

## **IC 34-51-3**

### **Chapter 3. Punitive Damages**

#### **IC 34-51-3-0.2**

##### **Application of prior law**

Sec. 0.2. The addition of IC 34-4-34-3, IC 34-4-34-4, IC 34-4-34-5, and IC 34-4-34-6 (before their repeal, now codified in this chapter) by P.L.278-1995 applies to a cause of action that accrues after June 30, 1995.

*As added by P.L.220-2011, SEC.576.*

#### **IC 34-51-3-1**

##### **Applicability of chapter**

Sec. 1. This chapter applies to all cases in which a party requests the recovery of punitive damages in a civil action.

*As added by P.L.1-1998, SEC.47.*

#### **IC 34-51-3-2**

##### **Necessity of evidence of facts**

Sec. 2. Before a person may recover punitive damages in any civil action, that person must establish, by clear and convincing evidence, all of the facts that are relied upon by that person to support the recovery of punitive damages.

*As added by P.L.1-1998, SEC.47.*

#### **IC 34-51-3-3**

##### **Restrictions on jury instructions**

Sec. 3. A jury in a case subject to this chapter may not be advised of:

- (1) the limitation on the amount of a punitive damage award under section 4 of this chapter; or
- (2) the requirement under section 6 of this chapter concerning allocation of money received in payment of a punitive damage award.

*As added by P.L.1-1998, SEC.47.*

#### **IC 34-51-3-4**

##### **Maximum award of damages**

Sec. 4. A punitive damage award may not be more than the greater of:

- (1) three (3) times the amount of compensatory damages awarded in the action; or
- (2) fifty thousand dollars (\$50,000).

*As added by P.L.1-1998, SEC.47.*

#### **IC 34-51-3-5**

##### **Reduction of excessive damage award**

Sec. 5. If a trier of fact awards punitive damages that exceed the

limitation under section 4 of this chapter, the court shall reduce the punitive damage award to not more than the greater of:

- (1) three (3) times the amount of compensatory damages awarded in the action; or
- (2) fifty thousand dollars (\$50,000).

*As added by P.L.1-1998, SEC.47.*

#### **IC 34-51-3-6**

##### **Payment and allocation of damages; notification; negotiation of award; state's interest in award**

Sec. 6. (a) Except as provided in IC 13-25-4-10, when a finder of fact announces a verdict that includes a punitive damage award in a civil action, the party against whom the judgment was entered shall notify the office of the attorney general of the punitive damage award.

(b) When a punitive damage award is paid, the party against whom the judgment was entered shall pay the punitive damage award to the clerk of the court where the action is pending.

(c) Upon receiving the payment described in subsection (b), the clerk of the court shall:

- (1) pay the person to whom punitive damages were awarded twenty-five percent (25%) of the punitive damage award; and
- (2) pay the remaining seventy-five percent (75%) of the punitive damage award to the treasurer of state, who shall deposit the funds into the violent crime victims compensation fund established by IC 5-2-6.1-40.

(d) The office of the attorney general may negotiate and compromise a punitive damage award described in subsection (c)(2).

(e) The state's interest in a punitive damage award described in subsection (c)(2) is effective when a finder of fact announces a verdict that includes punitive damages.

*As added by P.L.1-1998, SEC.47. Amended by P.L.105-2006, SEC.2; P.L.1-2007, SEC.224.*