



Maryland Motor Truck Association

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HEARING DATE: February 26, 2021

BILL NO/TITLE: Senate Bill 524: Environment - Multidefendant Oil and Hazardous Substance Pollution Cases - Effect of Settlement

COMMITTEE: Senate Judicial Proceedings Committee

POSITION: **Oppose**

The members of Maryland Motor Truck Association, who drive Maryland's economy, are concerned that the passage of SB524 could have severe, unintended effects on Maryland's small trucking companies, especially those that own or operate their own underground fuel tanks or deliver products to them. Overwhelmingly the trucking industry is small business, with 97% of the industry operating 20 trucks or fewer.

MMTA understands that amendments have been offered to address some of the concerns previously expressed over the new right of contribution that would have been created for defendants that settle with the state; however, we do have other concerns about this complex legislation. These include:

- Who determines the "proportionate share" in a settlement if a case has not gone to trial or the trial is ongoing? Who is the factfinder with no trial or in a case that has not yet been decided?
- Will this increase the number of defendants in state lawsuits?
- If the Attorney General's office is concerned with being able to hold large polluters responsible for a bigger liability share, can they simply sue the largest polluters and leave smaller parties out of any litigation?

Lastly, the Association is concerned that the passage of this legislation conflicts with Maryland's contributory negligence standard by introducing one of comparative responsibility.

These are complex legal arguments that warrant substantial further review. As such, we urge an unfavorable report.

About Maryland Motor Truck Association: Maryland Motor Truck Association is a not-for-profit trade association representing the trucking industry since 1935. In service to its 1,000+ members, MMTA is committed to supporting and advocating for a safe, efficient and profitable trucking industry across all sectors and industry types, regardless of size, domicile or type of operation.

For further information, contact: Louis Campion, (c) 443-623-4223