

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 775

(Delegate Robinson, *et al.*)

Environmental Matters

Landlord and Tenant - Required Parking Damage Compensation

This bill requires a landlord of a “multifamily rental dwelling” to compensate a tenant of the dwelling for the amount of the tenant’s primary insurance deductible, if any, in the event of damage to the tenant’s motor vehicle that occurs without fault of the tenant while the tenant’s vehicle is parked in a “required vehicle parking facility.”

Fiscal Summary

State Effect: The bill would not directly affect State finances or operations. If the Attorney General’s Office receives fewer than 50 complaints per year stemming from the bill, the additional workload could be handled with existing resources.

Local Effect: The bill would not directly affect local finances or operations.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: The bill defines a multifamily rental dwelling as residential real property that contains more than four dwelling units. A required vehicle parking facility is defined as a controlled entrance or exit building, structure, surface lot, or other facility for parking vehicles that • a landlord provides for a multifamily rental dwelling; and • a tenant of the multifamily rental dwelling is required to pay for as part of the payment of rent.

Current Law/Background: State law is silent on the liability of a landlord for damage caused to a tenant's motor vehicle without fault of the tenant while the vehicle is parked in a required parking facility. Current State law does provide that if the effect of any provision of a lease is to indemnify the landlord, hold the landlord harmless, or preclude or exonerate the landlord from any liability to the tenant, or to any other person, for any injury, loss, damage, or liability arising from any omission, fault, negligence, or other misconduct of the landlord on or about the leased premises or any other appurtenances used in connection with them, and not within the exclusive control of the tenant, the provision is considered to be against public policy and void. In addition, an insurer may not claim a right of subrogation by reason of the invalidity of such a provision.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Automobile Insurance Fund, Maryland Insurance Administration, Office of the Attorney General (Consumer Protection Division), Department of Legislative Services

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mll/jr

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