



March 10, 2017

The Honorable Bobby A. Zirkin  
Judicial Proceedings Committee  
2 East, Miller Senate Office Building  
Annapolis, MD 21401

**RE: SB 836 – Civil Actions – Punitive Damage Awards – Oppose**

Dear Senator Zirkin:

Senate Bill 836 provides that punitive damages may be awarded in a civil action only if the plaintiff proves by clear and convincing evidence that the defendant acted with wantonness, fraud, or malice. It requires a trier of fact to consider a defendant's liability for punitive damages concurrently with other specified issues. Also it requires a trier of fact to determine the amount of punitive damages to be awarded based on specified factors under specified circumstances.

Senate Bill 836 will have the effect of promoting lawsuits since it is rife with subjective notions regarding the definitions of wantonness, fraud, or malice, and the subjective notions of the trier of fact to determine the amount of the penalty. This bill will do nothing but increase the amount and costs associated with litigation and the ensuing costs to businesses located in Maryland thus making Maryland unattractive to businesses looking to relocate from other areas.

The Carroll County Chamber of Commerce, a business advocacy organization of over 560 members, opposes this bill and asks that you give it an unfavorable report

Sincerely,

A handwritten signature in black ink that reads 'Mike McMullin'.

Mike McMullin  
President  
Carroll County Chamber of Commerce

CC: Senator Justin Ready  
Delegate Susan W. Krebs