

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

Senate Bill 242 (Senator Stone, *et al.*)
(Task Force to Examine Maryland's Crime Victims' Rights Laws)
Judicial Proceedings

Civil Actions - Punitive Damages - Crime Victims

This bill authorizes an award of punitive damages in a civil action for personal injury or death resulting from conduct that would constitute a violation of laws prohibiting driving or operating a vessel while intoxicated or under the influence of alcohol or drugs, without the necessity of proving actual malice if the conduct is wanton, malicious, reckless, or grossly negligent.

Fiscal Summary

State Effect: None. The bill would not substantively change State activities or operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Court of Appeals in 1993 ruled in *Komornik v. Spark* that in order for a plaintiff to be awarded punitive damages in a non-intentional tort action, the plaintiff must establish that the defendant's conduct constituted actual malice, and evidence that the defendant was driving while intoxicated or under the influence at the time of the accident was insufficient to support a finding of actual malice. In an earlier case, *Owens - Illinois v. Zenobia* (1992), the court had defined "actual malice" as an evil motive, intent to injure, ill will, or fraud.

Background: This bill authorizes the award of punitive damages without requiring the plaintiff to meet the higher burden of proving actual malice in a case in which a person is injured or killed as a result of a defendant's driving or operating a vessel while intoxicated or under the influence of alcohol or drugs.

Additional Information

Prior Introductions: None.

Cross File: HB 459 (Delegate Vallario, *et al.*) – Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader – February 27, 2001
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