

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE

House Bill 1096 (Delegate Dembrow, *et al.*)

Judiciary

---

**Civil Actions - Limitation on Awards for Noneconomic Damages - Occupational Exposure**

---

This bill excludes from the noneconomic damages caps any action for damages for personal injury or wrongful death that is based on an "occupational exposure" that occurred before July 1, 1986.

"Occupational exposure" is defined as exposure to a substance in a place of employment that is a cause of disease in:

- a person exposed to the substance in the person's employment; or
- the spouse or other family or household member of the person.

The bill applies to any case pending or filed on or after the bill's October 1, 2000 effective date, but may not be applied to any case in which a final judgment has been entered and in which appeals, if any, have been exhausted before the bill's effective date.

---

**Fiscal Summary**

**State Effect:** The bill is not expected to significantly impact governmental operations or finances.

**Local Effect:** The bill is not expected to significantly impact governmental operations or finances.

**Small Business Effect:** Potential meaningful. Small law firms that represent plaintiffs in asbestos and other occupational exposure cases could benefit from higher contingency fees

resulting from the bill.

---

## Analysis

**Current Law:** In any action for damages for personal injury in which the cause of action arises on or after July 1, 1986, an award for noneconomic damages may not exceed \$350,000.

In any action for damages for personal injury or wrongful death in which the cause of action arises on or after October 1, 1994, an award for noneconomic damages may not exceed \$500,000, increasing by \$15,000 on October 1 of each year beginning October 1, 1995. “Noneconomic damages” means pain, suffering, inconvenience, disfigurement, physical impairment, loss of consortium, or other nonpecuniary injury.

**Background:** The time that a cause of action arises is a legal determination. The Court of Special Appeals has adopted an “onset of disease” standard to determine when a cause of action arises in cases involving a latent disease. In Anchor Packing Co. v. Grimshaw, 115 Md. App. 134 (1977), the court held that “an injury occurs in an asbestos-related injury case when the inhalation of asbestos fibers causes a legally compensable harm. Harm results when the cellular changes develop into an injury or disease, such as asbestosis or cancer.”

---

## Additional Information

**Prior Introductions:** This bill was introduced during the 1999 session as HB 1060. That bill passed in the House, but did not pass in the Senate.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 7, 2000  
drg/jr

---

Analysis by: Claire E. Rooney

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510