

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

Senate Bill 806 (Senator McFadden. *et al.*)

Judicial Proceedings

Lead-Based Paint Damages - Reimbursement by Manufacturer - Market Share Liability

This bill requires a manufacturer of lead-based paint to reimburse a person for damages resulting from the presence of a lead-based paint in a residential, public, or commercial building. For purposes of the bill, “damages” includes personal injury damages and expenses incurred to abate lead-based paint.

A manufacturer of lead-based paint may be held liable under any legally recognized theory of liability, including a market share theory of liability pursuant to which a person is not required to demonstrate that an individual manufacturer manufactured the lead-based paint that caused the damage. If a manufacturer is found to be liable under a market share theory, the manufacturer’s liability shall be the percentage of the total damages that equals the manufacturer’s share of the market at the time the manufacturer sold lead-based paint in the market.

Fiscal Summary

State Effect: Increase in revenues to the extent that the State would be able to recover lead-based paint damages from manufacturers that it would not otherwise be able to recover.

Local Effect: Increase in revenues to the extent that local governments would be able to recover lead-based paint damages from manufacturers that they would not otherwise be able to recover.

Small Business Effect: Potential meaningful. Small businesses might be able to recover lead-based paint damages from manufacturers that they would not otherwise be able to recover.

Analysis

Current Law: None applicable.

Additional Information

Prior Introductions: None.

Cross File: HB 1079 (Delegate Rosenberg, *et al.*) - Judiciary.

Information Source(s): Maryland Department of the Environment, Department of Health and Mental Hygiene, Judiciary (Administrative Office of the Courts), Baltimore City, Department of Legislative Services

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