

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 839

(Senator Sydnor)

Judicial Proceedings

Judiciary

General Provisions - Damages or Losses - Definition

This bill specifies that in statutory causes of action created by the Maryland Code to protect civil rights or consumer rights, “damages” or “losses” (1) mean money claimed by, or ordered to be paid to, a person as compensation for loss or injury resulting from the violation of the person’s rights or protections and (2) includes reasonable nominal damages.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations.

Local Effect: The bill is not anticipated to materially affect local government finances or operations.

Small Business Effect: None.

Analysis

Current Law:

Types of Damages

Actual damages, also known as compensatory damages, are intended to make a plaintiff whole by returning the plaintiff to the position they were in prior to the alleged harm caused by the defendant. Actual damages include both economic damages – compensation for things like lost wages, medical expenses, and costs to repair or replace property – and

noneconomic damages – compensation for things like pain, suffering, inconvenience, physical impairment, loss of consortium, or other nonpecuniary injury.

Nominal damages are a small sum awarded when a legal right has been violated but no actual damages have ensued.

In general, punitive damages are awarded in addition to compensatory damages to punish the tortfeasor and deter others from committing similar acts.

Civil Rights and Consumer Protection Causes of Action

A variety of damages are available in State civil rights actions, depending on the type of claim.

In addition to actions that may be brought by the Office of the Attorney General, any person may bring an action to recover for injury or loss sustained as a result of a practice prohibited by the Maryland Consumer Protection Act (MCPA). Damages and attorney's fees may be awarded. Plaintiffs in a private cause of action for violations of MCPA must prove they suffered actual injury or loss in order to recover under the Act. See *Citaramanis v. Hallowell*, 328 Md. 142 (1992). Punitive damages are not available in these private causes of action. *Golt v. Phillips*, 308 Md. 1 (1986).

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 832 (Delegate Stewart) - Judiciary.

Information Source(s): Maryland Commission on Civil Rights; Office of the Attorney General (Consumer Protection Division); Maryland State Treasurer's Office; Judiciary (Administrative Office of the Courts); *Maryland Tort Law Handbook*; Department of Legislative Services

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