
By: **Senator Exum**

Introduced and read first time: February 25, 2002

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Comparative Negligence Act**

3 FOR the purpose of establishing that in an action 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 legal
6 representative or beneficiary under certain circumstances; requiring any
7 damages awarded under this Act to be diminished in proportion to the amount of
8 negligence attributed to the plaintiff; providing for the application of this Act;
9 and generally relating to actions for damages and the Maryland Comparative
10 Negligence Act.

11 BY adding to

12 Article - Courts and Judicial Proceedings
13 Section 11-2A-01 to be under the new subtitle "Subtitle 2A. Maryland
14 Comparative Negligence Act"
15 Annotated Code of Maryland
16 (1998 Replacement Volume and 2001 Supplement)

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

19 **Article - Courts and Judicial Proceedings**

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

21 11-2A-01.

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

1 (B) THE DAMAGES AWARDED IN AN ACTION DESCRIBED IN THIS SECTION
2 SHALL BE DIMINISHED IN PROPORTION TO THE AMOUNT OF NEGLIGENCE
3 ATTRIBUTED TO THE PLAINTIFF.

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

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2002.