

**411.186 Assessment of punitive damages.**

- (1) In any civil action where claims for punitive damages are included, the jury or judge if jury trial has been waived, shall determine concurrently with all other issues presented, whether punitive damages may be assessed.
- (2) If the trier of fact determines that punitive damages should be awarded, the trier of fact shall then assess the sum of punitive damages. In determining the amount of punitive damages to be assessed, the trier of fact should consider the following factors:
  - (a) The likelihood at the relevant time that serious harm would arise from the defendant's misconduct;
  - (b) The degree of the defendant's awareness of that likelihood;
  - (c) The profitability of the misconduct to the defendant;
  - (d) The duration of the misconduct and any concealment of it by the defendant; and
  - (e) Any actions by the defendant to remedy the misconduct once it became known to the defendant.
- (3) KRS 411.184 and this section are applicable to all cases in which punitive damages are sought.

**Effective:** July 15, 1988

**History:** Created 1988 Ky. Acts ch. 224, sec. 3, effective July 15, 1988.