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

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: February 28, 2001

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CHAPTER \_\_\_\_\_

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~~ certain mandatory minimum liability coverage levels; prohibiting a  
6 parent or child who is a tort-feasor in a wrongful death action from obtaining  
7 any benefit under this Act in the wrongful death action; providing for the  
8 application of this Act; and generally relating to the doctrine of parent-child  
9 immunity.

10 BY repealing and reenacting, with amendments,  
11 Article - Courts and Judicial Proceedings  
12 Section 3-904(a)  
13 Annotated Code of Maryland  
14 (1998 Replacement Volume and 2000 Supplement)

15 BY adding to  
16 Article - Courts and Judicial Proceedings  
17 Section 5-806  
18 Annotated Code of Maryland  
19 (1998 Replacement Volume and 2000 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Courts and Judicial Proceedings**

2 3-904.

3 (a) (1) [An] EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS  
4 SUBSECTION, AN action under this subtitle shall be for the benefit of the wife,  
5 husband, parent, and child of the deceased person.

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

8 (i) 1. The parent is convicted under Article 27, § 35C, § 335, §  
9 462, § 463, § 464, § 464A, § 464B, or § 464C of the Code; or

10 2. The parent committed an act prohibited under Article 27,  
11 § 35C, § 335, § 462, § 463, § 464, § 464A, § 464B, or § 464C of the Code;

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

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

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

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

23 5-806.

24 (A) THIS SECTION APPLIES TO:

25 (1) AN ACTION BY AN UNEMANCIPATED CHILD AGAINST A PARENT OF  
26 THE CHILD; AND

27 (2) AN ACTION BY A PARENT AGAINST AN UNEMANCIPATED CHILD OF  
28 THE PARENT.

29 (B) THE RIGHT OF ACTION BY A PARENT OR THE ESTATE OF A PARENT  
30 AGAINST A CHILD OF THE PARENT, OR BY A CHILD OR THE ESTATE OF A CHILD  
31 AGAINST A PARENT OF THE CHILD, FOR WRONGFUL DEATH, PERSONAL INJURY, OR  
32 PROPERTY DAMAGE ARISING OUT OF THE OPERATION OF A MOTOR VEHICLE, AS  
33 DEFINED IN TITLE 11 OF THE TRANSPORTATION ARTICLE, MAY NOT BE RESTRICTED  
34 BY THE DOCTRINE OF PARENT-CHILD IMMUNITY OR BY ANY INSURANCE POLICY  
35 PROVISIONS, UP TO THE ~~LIMITS OF MOTOR VEHICLE LIABILITY COVERAGE OR~~

1 ~~UNINSURED MOTORIST COVERAGE~~ MANDATORY MINIMUM LIABILITY COVERAGE  
2 LEVELS REQUIRED BY § 17-103(B) OF THE TRANSPORTATION ARTICLE.

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

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