



SIERRA CLUB

MARYLAND CHAPTER

P.O. Box 278
Riverdale, MD 20738

Committee: Judiciary

Testimony on: HB 594, Civil Actions – Motor Vehicle Accidents Involving Vulnerable Individuals – Comparative Negligence

Position: Support

Hearing Date: February 19, 2025

The Maryland Chapter of the Sierra Club urges a favorable report on HB 594, which would establish the doctrine of comparative negligence in Maryland when determining damage recoveries provided to vulnerable individuals injured in collisions with vehicles. Vulnerable individuals include pedestrians on sidewalks; bicyclists and wheelchair users lawfully using a highway, crosswalk, or sidewalk; and emergency and utility personnel actively working along a highway. The doctrine of comparative negligence is already used in almost every other state in the nation.

This legislation would be a significant step in protecting the rights of vulnerable road users, who may be injured in a collision to which their actions contributed in some small way. Under current Maryland law, which uses the doctrine of contributory negligence, vehicle drivers are largely shielded from damage suits if the pedestrian or cyclist contributed even slightly to the collision, even if the vehicle driver's actions overwhelmingly caused the collision. Protecting pedestrians, bicyclists, wheelchair users, and other vulnerable road users who are engaging in more sustainable modes of transportation is crucial to creating a sustainable, multi-mobility transportation system.

Under the doctrine of contributory negligence, a person cannot receive compensation for losses if they are even one percent at fault. Only four states – Alabama, Virginia, North Carolina, and Maryland – adhere to the doctrine of contributory negligence. HB 594 would alter this approach and utilize instead the doctrine of comparative negligence where vehicle collisions injure or kill vulnerable individuals. The bill would still bar a plaintiff from receiving compensation if the plaintiff's negligence is: 1) the proximate cause of the plaintiff's injury and 2) greater than the combined negligence of all defendants that proximately caused the plaintiff's injury. This does not absolve the vulnerable individual of all responsibility, but creates a much fairer basis for determining compensation for injury. In contrast, under current Maryland law a pedestrian or cyclist whose action contributed even slightly to the injury or death would generally face great difficulty in recovering damages even from a drunk driver who was speeding.

The bill would provide a fairer treatment for pedestrians, cyclists and other vulnerable individuals. Over time, we expect this will lead to safer streets, sidewalks, and crosswalks for everybody. For these reasons, the Maryland Chapter of the Sierra Club urges a favorable report on HB 594.

Jane Lyons-Raeder
Chair, Transportation Committee
janeplyons@gmail.com

Randy Lyon
Legislative Chair
Randy.Lyon@MDSierra.org

Josh Tulkin
Chapter Director
Josh.Tulkin@MDSierra.org

Founded in 1892, the Sierra Club is America's oldest and largest grassroots environmental organization. The Maryland Chapter has over 70,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.