
February 16, 2024

The Honorable William C. Smith Jr.
Chair, Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

***RE: Letter of Information – Senate Bill 538 – Civil Actions - Noneconomic Damages -
Personal Injury and Wrongful Death***

Dear Chair Smith and Committee Members:

The Maryland Department of Transportation (MDOT) offers the following information for the Committee’s consideration on Senate Bill 538.

Senate Bill 538 removes the cap on noneconomic damages in civil actions for personal injury and wrongful death.

Unlike other State agencies, the Maryland Transit Administration’s (MTA) tort liability is governed by the Transportation Article, not the Maryland Tort Claims Act; the Transportation Article does not include a limit on liability. Current law provides a cap on noneconomic damages, which provides plaintiffs with significant levels of recovery and protects MTA from unlimited exposure to noneconomic damages.

Removal of the noneconomic damages cap will likely lead to significantly greater awards and settlements against MTA and could result in a lack of predictability in litigating and settling MTA cases. Senate Bill 538 may also affect MTA’s access to excess insurance or deductible amounts.

The Maryland Department of Transportation respectfully requests the Committee consider this information when deliberating Senate Bill 538.

Respectfully submitted,

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