

**Introduced by Senator Harman**

February 21, 2007

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An act to add Section 3294.6 to the Civil Code, relating to exemplary damages.

LEGISLATIVE COUNSEL'S DIGEST

SB 423, as introduced, Harman. Exemplary damages.

Existing law authorizes a plaintiff to recover exemplary damages in an action for the breach of an obligation not arising from contract if it is proven by clear and convincing evidence that the defendant has been guilty of oppression, fraud, or malice.

This bill would limit the amount of exemplary damages that are available pursuant to the provision described above to 3 times the amount of compensatory damages.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 3294.6 is added to the Civil Code, to
- 2 read:
- 3 3294.6. In any action in which exemplary damages are
- 4 recoverable pursuant to Section 3294, the amount of exemplary
- 5 damages that are awarded shall not exceed three times the amount
- 6 of compensatory damages.

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