

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 697 (Delegate Vallario. *et al.*)

Judiciary

Courts - Parent-Child Immunity - Motor Vehicle Torts - Abrogation

This bill abrogates the common law doctrine of parent-child immunity as it applies to actions for wrongful death, personal injury, or property damage arising from the operation of a motor vehicle. The abrogation only applies to an action between a parent and an unemancipated child.

The parent or child who caused the death would be barred from benefitting from the proceeds of a wrongful death action.

The bill applies to cases filed on or after the bill's October 1, 2000 effective date.

Fiscal Summary

State Effect: The bill is not expected to have a significant impact on court caseloads.

MAIF: Potential annual expenditure increase of up to \$100,000.

Local Effect: The bill is not expected to have a significant impact on court caseloads.

Small Business Effect: None.

Analysis

Current Law: The doctrine of parent-child immunity generally prohibits lawsuits between parents and their minor children for personal torts.

MAIF: MAIF estimates that approximately five cases involving MAIF insureds would arise annually as a result of this bill. If each case were settled for \$20,000 (the maximum amount

permitted under 98% of MAIF policyholders' contracts), the total additional payout would be \$100,000 a year.

Additional Information

Prior Introductions: A similar bill was introduced during the 1999 session as HB 583, but was withdrawn.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Automobile Insurance Fund, Department of Legislative Services

Fiscal Note History: First Reader - February 17, 2000

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