
February 7, 2024

The Honorable Luke Clippinger
Chair, House Judiciary Committee
101 House Office Building
Annapolis MD 21401

***RE: Letter of Information – House Bill 83 – Civil Actions - Noneconomic Damages -
Personal Injury and Wrongful Death***

Dear Chair Clippinger and Committee Members:

The Maryland Department of Transportation (MDOT) offers the following information for the Committee's consideration on House Bill 83.

House Bill 83 removes the cap on noneconomic damages in civil actions for personal injury and wrongful death.

Unlike other State agencies, the Maryland Transit Administration's (MTA) tort liability is governed by the Transportation Article, not the Maryland Tort Claims Act; the Transportation Article does not include a limit on liability. Current law provides a cap on noneconomic damages, which provides plaintiffs with significant levels of recovery and protects MTA from unlimited exposure to noneconomic damages.

Removal of the noneconomic damages cap will likely lead to significantly greater awards and settlements against MTA and could result in a lack of predictability in litigating and settling MTA cases. House Bill 83 may also affect MTA's access to excess insurance or deductible amounts.

The Maryland Department of Transportation respectfully requests the Committee consider this information when deliberating House Bill 83.

Respectfully submitted,

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