



Auto Consumer Alliance
13900 Laurel Lakes Avenue, Suite 100
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Testimony to the House Judiciary Committee
HB 594 – Civil Actions – Motor Vehicle Accidents Involving Vulnerable Individuals –
Comparative Negligence
Position: Favorable

The Honorable Luke Clippinger, Chair
House Judiciary Committee
Room 101, House Office Building
Annapolis, MD 21401
Cc: Members, House Judiciary Committee

Feb. 19, 2025

Honorable Chair Clippinger and Members of the Committee:

I'm a consumer advocate and Executive Director of Consumer Auto, a non-profit group that works to secure safety, transparency and fair treatment for Maryland drivers and consumers.

We support **HB 594** because it will help protect vulnerable road and give some of the thousands of pedestrians, cyclists, road workers and others who are injured on our roads each year – often as the result of negligence or misconduct by drivers or other road users -- a fairer opportunity to recover some compensation for their injuries.

Every year Maryland has about 3,000 traffic crashes involving pedestrians -- and pedestrians account for about one-quarter of our state's roadway deaths,¹ including a remarkable 161 pedestrians killed in 2023.² Between 2016 and 2020, the state also averaged more than 850 crashes involving cyclists, causing more than 650 injuries/year.³

Our state's rather antiquated contributory negligence rules often make it difficult, however, for those injured in these crashes to recover for the serious harm they suffer. Under that doctrine, a road user may forfeit any claim to recover damages if any mistakes on his or her part contributed meaningfully to causing the accident. So, a person who jaywalks on a quiet street and gets hit by a speeding motorist or a cyclist who slides through a stop sign and gets clobbered by an intoxicated driver speeding in a large SUV may lose the ability to recover for the harm and expenses they suffer, even though those harms are overwhelmingly the result of someone else's negligence.

In recent years, Maryland has taken a number of admirable steps to protect those most exposed to danger on our roads. In 2021, we passed the Vulnerable Road User Law, which established more rigorous penalties for motorists who harm pedestrians, cyclists, road workers, and emergency responders -- including larger fines, substantial community service and vehicle safety training and mandatory driver's license suspensions. The state has also worked to implement a variety of

¹ <https://zerodeathsmg.gov/news/pedestrian-crash-statistics-2022/>

²² <https://www.baltimoresun.com/2024/08/12/pedestrian-deaths-complete-streets/>

³ https://zerodeathsmg.gov/wp-content/uploads/2022/02/FFY22_Bicycle_ProgramAreaBrief-Data_Final.pdf



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“Vision Zero” strategies that focus on developing “Safe Systems” that lower the risk for endangered road users.⁴

Yet our contributory negligence doctrine still leaves many of them unfairly exposed to danger and too often enables reckless or negligent drivers to avoid paying for the damages they’ve caused.

By preventing a vulnerable road user from losing the right to recover for an accident “**arising from the negligent operation of a motor vehicle**,” unless their misconduct was a chief or proximate cause of the crash, **HB 594** would take an important step to enable them to recover what they should.

Maryland is one of just five jurisdictions (DC, Alabama, North Carolina, and Virginia are the others) that still uses this unfair negligence doctrine. It’s high time we at least make an exception to our contributory negligence rules to protect those who are most vulnerable on our roads.

We strongly support HB 594 and ask you to give it a FAVORABLE report.

Sincerely,

Franz Schneiderman
Consumer Auto

⁴ <https://zerodeathsmd.gov/news/maryland-pedestrian-safety-laws/>