

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 983 (Delegate Vallario)
(Task Force to Examine Maryland's Crime Victims' Rights Laws)
Judiciary

Estates and Trusts - Personal Representatives - Survival Actions

This bill provides that, in a survival action, a personal representative may recover (1) administrative costs and attorney fees for the administration of the decedent's estate; and (2) loss of the decedent's future earnings, wages, and other income during the decedent's life expectancy. The bill also provides that a personal representative may not recover economic damages to the extent that those damages are recovered under a wrongful death action by a beneficiary of the decedent. The bill does not apply to any action arising before October 1, 1997.

Fiscal Summary

State Effect: None.

Local Effect: None. Allowing personal representatives to recover certain costs would not significantly impact the workload of the circuit courts.

Small Business Effect: Potential meaningful effect as discussed below.

Fiscal Analysis

Small Business Effect: To the extent that personal representatives are self-employed or small businesses, they could be affected through the recovery of administrative costs, attorney fees, and loss of the decedent's future earnings and wages. Although these cost recoveries cannot be determined beforehand, they could be significant.

Information Source(s): Judiciary (Administrative Office of the Courts), Register of Wills,

Department of Fiscal Services

Fiscal Note History: First Reader - February 10, 1997

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