

(2) (I) If the jury awards an amount for noneconomic damages that exceeds the limitation established under subsection (b) of this section, the court shall reduce the amount to conform to the limitation.

(II) IN A WRONGFUL DEATH ACTION IN WHICH THERE ARE TWO OR MORE CLAIMANTS OR BENEFICIARIES, IF THE JURY AWARDS AN AMOUNT FOR NONECONOMIC DAMAGES THAT EXCEEDS THE LIMITATION ESTABLISHED UNDER SUBSECTION (B)(3)(II) OF THIS SECTION, THE COURT SHALL REDUCE EACH INDIVIDUAL AWARD PROPORTIONATELY SO THAT THE TOTAL AWARD CONFORMS TO THE LIMITATION.

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(b) As part of the verdict in any action for damages for personal injury ~~OR WRONGFUL DEATH~~ in which the cause of action arises on or after July 1, 1986 OR FOR WRONGFUL DEATH IN WHICH THE CAUSE OF ACTION ARISES ON OR AFTER OCTOBER 1, 1994, the trier of fact shall itemize the award to reflect the monetary amount intended for:

- (1) Past medical expenses;
- (2) Future medical expenses;
- (3) Past loss of earnings;
- (4) Future loss of earnings;
- (5) Noneconomic damages; and
- (6) Other damages.

~~SECTION 2. AND BE IT FURTHER ENACTED, That the changes made to §§ 11-108(a) and (b)(1) and 11-109(b) of the Courts and Judicial Proceedings Article by this Act shall take effect July 1, 1994 and, to the extent permitted by the Constitution of the United States, the Maryland Constitution, and the Maryland Declaration of Rights, shall be construed retroactively and apply to any action pending on or commenced after July 1, 1994, in which the cause of action arose on or after July 1, 1986, but before October 1, 1994 this Act shall be construed only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That, except as provided in Section 2 of this Act, this Act shall take effect October 1, 1994.~~

Approved May 26, 1994.