



February 17, 2025

Chair Luke Clippinger and
Members of the House Judiciary Committee
100-101 Taylor House Office Building
Annapolis, MD 21401 - 1991

SUPPORT: HB0594 Civil Actions - Motor Vehicle Accidents Involving Vulnerable Individuals - Comparative Negligence

Bikemore, Baltimore City's livable streets advocacy organization representing more than 8,000 advocates and the 30% of Baltimoreans who lack access to a car, is writing in support of HB0594, which seeks to bring fairness to Maryland's negligence laws for vulnerable road users.

The Inherent Inequity of Contributory Negligence

Maryland's contributory negligence doctrine is fundamentally unjust when applied to vulnerable road users. These individuals, including pedestrians, cyclists, scooter riders, wheelchair users, farm equipment operators, and emergency responders working on roadways, lack the protection afforded to motor vehicle occupants in a crash.

In a crash between a multi-ton vehicle and a vulnerable road user, we already know who will suffer greater harm. The driver will likely be uninjured, while the pedestrian or cyclist may be severely injured or removed from the scene by ambulance. In these cases, the only party left to speak to the police is often the driver, creating an immediate imbalance in evidence gathering and reporting.

Unlike drivers, vulnerable road users do not have automatic representation through insurance. When seeking recovery for medical expenses, lost wages, and property damage, they are often forced to go up against powerful insurance companies whose primary goal is to protect the driver's financial interests.

Insurance Companies Exploit Contributory Negligence to Deny Legitimate Claims

We have seen countless cases where insurance companies issue claims denials based on absurd and unsupportable assertions of contributory negligence, banking on the likelihood that victims do not have the resources to obtain legal representation and fight back.

Even when a vulnerable road user does seek representation, the system remains stacked against them. Many crashes occur at intersections, bike lane transitions, and congested work zones, areas where police often lack training on vulnerable road user laws. This results in inaccurate police reports, misattributed right-of-way violations, and other reporting errors that insurance adjusters exploit to deny compensation.

Egregious denials could include:

- A bicyclist denied compensation because a traffic sign had fallen over.
- A tractor operator told they should have been even farther off the road.
- A cyclist told they should have used a "calmer street," despite being on a designated bike route.

A Personal Experience: When the System Fails Victims

As an advocate, I have unfortunately seen this within my own family.

My wife was riding her bicycle when a driver doored her, admitting they failed to check before opening their door into traffic and that they had parked too far from the curb. Yet, when we filed a claim, the insurer blamed my wife, arguing that her injuries were caused by her fall, not the door striking her, as if being hit by a car door wasn't the reason she fell in the first place.

These arguments are legally baseless, yet insurance companies routinely use them to deny claims. We were fortunate to have the knowledge and legal resources to challenge them. After filing suit and obtaining video evidence of the crash, the insurer agreed to settle.

But that settlement did not undo the traumatic brain injury she sustained, the multiple hand surgeries that kept her out of work for months, or the economic losses suffered by the newborn patients she could no longer care for as a nurse practitioner. We fought back, but not every vulnerable road user is so lucky.

Maryland Must Join the Majority of States in Moving to Comparative Negligence

In Maryland, if an injured cyclist or pedestrian is found even 1% at fault, they receive nothing, even if the driver is responsible for 99% of the crash. This means many personal injury attorneys won't even take these cases, leaving injured victims without any legal recourse.

On its face, this system is indefensible. Vulnerable road users already bear the greatest risk of injury, they should not also bear the greatest financial burden after a crash.

A comparative negligence standard would correct this injustice, allowing victims to recover damages proportionate to their level of fault. 46 other states and the District of Columbia have already made this change, and the world did not end. Drivers still drive. Insurance companies still operate. The only difference? Victims in these 46 states and the District of Columbia are not automatically denied justice.

It is time for Maryland to follow suit.

We urge the Committee to support HB0594 and bring Maryland in line with the overwhelming majority of states that already provide a fairer, more just system of recovery.

Sincerely,



Jed Weeks
Executive Director