

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 592 (Delegate M. Burns, *et al.*)
Judiciary

Courts - Civil Actions by Offenders - Limitations on Recovery

This bill prohibits an individual from recovering any damages in a civil action based on negligence if injuries sustained were in any way proximately caused by the individual's commission of a felony. The bill prohibits an individual from recovering noneconomic damages when the individual was convicted, or the individual owned or operated the vehicle without security required under the Maryland Vehicle Law. Insurer's are not liable for such noneconomic losses.

Individuals who own or operate a motor vehicle without such security are allowed to recover noneconomic damages if injured by a motorist convicted of operating a vehicle in violation of alcohol or drug related driving offenses at the time of the injury.

Fiscal Summary

State Effect: None. The bill's limitations on civil actions and insurers' liability would not directly affect State finances.

Local Effect: None.

Small Business Effect: Potential minimal impact on small businesses as discussed below.

Fiscal Analysis

Small Business Effect: To the extent that any insureds that may not recover noneconomic losses as a result of this bill are small businesses, those businesses will be negatively affected. However, since insurance premiums are based in part on the losses experienced by insurers, if claims decrease, insureds, including small businesses and consumers, could realize decreased premiums.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Fiscal Services

Fiscal Note History: First Reader - February 11, 1997

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