
By: **Senators Green, Exum, Miller, Mitchell, and Sfikas**
Introduced and read first time: February 2, 2001
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Comparative Negligence Act**

3 FOR the purpose of establishing that in actions brought to recover damages for
4 negligence under certain circumstances, the fact that a plaintiff may have been
5 contributorily negligent shall not bar recovery by the plaintiff or plaintiff's
6 representative under certain circumstances; requiring any damages awarded
7 under this Act to be diminished by the amount of negligence attributed to the
8 plaintiff; providing for the application of this Act; and generally relating to
9 actions for damages and the Maryland Comparative Negligence Act.

10 BY adding to

11 Article - Courts and Judicial Proceedings
12 Section 11-2A-01 to be under the new subtitle "Subtitle 2A. Maryland
13 Comparative Negligence Act"
14 Annotated Code of Maryland
15 (1998 Replacement Volume and 2000 Supplement)

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

18 **Article - Courts and Judicial Proceedings**

19 **SUBTITLE 2A. MARYLAND COMPARATIVE NEGLIGENCE ACT.**

20 11-2A-01.

21 (A) IN ALL ACTIONS BROUGHT TO RECOVER DAMAGES FOR NEGLIGENCE
22 THAT RESULTED IN THE DEATH OF AN INDIVIDUAL OR IN INJURY TO A PERSON OR
23 PROPERTY, THE FACT THAT THE PLAINTIFF MAY HAVE BEEN CONTRIBUTORILY
24 NEGLIGENT SHALL NOT BAR A RECOVERY BY THE PLAINTIFF OR THE PLAINTIFF'S
25 LEGAL REPRESENTATIVE IF THE NEGLIGENCE OF THE PLAINTIFF WAS LESS THAN
26 THE NEGLIGENCE OF THE DEFENDANT OR THE COMBINED NEGLIGENCE OF ALL
27 DEFENDANTS AGAINST WHOM RECOVERY IS SOUGHT.

1 (B) ANY DAMAGES AWARDED UNDER THIS SECTION SHALL BE DIMINISHED IN
2 PROPORTION TO THE AMOUNT OF NEGLIGENCE ATTRIBUTED TO THE PLAINTIFF.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
4 construed only prospectively and may not be applied or interpreted to have any effect
5 on or application to any cause of action arising before the effective date of this Act.

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