

March 9, 2026

The Honorable Sandy Bartlett, Chair
House Judiciary Committee
101 Taylor House Office Building
Annapolis, Maryland 21401

Re: NAMIC Opposition to HB 385 - Courts and Judicial Proceedings - Evidence - Rebuttable Presumption of Medical Bills

Chair Bartlett and Members of the Committee,

Thank you for the opportunity to provide written testimony on House Bill 385 - Courts and Judicial Proceedings - Evidence - Rebuttable Presumption of Medical Bills. On behalf of the National Association of Mutual Insurance Companies (NAMIC), we must respectfully oppose HB 385 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.

This bill shifts the burden of proof to the defense by creating a presumption of reasonableness for medical expenses. As written, HB 385 requires defendants to overcome that presumption and to bear all associated costs in doing so. Traditionally, under common law and established litigation principles, plaintiffs must prove their damages and demonstrate that those damages are reasonable. The burden appropriately rests with the plaintiff because they are the party bringing the claim and they possess the evidence to support it.

By establishing a presumption of reasonableness, House Bill 385 removes this burden from plaintiffs and forces defendants to disprove the necessity of the claimed expenses. Defendants should only be responsible for paying reasonable expenses that are directly related to, and caused by, the incident in question. Passage of HB 385 is likely to increase litigation costs that could ultimately raise the average cost of claims putting upward pressure on insurance rates.

For these reasons, we respectfully request an unfavorable report on House Bill 385.

Sincerely,



Gina Rotunno
Regional Vice President, Mid-Atlantic