

Maryland Motor Truck Association



**NOTHING WITHOUT
TRUCKING**

HEARING DATE: February 19, 2025

BILL NO/TITLE: HB594: Civil Actions - Motor Vehicle Accidents Involving Vulnerable Individuals - Comparative Negligence

COMMITTEE: House Judiciary

POSITION: **Oppose**

Maryland Motor Truck Association (MMTA) opposes this legislation, which would change Maryland's tort standard to one of comparative negligence in civil actions for damages arising from the negligent operation of a motor vehicle if the plaintiff was a vulnerable road user at the time of the accident.

MMTA was pleased to serve as a participant on the Task Force to Study Bicycle Safety in Maryland, which met over several months in 2017. The Association believes that several of the recommendations offered by that task force can have a meaningful impact on safety as motor vehicle operators share the road with bicyclists; however, during the task force debates our representative expressed our concerns about inclusion of recommendation 1.2, which asked the General Assembly to consider replacing Maryland's tort standard of contributory negligence with one of comparative fault in certain accidents involving motor vehicles and bicyclists. MMTA does not believe that changing this standard will have any impact on safety and will result only in the following outcomes:

- Make it exponentially harder for trucking companies to find insurance in an increasingly tight market;
- Drive up insurance premiums for all motor vehicle operators; and
- Drive up jury awards.

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.

The impacts on motor carriers of these nuclear verdicts have included bankruptcy filings, businesses closing, and unsustainable higher insurance premiums as fewer 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.

MMTA believes that the passage of this legislation and subsequent shift to a comparative fault system, even in these limited circumstances, would increase exposure for all motor vehicle operators in the state, and make it increasingly harder for Maryland registered trucks to get insurance.

No driver wants to hit a vulnerable road user or be involved in an accident of any kind. For commercial drivers, the outcome is likely the loss of your job and the possible loss of your Commercial Driver's License (CDL). Level of fault in an accident is often subjective, difficult to prove, and based on a variety of contributing factors. For those reasons we encourage the Committee to give this bill 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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