

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE
Revised

House Bill 439 (Delegate Baldwin)

Judiciary

Vehicle Laws - Seat Belt Use - Determination of Damages in Civil Actions

This bill repeals the provision that failure of an individual to use a seat belt may not diminish recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle. If separate trials are granted on motion for the issues of liability and damages in a civil action involving property damage, personal injury, or death, a party, witness, or counsel may only make reference to a seat belt during the damages trial. A party, witness, or counsel may make reference to a seat belt during a trial of a civil action if the property damage, personal injury, or death is related to the design, manufacture, installation, supplying, or repair of a seat belt.

Fiscal Summary

State Effect: Potential indeterminate decrease in State Insurance Trust Fund expenditures. No effect on revenues.

Local Effect: Potential indeterminate decrease in expenditures. No effect on revenues.

Small Business Effect: Minimal.

Fiscal Analysis

State Expenditures: The State is self-insured for tort liability. To the extent that this bill results in smaller damages awards and settlements in automobile tort claims against the State, State Insurance Trust Fund payouts would decrease. The precise amount of any such decrease cannot be determined at this time. In fiscal 1998, approximately \$3.5 million was paid to claimants by the State Insurance Trust Fund in automobile tort cases (includes settlement and judgement payments).

Local Expenditures: To the extent that this bill results in smaller damages awards and settlements in personal injury claims against local governments, payouts by self-insured local governments would decrease. The precise amount of any such decrease cannot be determined at this time.

Small Business Effect: To the extent that the bill results in smaller damages awards and settlements in automobile tort claims, plaintiffs' attorneys' fees could be reduced.

Information Source(s): Office of the State Treasurer, Office of the Attorney General, Department of Legislative Services

Fiscal Note History: First Reader - February 17, 1999

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