

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 996 (Delegate Kach, et al.)
Economic Matters

Vehicle Laws - Uninsured Motorists - Wavier of Right to Noneconomic Damages

This bill prohibits a person who knows or has reason to know that a motor vehicle is not covered by the required insurance from collecting noneconomic damages in an action against a person driving a motor vehicle that is covered by the required insurance. The bill provides for a rebuttable presumption that an individual knows or has reason to know that a motor vehicle is not covered by the required insurance if the insurance has been ineffective for at least 30 days before the accident.

In addition, the person who is considered to have waived the right to recovery may not present evidence of noneconomic damages to the trier of fact and the trier of fact may not be informed of the waiver or the effect on the individual's total recovery. The waiver of recovery does not apply to an individual whose injuries are caused by a person operating a motor vehicle while driving under the influence of alcohol or drugs or a person who is convicted of homicide while intoxicated or vehicular assault.

Fiscal Summary

State Effect: None. The bill would not directly affect governmental finances.

Local Effect: None.

Information Source(s): Maryland Insurance Administration, Department of Fiscal Services

Fiscal Note History: First Reader - February 19, 1996

ncs

Analysis by: Tina Bjarekull
Reviewed by: John Rixey
(410) 841-3710
(301) 858-3710

Direct Inquiries to:
John Rixey, Coordinating Analyst