



# Maryland Motor Truck Association

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**HEARING DATE:** March 1, 2023

**BILL NO/TITLE:** House Bill 862: Civil Actions - Noneconomic Damages - Personal Injury or Wrongful Death

**COMMITTEE:** Judiciary

**POSITION:** **Oppose**

Maryland Motor Truck Association (MMTA) is extremely concerned about efforts to eliminate Maryland's noneconomic damages cap given the rise in nuclear verdicts and staged truck accidents that have plagued the trucking industry in recent years.

The American Transportation Research Institute completed a study in 2020 to better understand the impact of rising verdicts on trucking. The research evaluated 600 cases between 2006 and 2019. In the first five years of data, there were 26 cases over \$1 million involving heavy-duty trucks. In the last five years, there were nearly 300 cases. The number of verdicts over \$10 million nearly doubled in that time. The impacts on motor carriers have included bankruptcy filings, businesses closing, and unsustainable higher insurance premiums as fewer insurance companies are willing to provide insurance to the trucking industry. Over the past few years numerous carriers, such as Zurich, exited trucking completely.

Another outcome of these large awards is the target that has been branded on the industry in the form of staged fraudulent accidents. In these cases, cars intentionally collide with trucks or buses in the hopes of a large jury award or insurance settlement. In Louisiana at least 47 individuals have been charged federally going back to 2020, with at least 30 guilty pleas. In January 2022, a federal indictment charged 23 defendants in Washington, California, Michigan, Nevada, and British Columbia, Canada with participating in a staged automobile accident scheme.

Accident data shows that in about 75% of serious injury or fatal crashes involving a car and a truck, the fault of the accident was with the car driver. Many trucking companies have now resorted to the added cost of installing dashboard cameras to their fleets to protect their drivers and businesses. In the case of non-fraudulent accidents, dash cam footage can help exonerate a commercial driver. As for staged accidents, video evidence can expose the criminal activity.

Maryland statute already allows for the noneconomic damages cap to increase annually. On October 1, 2005, it was \$665,000. Today it is \$930,000. Removing the cap entirely will make Maryland a laboratory for similarly staged accidents and expose the trucking industry to unlimited liability. For the reasons noted above MMTA respectfully requests an unfavorable report on HB862.

**About Maryland Motor Truck Association:** Maryland Motor Truck Association is a non-profit trade association representing the trucking industry since 1935. In service to its 1,000 members, MMTA is committed to support, advocate and educate for a safe, efficient and profitable trucking industry in Maryland.

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