

March 9, 2026

The Honorable Kriselda Valderrama, Chair
House Economic Matters Committee
231 Taylor House Office Building
Annapolis, Maryland 21401

Re: NAMIC Opposition to HB 366 - Workers' Compensation - Exemption From Exclusivity of Remedy - Action for Wrongful Death by Nondependent Child

Chair Valderrama and Members of the Committee,

Thank you for the opportunity to provide written testimony on HB 366 - Workers' Compensation - Exemption From Exclusivity of Remedy - Action for Wrongful Death by Nondependent Child. On behalf of the National Association of Mutual Insurance Companies (NAMIC), we must respectfully oppose HB 366 and request an unfavorable report.

The National Association of Mutual Insurance Companies (NAMIC) is the foremost trade association representing the property/casualty insurance industry. Serving more than 1,300 member companies—including local and regional insurers as well as some of the nation's largest carriers—NAMIC members collectively write \$467 billion in annual premiums, representing 61% of the homeowners and 53% of the automobile insurance markets. For more than 130 years, NAMIC has been the leading voice advancing public policy solutions and regulatory frameworks that promote a strong, competitive market and protect our members and their policyholders.

HB 366 creates a new statutory exception to workers' compensation exclusivity by allowing a nondependent child of a deceased covered employee to bring a wrongful death action against the employer, even when the Workers' Compensation Act otherwise applies. Under current law, the Act is construed to prohibit such suits, and the Supreme Court of Maryland recently reaffirmed in the *Ledford* line of cases that nondependent adult children cannot pursue wrongful death claims because exclusivity bars them unless the General Assembly creates an exception. HB 366 does exactly that - opening the door to civil tort actions despite an employer's full compliance with the workers' compensation system and its intended remedies.

Allowing a parallel tort action alongside workers' compensation death benefits fundamentally undermines the "grand bargain" on which the entire system is built, where workers receive guaranteed statutory benefits and employers receive predictable liability limited to those benefits alone. Insurers price, reserve, and underwrite based on this exclusivity framework. Creating carve-outs for nondependent children introduces uncertainty, increased litigation exposure, and the potential for duplicative remedies.

For these reasons, we respectfully request an unfavorable report on House Bill 366.

Sincerely,



Gina Rotunno
Regional Vice President, Mid-Atlantic