT SHALL APPLY TO CAUSES OF ACTION ARISING BETWEEN OCTOBER 1 OF THAT YEAR AND SEPTEMBER 30 OF THE FOLLOWING YEAR, INCLUSIVE.

(3) (I) THE LIMITATION ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL APPLY IN A PERSONAL INJURY ACTION TO:

(+) EACH DIRECT VICTIM OF TORTIOUS CONDUCT AND ALL PERSONS WHO CLAIM INJURY BY OR THROUGH THAT VICTIM; ~~AND~~ .

(II) EACH IN A WRONGFUL DEATH ACTION IN WHICH THERE ARE TWO OR MORE CLAIMANTS OR BENEFICIARIES, AN AWARD FOR NONECONOMIC DAMAGES MAY NOT EXCEED 150% OF THE LIMITATION ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION, REGARDLESS OF THE NUMBER OF CLAIMANTS OR BENEFICIARIES WHO SHARE IN THE AWARD.

(c) An award by the health claims arbitration panel in accordance with § 3-2A-06 of this article shall be considered an award for purposes of this section.

(d) (1) In a jury trial, the jury may not be informed of the limitation established under subsection (b) of this section.