
By: Delegates M. Burns, Jacobs, D. Murphy, Rzepkowski, Faulkner, Eckardt, Stocksdale, Holt, Snodgrass, McKee, Stull, and Schade

Introduced and read first time: January 29, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts - Civil Actions by Offenders - Limitations on Recovery**

3 FOR the purpose of prohibiting an individual from recovering damages in certain civil
4 actions if the individual's injuries were in any way proximately caused by the
5 individual's commission of certain crimes; prohibiting an individual from recovering
6 certain damages in certain civil actions arising out of the operation or use of a motor
7 vehicle if, as a result of the individual's operation or use of the vehicle, the
8 individual was convicted of certain alcohol or drug related driving offenses;
9 establishing that insurers are not liable for noneconomic losses under certain
10 circumstances; and generally relating to limiting the recovery of certain damages by
11 certain offenders.

12 BY adding to

13 Article - Courts and Judicial Proceedings
14 Section 5-399.8 and 11-108(e)
15 Annotated Code of Maryland
16 (1995 Replacement Volume and 1996 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Courts and Judicial Proceedings**

20 5-399.8.

21 AN INDIVIDUAL CONVICTED OF A FELONY MAY NOT RECOVER ANY DAMAGES
22 IN A CIVIL ACTION BASED ON NEGLIGENCE IF THE INDIVIDUAL'S COMMISSION OF
23 THAT FELONY, OR IMMEDIATE FLIGHT FROM IT, IN ANY WAY PROXIMATELY
24 CAUSED THE INDIVIDUAL'S INJURIES.

25 11-108.

26 (E) (1) AN INDIVIDUAL MAY NOT RECOVER ANY NONECONOMIC DAMAGES
27 IN A CIVIL ACTION ARISING OUT OF THE OPERATION OR USE OF A VEHICLE IF:

28 (I) AS A RESULT OF THE INDIVIDUAL'S OPERATION OR USE OF
29 THE VEHICLE, THE INDIVIDUAL IS CONVICTED OF A VIOLATION OF:

2

1 1. § 16-113(A)(2) OF THE TRANSPORTATION ARTICLE;

2 2. § 16-813 OF THE TRANSPORTATION ARTICLE;

3 3. § 21-902 OF THE TRANSPORTATION ARTICLE;

4 4. ARTICLE 27, § 388A OF THE CODE; OR

5 5. ARTICLE 27, § 388B OF THE CODE; OR

6 (II) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
7 THE INDIVIDUAL OWNED OR OPERATED A VEHICLE WITHOUT THE REQUIRED
8 SECURITY UNDER TITLE 17 OF THE TRANSPORTATION ARTICLE.

9 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AN
10 INSURER IS NOT LIABLE, DIRECTLY OR INDIRECTLY, UNDER A POLICY OF LIABILITY
11 OR UNINSURED MOTORIST INSURANCE, TO INDEMNIFY AN INDIVIDUAL DESCRIBED
12 IN PARAGRAPH (1) OF THIS SUBSECTION FOR NONECONOMIC LOSSES.

13 (3) AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1)(II) OF THIS
14 SUBSECTION MAY RECOVER NONECONOMIC DAMAGES IF THE INDIVIDUAL IS
15 INJURED BY A MOTORIST WHO IS CONVICTED OF OPERATING A VEHICLE AT THE
16 TIME THE INJURY OCCURRED IN VIOLATION OF:

17 (I) § 16-113(A)(2) OF THE TRANSPORTATION ARTICLE;

18 (II) § 16-813 OF THE TRANSPORTATION ARTICLE;

19 (III) § 21-902 OF THE TRANSPORTATION ARTICLE;

20 (IV) ARTICLE 27, § 388A OF THE CODE; OR

21 (V) ARTICLE 27, § 388B OF THE CODE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 1997.