



House Bill 1037– Civil Actions – Noneconomic Damages – Personal Injury or Wrongful Death

Position: Oppose

The Maryland REALTORS® opposes HB 1037 which eliminates the limit on noneconomic damages for personal injury or wrongful death claims. Currently, the cap on noneconomic damages is over \$890,000.

Uncapped damages are unpredictable and significantly increase a business' liability. By removing the cap on noneconomic damages and still applying the lowest level burden of proof, HB 1037 will increase the costs of insurance for many businesses.

Uncapped damages are more like punitive damages which are typically considered under a "clear and convincing" standard of proof rather than the "preponderance of the evidence" standard that is included in this bill. Under a preponderance standard, a plaintiff must show that there is more than a 50% chance the defendant is responsible.

For these reasons, the REALTORS® recommend an unfavorable report.

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