



House Bill 594

Civil Actions – Motor Vehicle Accidents Involving Vulnerable Individuals – Comparative Negligence

MACo Position: **OPPOSE**

To: Judiciary Committee

Date: February 19, 2025

From: Sarah Sample

The Maryland Association of Counties (MACo) **OPPOSES** HB 594. The bill would create a new comparative fault standard in Maryland and upend the state's well-established and carefully balanced contributory negligence standard, without any corresponding adjustments to other components of Maryland's longstanding balanced approach to tort claims.

The current standard of contributory negligence makes certain that when county employees have been negligent, and found to be at fault for the types of claims described in the bill, there is no question as to a plaintiff's ability to recover damages. Additionally, the "last clear chance" exception functions in a way that plaintiffs still do have some existing potential to recover damages even if there is some fault in their own actions. Maryland's doctrine of joint and several liability also represents an important part of the State's balanced approach to such lawsuits. Taken together, Maryland has a thoughtful approach that is sensitive to residents from two angles. It allows for reasonable recovery of damages and a sensitivity to the taxpayer burden of excessive or prolonged government litigation.

The proposed shift to comparative negligence, especially in the absence of any changes to the other portions of Maryland's current balanced system, would likely cause the number of claims to increase, give life to previously meritless or frivolous claims, and cause these cases to take longer and become more difficult to resolve. A comparative negligence case requires more deliberation, research, and investigation to effectively parse out the varying degrees of fault for all parties based on what is often ambiguous and nuanced data. This brings significantly more cost for plaintiffs and defendants as well as extends that additional burden onto the courts. Therefore, the potential to increase the tax burden on residents for new state and local costs is high. This effect is precisely why a more simple and practical process for damage recovery has been preferable for so long.

This confusing and expensive outcome could drain funds that might otherwise be directed toward maintaining critical infrastructure, including roads, parks, sidewalks, and other facilities where the activities addressed in this bill are likely to take place.

Counties believe the current contributory negligence standard in conjunction, along with the "last clear chance" exception, and the system of joint and several liability, collectively constitute a fair process to ensure responsibility for claims and be conscious of the taxpayer burden for government litigation. Accordingly, MACo requests an **UNFAVORABLE** report on **HB 594**.