



January 22, 2018

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

RE: SB 0005 – Civil Actions – Punitive Damage Awards – Oppose

Dear Senator Zirkin:

Senate Bill 0005 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 0005 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 600 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 Haven Shoemaker