

HOUSE BILL 183

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HB 697/00 - JUD

2001 Regular Session
1lr0304

By: **Delegates Vallario, Dembrow, and K. Kelly**
Introduced and read first time: January 19, 2001
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of abrogating the doctrine of parent-child immunity in motor
4 vehicle torts up to the limits of motor vehicle liability or uninsured motorist
5 coverage; prohibiting a parent or child who is a tort-feasor in a wrongful death
6 action from obtaining any benefit under this Act in the wrongful death action;
7 providing for the application of this Act; and generally relating to the doctrine of
8 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 and 2000 Supplement)

14 BY adding to
15 Article - Courts and Judicial Proceedings
16 Section 5-806
17 Annotated Code of Maryland
18 (1998 Replacement Volume and 2000 Supplement)

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 PARAGRAPHS (2) AND (3) OF THIS
24 SUBSECTION, AN action under this subtitle shall be for the benefit of the wife,
25 husband, parent, and child of the deceased person.

26 (2) A parent may not be a beneficiary in a wrongful death action for the
27 death of a child of the parent if:

1 (i) 1. The parent is convicted under Article 27, § 35C, § 335, §
2 462, § 463, § 464, § 464A, § 464B, or § 464C of the Code; or

3 2. The parent committed an act prohibited under Article 27,
4 § 35C, § 335, § 462, § 463, § 464, § 464A, § 464B, or § 464C of the Code;

5 (ii) The other parent of the child is the victim of the crime or act
6 described under item (i) of this paragraph; and

7 (iii) The other parent of the child is a child of the parent.

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

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

16 5-806.

17 (A) THIS SECTION APPLIES TO:

18 (1) AN ACTION BY AN UNEMANCIPATED CHILD AGAINST A PARENT OF
19 THE CHILD; AND

20 (2) AN ACTION BY A PARENT AGAINST AN UNEMANCIPATED CHILD OF
21 THE PARENT.

22 (B) THE RIGHT OF ACTION BY A PARENT OR THE ESTATE OF A PARENT
23 AGAINST A CHILD OF THE PARENT, OR BY A CHILD OR THE ESTATE OF A CHILD
24 AGAINST A PARENT OF THE CHILD, FOR WRONGFUL DEATH, PERSONAL INJURY, OR
25 PROPERTY DAMAGE ARISING OUT OF THE OPERATION OF A MOTOR VEHICLE, AS
26 DEFINED IN TITLE 11 OF THE TRANSPORTATION ARTICLE, MAY NOT BE RESTRICTED
27 BY THE DOCTRINE OF PARENT-CHILD IMMUNITY OR BY ANY INSURANCE POLICY
28 PROVISIONS, UP TO THE LIMITS OF MOTOR VEHICLE LIABILITY COVERAGE OR
29 UNINSURED MOTORIST COVERAGE.

30 SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act
31 shall apply to any case for wrongful death, personal injury, or property damage
32 arising out of the operation of a motor vehicle filed on or after the effective date of this
33 Act.

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2001.