
By: **Senator Garagiola**

Introduced and read first time: February 4, 2005

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Courts - Parent-Child Immunity - Motor Vehicle Torts**

3 FOR the purpose of expanding the abrogation of the doctrine of parent-child
4 immunity in motor vehicle torts up to the limits of motor vehicle liability
5 coverage or uninsured motor vehicle coverage; providing for the application of
6 this Act; and generally relating to abrogation of the doctrine of parent-child
7 immunity in motor vehicle torts.

8 BY repealing and reenacting, with amendments,
9 Article - Courts and Judicial Proceedings
10 Section 5-806
11 Annotated Code of Maryland
12 (2002 Replacement Volume and 2004 Supplement)

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

15 **Article - Courts and Judicial Proceedings**

16 5-806.

17 (a) This section applies to:

18 (1) An action by an unemancipated child against a parent of the child;
19 and

20 (2) An action by a parent against an unemancipated child of the parent.

21 (b) The right of action by a parent or the estate of a parent against a child of
22 the parent, or by a child or the estate of a child against a parent of the child, for
23 wrongful death, personal injury, or property damage arising out of the operation of a
24 motor vehicle, as defined in Title 11 of the Transportation Article, may not be
25 restricted by the doctrine of parent-child immunity or by any insurance policy
26 provisions, up to the [mandatory minimum liability coverage levels required by §
27 17-103(b) of the Transportation Article] LIMITS OF MOTOR VEHICLE LIABILITY
28 COVERAGE OR UNINSURED MOTOR VEHICLE COVERAGE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
2 construed to apply only prospectively and may not be applied or interpreted to have
3 any effect on or application to any case filed before the effective date of this Act.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2005.