

Testimony of
American Property Casualty Insurance Association (APCIA)
House Judiciary Committee
HB 595 Civil Enforcement Actions Brought by the Attorney General - Statute of Limitations
February 14, 2024

Letter of Opposition

The American Property Casualty Insurance Association (APCIA) is a national trade organization representing nearly 60 percent of the U.S. property casualty insurance market. Our members write approximately 67.1 percent of all property and casualty insurance sold in Maryland. APCIA appreciates the opportunity to provide written comments in opposition to House Bill 595. This bill would eliminate the statute of limitations for actions the attorney general may bring related to alleged anticompetitive business activities within Maryland. For reasons of fundamental fairness, we must oppose the limitless ability to bring suits for such matters.

The Maryland Supreme Court has repeatedly recognized that statutes of limitations strike a balance and “primarily to assure fairness to defendants on the theory that claims, asserted after evidence is gone, memories have faded, and witnesses disappeared, are so stale as to be unjust.” *Shailendra Kumar, P.A. v. Dhanda*, 426 Md. 185, 205, 43 A.3d 1029 (2012) (quoting *Bertonazzi v. Hillman*, 241 Md. 361, 367, 216 A.2d 723 (1966)).

We oppose the limitless civil litigation proposed in this legislation because civil defendants and those we insure may not receive a reasonable opportunity to defend themselves with the passage of time. That is particularly true compared to civil law enforcement by the state’s chief legal officer. With the passage of this bill an Attorney General, will have the power of the state at his or her disposal in terms of prosecuting claims, developing information, facts, claims, etc. Conversely, civil defendants will find that exculpatory documents, witnesses, and recollection are lost.

In this situation, it is worse still as by its nature this is to apply to already competitive business activities. Those activities will be characterized as anticompetitive when facts, memories or documents might prove otherwise had they been available. This legislation is unfair to Maryland businesses and civil defendants.

For all these reasons, the APCIA urges the Committee to provide an unfavorable report on House Bill 595.

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