



**American Property Casualty Insurance
Association**

House Judiciary Committee

**HB 594 Civil Actions - Motor Vehicle Accidents
Involving Vulnerable Individuals - Comparative
Negligence**

February 19, 2025

Unfavorable

The American Property Casualty Insurance Association (APCIA) is a national trade organization whose members write approximately 64% of the personal auto insurance market and 82.4 % of the commercial auto insurance market in Maryland. House Bill 594 would change Maryland's tort standard from contributory negligence to that of comparative negligence in a unique exception for bicyclists and other "vulnerable users" involved in crashes with motor vehicles. This bill is unnecessary and overreaches in such a way as to likely lead to negative and unintended consequences for Maryland's consumers, taxpayers and businesses.

HB 594 would abandon many years of common law and adopt comparative negligence. The bill's proponents have not demonstrated a compelling need for this bill. There has been no uproar for comparative fault or any basis for such a profound change in Maryland tort law. Virginia and North Carolina all impose a contributory negligence standard on lawsuit plaintiffs. Loosening this standard could have a profound impact on the cost of doing business, and, therefore, a potentially negative impact on economic development. A similar bill was introduced in MD in 2018, [SB0465](#) and the [fiscal note](#) showed that there would be a great impact in the number of claims filed against the state.

The Maryland law¹ has worked well for many years; there is no reason to discard it. Virginia embraces the contributory negligence doctrine and Maryland is most frequently pitted against Virginia for economic development, business growth, and the jobs they bring. Together with taxes, regulation of business, and quality of life, a state's civil justice system is a key factor in measuring the business climate. The quality of Maryland's civil justice system is critical to current and prospective Maryland employers and to economic development in our state. Maryland needs more jobs and investment, not more litigation. In 2024, Virginia was ranked #1 for business by CNBC while Maryland trails at #31². Don't add another reason to not invest in Maryland.

HB 594 would be a challenge to administer as it would establish comparative negligence for some, but not all, negligence actions. In some cases, you could have both, comparative negligence and contributory negligence doctrines applicable to the same lawsuit. For example, in a negligence action developing out of an automobile collision also involving a bicycle, the rider of the bicycle would be subject to comparative negligence, while the driver of the automobile would be subject to contributory negligence. This is unworkable.

¹ [Garrett County Maryland v. Bell Atlantic, 695 A.2d 171 \(1977\)](#)

²

Several studies have demonstrated that a move from contributory to comparative negligence results in an increase of auto insurance costs. The study, *An Analysis of the Relative Costs of the Adoption of Comparative Negligence – A Paired State Study: Delaware and Maryland*, by Professors Joseph E. Johnson of the University of North Carolina and William L. Ferguson of the University of Georgia compares automobile insurance premiums, frequency of claims, and severity of claims in Maryland and Delaware. The study concluded that:

- In the four-year period after changing to a comparative fault system, pure premiums for Delaware drivers increased at a rate of 18.61%, while Maryland experienced an increase of only 9.16%. In the four years prior to Delaware's change from contributory negligence to comparative fault, the rate of premium increase for Delaware was 11.33%, compared to a 12.12% growth rate in Maryland.
- During the 1980-1984 period, Delaware claim frequency increased at a rate of 0.43% per year; Maryland's 1.74%. Under comparative fault, the Delaware rate of growth for claims accelerated to 2.75% per year, while Maryland's decline 1.07%.
- Claim severity in Delaware increased at an annual rate of 10.87% between 1980 and 1984, and 15.75% after 1984. Maryland severity was 10.34% per year prior to 1984 and 8.06% afterwards.

Another study, the ["Costs Effects of Comparative Negligence," by Professors Winkler, Flanigan, and Johnson of the University of North Carolina at Greensboro](#)³ concluded that:

- States with comparative negligence standards have substantially higher automobile loss costs...[T]o the extent businesses operate in states where comparative negligence is the rule, they should expect higher costs for general liability, product liability, and professional liability insurance. Consumers in those states should expect higher costs for homeowners insurance, as well as for automobile insurance.
- There will be increased litigation and larger damage awards.

For these reasons, APCIA urges the Committee to provide an unfavorable report on House Bill 594.

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³ [https://libres.uncg.edu/ir/uncg/f/D_Winkler_Cost_1991\(MULTI%20UNCG%20AUTHORS\).pdf](https://libres.uncg.edu/ir/uncg/f/D_Winkler_Cost_1991(MULTI%20UNCG%20AUTHORS).pdf)