

SENATE BILL 267

D3

71r0653

By: **Senator Lenett**

Introduced and read first time: January 30, 2007

Assigned to: Judicial Proceedings

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 may not bar recovery by the plaintiff or the plaintiff's
6 legal representative or beneficiary under certain circumstances; requiring any
7 damages awarded under this Act to be diminished in proportion to the amount
8 of negligence attributed to the plaintiff; providing for the scope of this Act;
9 providing for the application of this Act; and generally relating to certain
10 actions for damages and comparative negligence.

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 (2006 Replacement Volume)

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.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) THIS SUBTITLE DOES NOT APPLY TO ACTIONS IN STRICT TORT**
2 **LIABILITY.**

3 **(B) (1) IN AN ACTION BROUGHT TO RECOVER DAMAGES FOR**
4 **NEGLIGENCE THAT RESULTED IN THE DEATH OF AN INDIVIDUAL, INJURY TO A**
5 **PERSON, OR DAMAGES TO PROPERTY, THE FACT THAT THE PLAINTIFF MAY**
6 **HAVE BEEN CONTRIBUTORILY NEGLIGENT MAY NOT BAR RECOVERY BY**
7 **THE PLAINTIFF, PLAINTIFF'S LEGAL REPRESENTATIVE, OR PLAINTIFF'S**
8 **BENEFICIARY.**

9 **(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION,**
10 **THIS SUBTITLE APPLIES ONLY IF THE NEGLIGENCE OF THE PLAINTIFF IS LESS**
11 **THAN THE NEGLIGENCE OF THE DEFENDANT OR THE COMBINED NEGLIGENCE**
12 **OF ALL DEFENDANTS AGAINST WHOM RECOVERY IS SOUGHT.**

13 **(C) THE DAMAGES AWARDED IN AN ACTION DESCRIBED IN THIS**
14 **SECTION SHALL BE DIMINISHED IN PROPORTION TO THE AMOUNT OF**
15 **NEGLIGENCE ATTRIBUTED TO THE PLAINTIFF.**

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

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2007.