

BILL: House Bill 466
TITLE: Civil Actions – Motor Vehicle Accidents Involving Vulnerable Individuals – Comparative Negligence
DATE: February 11, 2026
POSITION: OPPOSED
COMMITTEE: House Judiciary Committee
CONTACT: Melanie Wernig, Director of the MABE Group Insurance Pool

The Maryland Association of Boards of Education (MABE) Group Insurance Pool submits this testimony in **opposition** to House Bill 466.

The MABE Group Insurance Pool is a protected self-insurance program authorized by the Annotated Code of Maryland. The Pool is comprised of 19 of Maryland's 24 local school boards, providing comprehensive property and casualty coverage, including automobile liability, to the vast majority of public school systems in the State. Our mission is to provide stable, affordable risk management to public education, ensuring that educational funds remain in the classroom rather than being diverted to litigation and liability costs.

Opposition to Eroding the Contributory Negligence Standard

HB 466 seeks to alter Maryland's long-standing doctrine of contributory negligence by introducing a comparative negligence standard specifically for motor vehicle accidents involving "vulnerable individuals" (pedestrians, cyclists, etc.).

The MABE Insurance Pool opposes this bill for the following reasons:

1. Disproportionate Impact on School Bus Operations School systems operate the largest mass transit fleets in the state. Our buses are mandated to operate in precisely the environments this bill targets: neighborhoods, school zones, and busy intersections filled with "vulnerable individuals" (students, parents, and pedestrians).

- By nature of their mission, school buses are constantly interacting with pedestrian traffic.
- Under current law, if a plaintiff contributes to their own injury through negligence (e.g., darting into traffic, ignoring crossing signals), the school system is protected from liability.
- HB 466 would remove this defense, exposing school boards to significantly increased litigation and settlements even when a pedestrian was primarily at fault for an accident.

2. Diversion of Educational Resources The fiscal impact of this legislation would be borne directly by taxpayers and students.

- The MABE Insurance Pool is a non-profit, member-owned trust. Any increase in claims severity or frequency results in higher premiums for local school boards.
- Shifting from contributory to comparative negligence will inevitably lead to higher settlement amounts and increased defense costs, as cases that would previously be dismissed will now proceed to costly litigation to determine "percentages" of fault.
- Every additional dollar spent on insurance premiums and legal payouts is a dollar unavailable for teacher salaries, student services, and facility maintenance.

3. Slippery Slope to Broader Tort Reform Maryland courts and the General Assembly have historically upheld contributory negligence as a fair balancing of responsibility—requiring all parties to exercise due care. Creating a "carve-out" for specific classes of plaintiffs introduces inconsistency into the civil justice system and sets a precedent for a piecemeal dismantling of Maryland's tort laws. We believe that if a pedestrian fails to exercise reasonable care for their own safety, public school funds should not be the insurance policy for that negligence.

Conclusion

The MABE Insurance Pool is committed to the safety of all students and residents. However, HB 466 unfairly shifts the financial burden of accidents caused by plaintiff negligence onto public school systems. This legislation would increase liability costs for school boards and reduce the resources available for education.

For these reasons, the MABE Insurance Pool requests an **UNFAVORABLE** report on House Bill 466.