

# HOUSE BILL 862

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By: **Delegates Ziegler, Wu, Allen, Charkoudian, and Moon**

Introduced and read first time: February 9, 2023

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Noneconomic Damages – Personal Injury or Wrongful Death**

3 FOR the purpose of repealing certain limitations on noneconomic damages in civil actions  
4 for personal injury or wrongful death; and generally relating to noneconomic  
5 damages.

6 BY repealing

7 Article – Courts and Judicial Proceedings

8 Section 11–108

9 Annotated Code of Maryland

10 (2020 Replacement Volume and 2022 Supplement)

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

13 **Article – Courts and Judicial Proceedings**

14 [11–108.

15 (a) (1) In this section the following words have the meanings indicated.

16 (2) (i) “Noneconomic damages” means:

17 1. In an action for personal injury, pain, suffering,  
18 inconvenience, physical impairment, disfigurement, loss of consortium, or other  
19 nonpecuniary injury; and

20 2. In an action for wrongful death, mental anguish,  
21 emotional pain and suffering, loss of society, companionship, comfort, protection, care,  
22 marital care, parental care, filial care, attention, advice, counsel, training, guidance, or

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 education, or other noneconomic damages authorized under Title 3, Subtitle 9 of this  
2 article.

3 (ii) “Noneconomic damages” does not include punitive damages.

4 (3) “Primary claimant” means a claimant in an action for the death of a  
5 person described under § 3–904(d) of this article.

6 (4) “Secondary claimant” means a claimant in an action for the death of a  
7 person described under § 3–904(e) of this article.

8 (b) (1) In any action for damages for personal injury in which the cause of  
9 action arises on or after July 1, 1986, an award for noneconomic damages may not exceed  
10 \$350,000.

11 (2) (i) Except as provided in paragraph (3)(ii) of this subsection, in any  
12 action for damages for personal injury or wrongful death in which the cause of action arises  
13 on or after October 1, 1994, an award for noneconomic damages may not exceed \$500,000.

14 (ii) The limitation on noneconomic damages provided under  
15 subparagraph (i) of this paragraph shall increase by \$15,000 on October 1 of each year  
16 beginning on October 1, 1995. The increased amount shall apply to causes of action arising  
17 between October 1 of that year and September 30 of the following year, inclusive.

18 (3) (i) The limitation established under paragraph (2) of this subsection  
19 shall apply in a personal injury action to each direct victim of tortious conduct and all  
20 persons who claim injury by or through that victim.

21 (ii) In a wrongful death action in which there are two or more  
22 claimants or beneficiaries, an award for noneconomic damages may not exceed 150% of the  
23 limitation established under paragraph (2) of this subsection, regardless of the number of  
24 claimants or beneficiaries who share in the award.

25 (c) An award by the health claims arbitration panel in accordance with §  
26 3–2A–05 of this article for damages in which the cause of action arose before January 1,  
27 2005, shall be considered an award for purposes of this section.

28 (d) (1) In a jury trial, the jury may not be informed of the limitation  
29 established under subsection (b) of this section.

30 (2) (i) If the jury awards an amount for noneconomic damages that  
31 exceeds the limitation established under subsection (b) of this section, the court shall  
32 reduce the amount to conform to the limitation.

33 (ii) In a wrongful death action in which there are two or more  
34 claimants or beneficiaries, if the jury awards an amount for noneconomic damages that  
35 exceeds the limitation established under subsection (b)(3)(ii) of this section, the court shall:

1                   1.     If the amount of noneconomic damages for the primary  
2 claimants equals or exceeds the limitation under subsection (b)(3)(ii) of this section:

3                   A.     Reduce each individual award of a primary claimant  
4 proportionately to the total award of all of the primary claimants so that the total award to  
5 all claimants or beneficiaries conforms to the limitation; and

6                   B.     Reduce each award, if any, to a secondary claimant to zero  
7 dollars; or

8                   2.     If the amount of noneconomic damages for the primary  
9 claimants does not exceed the limitation under subsection (b)(3)(ii) of this section or if there  
10 is no award to a primary claimant:

11                  A.     Enter an award to the primary claimant, if any, as  
12 directed by the verdict; and

13                  B.     Reduce each individual award of a secondary claimant  
14 proportionately to the total award of all of the secondary claimants so that the total award  
15 to all claimants or beneficiaries conforms to the limitation.

16           (e)     The provisions of this section do not apply to a verdict under Title 3, Subtitle  
17 2A of this article for damages in which the cause of action arises on or after January 1,  
18 2005.]

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

22           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2023.