



Testimony of the Mayor and Council of Rockville
HB 594 – Civil Actions – Motor Vehicle Accidents Involving Vulnerable
Individuals – Comparative Negligence
SUPPORT

The City of Rockville is thankful to Chair Clippinger and the members of the House Judiciary Committee for the opportunity to provide written comments in support of HB 594. We thank Delegate Embry for sponsoring this important legislation, which aligns with Rockville's Vision Zero goals.

The Rockville Mayor and Council unanimously support HB 594, which establishes a comparative negligence standard in civil actions for damages arising from the negligent operation of a motor vehicle who is a vulnerable individual as defined by State law. Additionally, Rockville's Pedestrian Advocacy and Bicycle Advisory Committees support this legislation. Rockville and its community have been advocating for the State to switch from a contributory negligence system to a comparative fault system as proposed by HB 594 for several years.

Maryland is one of only five states in the nation to practice contributory negligence for adjudicating crashes. Under contributory negligence, if a party that brings a personal injury lawsuit is found in any way to be responsible for the underlying incident, they cannot recover any damages from another at-fault party. This is an unfair and inequitable practice that needs to be addressed. For example, if a person walking on the edge of a street that does not have a sidewalk or shoulder, and a right turning driver strikes them, the pedestrian could not recover medical costs. This system puts those who walk, bike, roll, and use public transit at risk and does not foster safety.

Most states have updated their systems to comparative negligence and apportion fault for all parties in a crash and allow the parties to recover a percentage of the damages based on the percentage of fault. If a pedestrian who suffered a severe injury is determined to be 50% at fault with a crash with a motorist who is also 50% at fault, the pedestrian could recover 50% of the recovery costs from the motorist's insurer. This system would provide financial and legal incentives for all to walk, bike, roll, and drive safely. By increasing safety for all, this system would advance Rockville's Vision Zero efforts and help to protect our community.

HB 594 is an important step forward in that it would more fairly and equitably hold all individuals responsible for their activity on our roads, streets, and highways. The legislation has the potential to significantly increase the safety for all that walk, bike, roll, use transit, drive automobiles, and aligns with our vigorous Vision Zero program. For these reasons, we urge the Committee to provide HB 594 with a favorable report.