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By: **Delegates Dembrow and Vallario**  
Introduced and read first time: February 11, 1999  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Parent-Child Immunity - Motor Vehicle Torts - Abrogation**

3 FOR the purpose of abrogating the common law doctrine of parent-child immunity in  
4 motor vehicle torts up to the limits of motor vehicle liability or uninsured  
5 motorist coverage; prohibiting a parent or child who is a tort-feasor in a  
6 wrongful death action from obtaining any benefit under this Act in the wrongful  
7 death action; providing for the application of this Act; and generally relating to  
8 the common law doctrine of parent-child immunity.

9 BY repealing and reenacting, with amendments,  
10 Article - Courts and Judicial Proceedings  
11 Section 3-904(a)  
12 Annotated Code of Maryland  
13 (1998 Replacement Volume)

14 BY adding to  
15 Article - Courts and Judicial Proceedings  
16 Section 5-806  
17 Annotated Code of Maryland  
18 (1998 Replacement Volume)

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

21 **Article - Courts and Judicial Proceedings**

22 3-904.

23 (a) (1) [An] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
24 AN action under this subtitle shall be for the benefit of the wife, husband, parent, and  
25 child of the deceased person.

26 (2) (I) AN ACTION UNDER THIS SUBTITLE FOR THE WRONGFUL DEATH  
27 OF A CHILD CAUSED BY A PARENT OF THE CHILD ALLOWED UNDER THE PROVISIONS

1 OF § 5-806 OF THIS ARTICLE MAY NOT BE FOR THE BENEFIT OF THAT PARENT OF THE  
2 DECEASED CHILD.

3 (II) AN ACTION UNDER THIS SUBTITLE FOR THE WRONGFUL DEATH  
4 OF A PARENT CAUSED BY A CHILD OF THE PARENT ALLOWED UNDER THE  
5 PROVISIONS OF § 5-806 OF THIS ARTICLE MAY NOT BE FOR THE BENEFIT OF THAT  
6 CHILD OF THE DECEASED PARENT.

7 5-806.

8 (A) THIS SECTION APPLIES ONLY TO:

9 (1) AN ACTION BY AN UNEMANCIPATED CHILD AGAINST A PARENT OF  
10 THE CHILD; AND

11 (2) AN ACTION BY A PARENT AGAINST AN UNEMANCIPATED CHILD OF  
12 THE PARENT.

13 (B) THE RIGHT OF ACTION BY A PERSON OR THE ESTATE OF A PERSON  
14 AGAINST A FAMILY MEMBER FOR WRONGFUL DEATH, PERSONAL INJURY, OR  
15 PROPERTY DAMAGE ARISING OUT OF THE OPERATION OF A MOTOR VEHICLE, AS  
16 DEFINED IN TITLE 11 OF THE TRANSPORTATION ARTICLE, MAY NOT BE RESTRICTED  
17 BY THE COMMON LAW DOCTRINE OF PARENT-CHILD IMMUNITY OR BY ANY  
18 INSURANCE POLICY PROVISIONS, UP TO THE LIMITS OF MOTOR VEHICLE LIABILITY  
19 OR UNINSURED MOTORIST COVERAGE.

20 SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act  
21 shall apply to any case for wrongful death, personal injury, or property damage  
22 arising out of the operation of a motor vehicle filed on or after October 1, 1999.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 1999.