
By: **Senator Collins**
Introduced and read first time: February 2, 2001
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Evidence - Civil Actions - Benevolent Gestures**

3 FOR the purpose of providing that certain benevolent gestures made to an individual
4 involved in an accident or to a family member of the individual are inadmissible
5 as evidence of an admission of liability in a civil action; defining certain terms;
6 providing for the application of this Act; and generally relating to the
7 inadmissibility of certain benevolent gestures as evidence of an admission of
8 liability in a civil action.

9 BY adding to
10 Article - Courts and Judicial Proceedings
11 Section 10-920
12 Annotated Code of Maryland
13 (1998 Replacement Volume and 2000 Supplement)

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

16 **Article - Courts and Judicial Proceedings**

17 10-920.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (2) "ACCIDENT" MEANS AN OCCURRENCE THAT RESULTS IN PERSONAL
21 INJURY OR DEATH AND IS NOT THE RESULT OF A WILLFUL ACT BY A PARTY.

22 (3) "BENEVOLENT GESTURE" MEANS A STATEMENT, WRITING, OR ACT
23 THAT CONVEYS A SENSE OF SYMPATHY, COMPASSION, OR COMMISERATION.

24 (4) "FAMILY MEMBER" MEANS A SPOUSE, PARENT, GRANDPARENT,
25 STEPMOTHER, STEPFATHER, CHILD, GRANDCHILD, BROTHER, SISTER, HALF
26 BROTHER, HALF SISTER, ADOPTED CHILD OF A PARENT, OR SPOUSE'S PARENT OF AN
27 INDIVIDUAL.

1 (B) A BENEVOLENT GESTURE THAT RELATES TO THE PAIN, SUFFERING, OR
2 DEATH OF AN INDIVIDUAL WHO WAS INVOLVED IN AN ACCIDENT AND MADE TO THE
3 INDIVIDUAL OR TO A FAMILY MEMBER OF THE INDIVIDUAL SHALL BE INADMISSIBLE
4 AS EVIDENCE OF AN ADMISSION OF LIABILITY IN A CIVIL ACTION.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
6 construed only prospectively and may not be applied or interpreted to have any effect
7 on or application to any accident that occurs before the effective date of this Act.

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