

# APPEAL BOND OVERVIEW

Thirty-one states (and Puerto Rico) have either no bonding requirement or have enacted appeal bond caps that cover all defendants and are applied to all forms of judgments (see sections A & B). Of the remaining 19 states, 12 have appeal bond caps that apply only for signatories to the Master Settlement Agreement (see section C). Four states have not enacted caps at all, though most of these states have considered a cap in prior legislative sessions (see section D). Finally, three states are difficult to classify due to the unique bonding schemes that exist (see section E).

## A. Caps that Apply to all Defendants and All Forms of Judgments (26 States)

State	Bill No. & Year	Cap Amount/Notes
AZ	SB 1212 (2011)	Lesser of total amount of damages excluding punitives, 50% of defendants net worth, or \$25 million
AR	HB 1038 (2003)	\$25 million
CO	HB 1366 (2003)	\$25 million
FL	H.B. 841 (2006)	\$50 million-all judgments except in certified class actions subject to 768.733 <sup>#</sup>
GA	SB 411 (2004)	\$25 million—all judgments in civil litigation
	HB 1346 (2000)	\$25 million – punitive damages only
HI	H.B. 3250 (2006)	\$25 million; small business cap of \$1 million
IN	HB 1204 (2002)	\$25 million
IA	HF 2581 (2004)	\$100 million
KY	HB 426 (2007)	\$100 million – all judgments
	SB 316 (2000)	\$100 million – punitive damages only
MI	HB 5151 (2002)	\$25 million, plus COLA every 5 <sup>th</sup> year
MN	HF 1425 (2004)	\$150 million
MO	HB 393 (2005)	\$50 million
MT	HB 224 (2013)	\$50 million – all judgments in civil litigation
NE	LB 1207 (2004)	the lesser of: (1) amount of the money judgment; (2) 50% of a defendant’s net worth; or (3) \$50 million
NC	SB 2 (2000)	\$25 million, applied to judgments for non-compensatory damages.
	SB 784 (2003)	Broadened to apply to all money judgments under any legal theory.
ND	SB 2273 (2005)	\$25 million
OH	SB 161 (2002)	\$50 million
OK	SB 1025 (2010)	\$25 million
SC	H. 3775 (2011)	\$25 million for defendants with 50+ employees and gross revenue of \$5 million; \$1 million for all others
SD	Sup. Ct Rule 03-13 (2003)	\$25 million
TN	HB 2008 (2011)	\$25 million not to exceed 125% of the judgment
TX	HB 4	the lesser of 50% of the defendant’s net worth or \$25 million
VA	HB 1547 (2000)	\$25 million – punitive damages only
	HB 430/SB 172 (2004)	\$25 million – all judgments in civil litigation
WI	AB 548 (2003)	\$100 million
WV	SB 194 (2007)	\$50 million (adjusted for inflation in 2012)

<sup>#</sup>Prior appeal bond enactments in Florida included: HB 1721 (2000) - \$100 million, applies to class action litigants only/non-compensatory damages; SB 2826 (2003) - \$100 million, MSA signatories only. \*Prior appeal bond enactment in Tennessee: SB 1687 (2003) - \$75 million.

WY                    HB 196 (2007)                    \$25 million; small business cap of \$2 million

**B.     No Bonding Requirement (5 States and Puerto Rico)**

CT                    Conn. R. App. P. § 61-11  
ME                    Me. R. Civ. P. 62  
MA                    Mass. R. Civ. P. 62(d)  
NH                    N.H. Rev. Stat. Ann. § 527:1  
VT                    Vt. R. Civ. P. 62(d)(1)  
Puerto Rico       P.R. R. Civ. P. 53.9

**C.     MSA Specific Caps (12 States)**

<b>State</b>	<b>Bill No. &amp; Year</b>	<b>Cap Amount</b>
AL	HB 220 (2006)	\$125 million
CA	A. 1752 (2003)	Lesser of 100% of judgment. or \$150 million
IL	HB 5151 (2013)	\$250 million
KS	SB 64 (2003)	\$25 million
LA	HB 1807 (2001)	\$50 million
	HB 1819 (2003)	broadened to include affiliates
NV	AB 576 (2001)	\$50 million
NJ	SB 2738 (2003)	\$50 million
NM	SB 335 (2007)	\$100 million
OR	HB 2368 (2003)	\$150 million
PA	HB 1718 (2003)	\$100 million
RI	HB 7882 (2008)	\$50 million
WA	S.B. 6541 (2006)	\$100 million

**D.     No Cap (4 States)**

**State**  
AK  
DE  
MD  
NY

**E. Other / Difficult to Classify (3 States)**

<b>State</b>	<b>Bill No. &amp; Year</b>	<b>Cap Amount/Notes</b>
ID	HB 92 (2003)	\$25 million - punitive damages only/all litigants
MS	Rule 8 (2001)	the lesser of: (1) 125% of the judgment; (2) 10% of the defendant's net worth; (3) 100,000,000; cap applies to punitive damages only
UT	Sup. Ct. Order 2005-03-22	Amending URCP 62 governing appeal bonds (1) \$25 million for compensatory – applies in class actions and actions involving multiple plaintiffs where damages are not proved for each plaintiff individually; (2) \$0 for punitive damages – applies in all actions and eliminates bond requirement for punitive damages.