

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

House Bill 583 (Delegates Dembrow and Vallario)

Judiciary

Parent-Child Immunity - Motor Vehicle Torts - Abrogation

This bill abrogates the common law doctrine of parent-child immunity as it applies to actions for wrongful death, personal injury, or property damage arising from the operation of a motor vehicle. The abrogation only applies between a parent and an unemancipated child. Under current law, lawsuits between parents and their minor children for personal torts are generally prohibited.

The parent or child who caused the death would be barred from benefitting from the proceeds of a wrongful death action.

The bill applies to cases filed on or after the bill's October 1, 1999 effective date.

Fiscal Summary

State Effect: Minimal. The bill is not expected to have a significant impact on court caseloads.

MAIF: Potential annual expenditure increase of up to \$140,000.

Local Effect: Minimal.

Small Business Effect: None.

Fiscal Analysis

MAIF: MAIF estimates that approximately seven cases annually would arise as a result of this bill. If each case were settled at the maximum amount (\$20,000), the total additional payout would be \$140,000 a year.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Automobile Insurance Fund, Department of Legislative Services

Fiscal Note History: First Reader - February 25, 1999
dmm/jr

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