



**Testimony of**

**American Property Casualty Insurance Association (APCIA)**

**House Economic Matters Committee**

**House Bill 366- Workers' Compensation – Exemption from Exclusivity of**

**Remedy - Action for Wrongful Death by Nondependent Child**

**March 11, 2026**

**Unfavorable**

The American Property Casualty Insurance Association (APCIA) is a national trade organization whose members write approximately 71% of the U.S. property and casualty insurance market, including 89.1% percent of Maryland’s workers’ compensation market. APCIA appreciates the opportunity to provide written comments in opposition to House Bill 366.

House Bill 366 would permit a non-dependent child of an employee to file a claim for wrongful death under the workers’ compensation. This would undermine the exclusive remedy of workers compensation which was recently affirmed by MD’s Supreme Court in *Ledford v Jenway Contracting, Inc.*

In that decision the court determined “that the plain language of L&E § 9-509 is unambiguous in that a compliant employer’s liability for a covered employee’s work-related injuries or death extends no further than what is provided in the Act itself. Because the Act does not authorize adult non-dependent children of a covered employee to file a wrongful death action for a work-related death of a parent, employers are not subject to such liability.”

The exclusive remedy of workers’ compensation is the bedrock principle underlying workers’ compensation and the crux of the grand bargain between employers and workers creating the workers’ compensation system. In return for accepting a no-fault liability system where the employer provides the worker with indemnity benefits for lost wages and provides 100% medical benefits, with no maximum limits, no deductibles and no co-pays, *even in the absence of any fault by the employer*, the worker gives up the right to seek recovery via civil actions. Allowing adult non-dependent children to file civil action in place of the worker would violate the grand bargain at the heart of the no-fault workers’ compensation law.

For these reasons, APCIA urges the Committee to provide an unfavorable report on House Bill 366.

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