

AMENDMENT
OFFERED BY MR. NEHLS OF TEXAS

At the end of subtitle C of title I of the bill, add the following:

1 **SEC. 13 ____ . LIMITATION OF PUNITIVE DAMAGES UNDER**
2 **COMMON LAW.**

3 Section 30103 of title 49, United States Code is
4 amended—

5 (1) in subsection (e), by striking “Compliance”
6 and inserting “Except as provided in subsection (f),
7 compliance”; and

8 (2) by adding at the end the following:

9 “(f) PUNITIVE DAMAGES.—

10 “(1) PRECLUSION OF PUNITIVE DAMAGES IF
11 COMPLIANT WITH APPLICABLE SAFETY STAND-
12 ARDS.—Notwithstanding subsection (e) and in ac-
13 cordance with paragraph (2), compliance on the date
14 of manufacture with sections 571.223 and 571.224
15 of title 49, Code of Federal Regulations (or any suc-
16 cessor regulation), shall preclude an award of puni-
17 tive or exemplary damages under State law.

18 “(2) ALABAMA AND CERTAIN CIR-
19 CUMSTANCES.—In any case wherein death was

1 caused, and the law of the place where the act or
2 omission complained of occurred provides, or has
3 been construed to provide, for damages only punitive
4 in nature, the recovery shall be limited to actual or
5 compensatory damages, measured by the pecuniary
6 injuries resulting from such death.

7 “(3) ADDITIONAL STANDARDS.—The Secretary
8 of Transportation may identify other motor vehicle
9 safety standards based on a balancing of competing
10 safety risks for which compliance precludes an
11 award of punitive damages under paragraph (1).”.

