

# Maryland Motor Truck Association



NOTHING WITHOUT  
**TRUCKING**

**HEARING DATE:** February 11, 2025

**BILL NO/TITLE:** SB584: Civil Actions - Noneconomic Damages - Personal Injury and Wrongful Death

**COMMITTEE:** Senate Judicial Proceedings

**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. According to CaseMetrix, the average verdict against a trucking company in 2012 was about \$2.6 million. In 2017, that figure was just over \$7 million. As of 2019 it exceeded \$17 million. If the cap is removed it would further expose the trucking industry to nuclear verdicts exceeding \$10 million. Non-economic damages make up 42% of the average nuclear verdict now. Some states without caps have seen damages exceeding \$250 million! Critics say that caps are arbitrary, but the reality is that these verdicts are even more arbitrary because non-economic damages are not quantifiable, have no precise value, and can be emotionally charged for a jury.

The impacts on motor carriers of these nuclear verdicts 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 carriers such as Nationwide E&S and Zurich have exited the truck insurance market, making it more and more difficult for the trucking industry to deliver the products our businesses and citizens need.

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 63 individuals have been charged or pled guilty, with the Federal government estimating they were engaged in as many as 150 staged wrecks involving commercial trucks. 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.

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.

Maryland statute already allows for the noneconomic damages cap to increase annually. Removing the cap entirely will make Maryland a laboratory for similarly staged accidents and expose the trucking industry to unlimited liability, making it more difficult to obtain insurance and operate in the state. For the reasons noted above MMTA respectfully requests an unfavorable report.

**About Maryland Motor Truck Association:** Maryland Motor Truck Association is a non-profit trade association that has represented 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.

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