

AMENDMENT TO H.R. 2366 , AS REPORTED
OFFERED BY MR. ROGAN - MR. HUTCHINSON

Page 7, strike line 13 through line 6 on page 8 and
insert the following:

1 **SEC. 103. LIMITATION ON PUNITIVE DAMAGES FOR SMALL**
2 **BUSINESSES.**

3 (a) GENERAL RULE.—Except as provided in section
4 105, in any civil action against a small business, punitive
5 damages may, to the extent permitted by applicable Fed-
6 eral or State law, be awarded against the small business
7 only if the claimant establishes by clear and convincing
8 evidence that conduct carried out by that defendant with
9 a conscious, flagrant indifference to the rights or safety
10 of others was the proximate cause of the harm that is the
11 subject of the action.

12 (b) LIMITATION ON AMOUNT.—In any civil action
13 against a small business, punitive damages awarded
14 against a small business shall not exceed the lesser of—

15 (1) 3 times the total amount awarded to the
16 claimant for economic and noneconomic losses, or

17 (2) \$250,000,

18 except that the court may make this subsection inappli-
19 cable if the court finds that the plaintiff established by
20 clear and convincing evidence that the defendant acted

1 with specific intent to cause the type of harm for which
2 the action was brought.

3 (c) APPLICATION BY THE COURT.—The limitation
4 prescribed by this section shall be applied by the court
5 and shall not be disclosed to the jury.