

Department of Legislative Services  
Maryland General Assembly  
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 938 (Senator Mooney)  
Judicial Proceedings

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Transparency in Lawsuits Protection Act

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This bill requires any legislation enacted in the State that creates a private cause of action to contain express language to that effect. The bill prohibits courts from construing a statute to imply a private cause of action in the absence of this express language.

The bill applies to any action filed or pending on or after the bill's October 1, 2009 effective date.

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Fiscal Summary

**State Effect:** None. State finances and operations are not affected.

**Local Effect:** None.

**Small Business Effect:** Potential minimal decrease in revenues for attorneys as a result of the bill's prohibition on implied causes of action.

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Analysis

**Current Law:** While there are many statutes that contain express language creating private causes of action, there is no requirement under State law that establishes such a requirement. Nor are there any provisions under State law prohibiting courts from interpreting a statute to contain an "implied" cause of action when none has been expressly stated.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 1011 (Delegate Shank, *et al.*) - Judiciary.

**Information Source(s):** Department of Legislative Services

**Fiscal Note History:** First Reader - March 16, 2009  
ncs/kdm

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