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February 18, 2026

The Honorable Will Smith  
Chair, Senate Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, MD 21401

***RE: Letter of Concern – Senate Bill 474 – Civil Actions - Noneconomic Damages - Personal Injury and Wrongful Death***

Dear Chair Smith and Committee Members:

The Maryland Department of Transportation (MDOT) respectfully submits the following letter of concern on Senate Bill 474 and offers the following information for the Committee's consideration.

SB 474 removes the cap on non-economic damages in civil actions for personal injury and wrongful death. Unlike other State agencies, the Maryland Transit Administration's (MTA) tort liability is governed by the Transportation Article, not the Maryland Tort Claims Act. The Transportation Article does not include a limit on liability. Current law caps noneconomic damages, allowing plaintiffs to recover significant amounts while protecting MTA from unlimited exposure.

Removal of the non-economic damages cap will likely lead to significantly higher awards and settlements against MTA and could reduce predictability in litigating and settling MTA cases. SB 474 may also affect MTA's access to excess insurance or deductible amounts.

The Maryland Department of Transportation requests that the Committee consider this information during its deliberations on Senate Bill 474.

Respectfully submitted,

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