

**§ 1D-35. Punitive damages awards.**

In determining the amount of punitive damages, if any, to be awarded, the trier of fact:

- (1) Shall consider the purposes of punitive damages set forth in G.S. 1D-1; and
- (2) May consider only that evidence that relates to the following:
  - a. The reprehensibility of the defendant's motives and conduct.
  - b. The likelihood, at the relevant time, of serious harm.
  - c. The degree of the defendant's awareness of the probable consequences of its conduct.
  - d. The duration of the defendant's conduct.
  - e. The actual damages suffered by the claimant.
  - f. Any concealment by the defendant of the facts or consequences of its conduct.
  - g. The existence and frequency of any similar past conduct by the defendant.
  - h. Whether the defendant profited from the conduct.
  - i. The defendant's ability to pay punitive damages, as evidenced by its revenues or net worth. (1995, c. 514, s. 1.)