

Members of the Maryland House of Delegates,
Judiciary Committee

**RE: Favorable Support of HB113
Repeal of the 11-108 Cap**

Dear Chairman Clippinger and Members of the House Judiciary Committee:

I am a registered Republican. I am also a husband, father, lifelong Marylander, and third-generation small business owner. I am writing to strongly urge a favorable report on HB113, which would repeal an ill-conceived, antiquated (passed nearly four decades ago, in 1986), fear-driven piece of legislation which serves only to deprive injured Marylanders of just compensation when they are severely injured as a result of proven negligence.

Just as the 2nd Amendment to the United States Constitution protects the rights of Americans to bear arms, the 8th Amendment to the Constitution protects the rights of Americans to the right to a trial by jury in a civil case. The 2nd Amendment is not limited to the liability phase of a civil claim, but encompasses all aspects of those claims, including negligence, causation, and damages. **Both of these rights (the 2nd and 8th Amendment), which stand on equal constitutional footing, shall not be infringed.** Similarly, Article 23 of the Maryland Constitution guarantees Marylanders the same right to a trial by jury in a civil case. As conservatives, we must not pick and choose which constitutional rights we decide to fight to uphold, or the proverbial slope will become progressively more slippery, undermining the foundational rights that fortify our democracy.

As a third-generation small business owner, I am understanding of other small business owners who fear that repealing this “cap” may have an adverse effect on their businesses. Simply put, those fears are unfounded, **unsubstantiated by data**, and are nothing more than the product of fearmongering by those who stand to gain by limiting Marylanders’ Constitutional rights to a full measure of justice. The rare instances where unreasonably unsafe conduct severely injures innocent Maryland citizens do not drive the cost of doing business in our State. Rather, the biggest dangers to business owners in Maryland are suffocating taxes and regulations which have made it progressively more difficult to run a viable small business in our State. Only nine other states in the Country have such caps, and the vast majority of the most business-friendly, conservative states in the union have no such caps (ex: Texas, Florida, etc.).

Not only is this “cap” unnecessary to protect small businesses, but it is un-American and is inconsistent with true conservative values. I strongly urge a favorable vote on HB113.

Sincerely,



Christopher S. Norman