



NFIB-Maryland – 60 West St., Suite 101 – Annapolis, MD 21401 – www.NFIB.com/Maryland

TO: Senate Judicial Proceedings Committee

FROM: NFIB – Maryland

DATE: February 16, 2024

RE: **OPPOSE SENATE BILL 538** – Civil Actions – Noneconomic Damages – Personal Injury and Wrongful Death

Founded in 1943, NFIB is the voice of small business, advocating on behalf of America’s small and independent business owners, both in Washington, D.C., and in all 50 state capitals. With more than 250,000 members nationwide, and nearly 4,000 here in Maryland, we work to protect and promote the ability of our members to grow and operate their business.

On behalf of Maryland’s small businesses, NFIB opposes Senate Bill 538 – legislation repealing the caps on noneconomic damages in civil actions for personal injury or wrongful death.

Limitlessly raising injury awards will expose our state’s small employers to increased litigation and place upward pressure on liability insurance rates. When damage awards increase, so do insurance costs. Businesses, who cannot operate without liability protection, must then reallocate scarce resources to cover this subsequent increase as the “cost of doing business” in Maryland.

Too many small businesses are working off of small and diminishing profit margins and we cannot keep asking them to pass of these sorts of new or increased costs to their customers and clients.

Maryland’s limits on noneconomic damages are already among the highest in the nation. We are one of the few states that statutorily increases noneconomic damages each year – currently it is \$950,000 for personal injury. Maryland’s small business owners fear that exorbitant damage claims and the associated costs to defend against them will easily bankrupt their business.

For these reasons, **NFIB opposes SB538** and requests an unfavorable report.