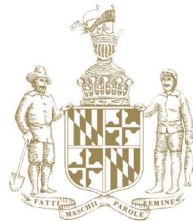


NATALIE ZIEGLER  
Legislative District 9A  
Howard and Montgomery Counties

Environment and Transportation  
Committee



The Maryland House of Delegates  
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THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of HB 476**  
**Civil Actions - Noneconomic Damages - Personal Injury and Wrongful Death**

Chair Bartlett, Vice-Chair Davis, and honorable members of the Judiciary Committee:

Thank you for allowing me to present HB 476 - Civil Actions - Noneconomic Damages – Personal Injury and Wrongful Death. This bill would repeal Maryland’s cap on **noneconomic** damages (commonly referred to as 'pain and suffering') in personal injury and wrongful death cases. There is no cap on economic damages, which include lost wages and medical expenses. Noneconomic damages account for harms that cannot directly be measured in dollars, such as pain, loss of companionship, loss of mobility, permanent disfigurement, or loss of enjoyment of life. Enacted by the legislature 40 years ago, Maryland is one of only nine states in the country that imposes a cap on noneconomic damages. It currently stands at \$965,000, a sum which has in no way kept pace with inflation. Furthermore, because **economic** damages are not capped, under current law an executive and a lower wage employee would receive vastly different compensation for an identical injury, meaning the law disproportionately discriminates against people who earn less on average: women, people of color, children, the elderly, and people with disabilities.

The cap may have its most significant impact in cases of wrongful death. When a child, stay-at-home parent, or retiree is killed due to negligence, economic damages may be limited without wages to calculate. Noneconomic damages therefore become the primary means by which the law recognizes the severity of the loss suffered. The current statute places the same maximum value on every such loss, regardless of the circumstance.

Article Five of the Maryland Declaration of Rights guarantees the right to a trial by jury. The imposition of a monetary cap on the jury’s award encroaches on this right and implies a lack of trust in juries of our peers. When jurors hear testimony, weigh competing arguments, and come to a conclusion on the full extent of an injury, they are performing the exact function assigned to them by our civil justice system. Under the current law, a jury (which may not be informed of the cap) may come to a reasoned verdict, only for the court to reduce the amount decided to the legislatively imposed maximum.

A common concern regarding repeal is that removing the cap will disincentivize businesses from conducting operations in Maryland, due to an increase in insurance premiums. However, experience in other states suggests that caps and insurance pricing are not so directly linked. If they were, we would expect states without caps to consistently experience dramatically increased liability insurance costs and decreased economic activity, which is a pattern that simply does not appear across jurisdictions. Ultimately, this bill is concerned with fairness and proportionality in our civil justice system, and for that reason, I request a favorable report on HB 476.

Sincerely,

A handwritten signature in black ink, appearing to read 'Natalie Ziegler'.

Delegate Natalie Ziegler  
Howard & Montgomery Counties, District 9A