



February 9, 2026

The Honorable J. Sandy Bartlett, Chair
The Honorable Debra Davis, Vice Chair
House Judiciary Committee
Street Address
City, Province, and Postal Code

Re: Opposition to HB 466, limiting use of defense of comparative negligence

Dear Chair Bartlett, Vice Chair Davis, and members of the House Judiciary Committee:

Thank you for the opportunity to submit written testimony regarding HB 466, which would limit the use of the defense of comparative negligence in personal injury cases involving a group of plaintiffs defined in the bill as “vulnerable individuals.”

On behalf of the Allstate Insurance Company enterprise, I respectfully urge the members of this Committee to issue an unfavorable report on this legislation.

1. Increased costs to policyholders and members of the public

The Fiscal and Policy Note¹ issued by the MD Department of Legislative Services (DLS) projects a “potential significant increase” in expenditures, particularly affecting state and local governments and small businesses. State and local governments will have no choice but to pass their increased costs on to Maryland taxpayers.

Similarly, a rise in the value of tort claim awards would increase expenditures by insurance carriers in the state, and those expenditures would be absorbed by policyholders via increased premiums.

2. Creation of inconsistent system of both contributory and comparative negligence

Passage of HB 466 would upend Maryland’s existing tort framework without replacing it across the judicial system. Instead, it would impose broad policy ramifications on select cases, creating a patchwork system based on the artificial class of vulnerable plaintiffs created by the bill.

3. Increased opportunities for litigation disputes

HB 466 would make settlements more difficult and increase the number of issues in dispute in personal injury suits. By removing the contributory negligence rule for certain cases while

¹ [2026 Regular Session - Fiscal and Policy Note for House Bill 466.](#)

expressly maintaining joint and several liability and the last clear chance doctrine, HB 466 would create additional sources of argument between parties and would incentivize parties to dispute the degree of liability of each and proffer arguments that another party had the last opportunity to avoid the loss. These new disputes would increase the costs of litigation and absorb additional court time and resources, even in suits in which a plaintiff is substantially and clearly at fault.

Moreover, the applicability of either of two liability standards could be challenging for jurors to understand, especially if a lawsuit involves counterclaims or crossclaims.

4. Creation of concentrated risk exposure on individual insureds

Because HB 466 retains the concept of joint and several liability, a single solvent defendant could be found 100% liable for a judgment in cases with insolvent or unidentified codefendants. The solvent defendant could theoretically later seek contribution from codefendants, but, if those codefendants remain unidentified or are insolvent, the single solvent defendant may be unable to later recover from their codefendants.

This will increase the severity of the bill's impact and magnify its effect on the reinsurance industry, all without providing any offsetting tort reform.

5. Creation of threshold dispute over plaintiff qualification

The bill's definition of a vulnerable individual relies on the plaintiff acting "lawfully," which will prompt adjacent litigation over the mode of transportation the plaintiff was using and whether the plaintiff was behaving legally in the context of that mode of transit and their location.

Such inquiries could force parties to litigate the precise type of vehicle the plaintiff was operating and the state and local statutes and regulations governing the plaintiff's behavior in the context of their mode of transit and specific location.

The application of one of two standards also heightens the opportunity for confusion and ambiguity. As technology improves, the variety of vehicles available for individual transit continues to grow; as a result, the class of vulnerable individuals is likely to expand as time goes on. The passage of HB 466 would burden parties and courts immediately and increasingly over time, even before the parties consider a case's merits.

6. Imposition of economic harm, particularly on small businesses

In its fiscal note, DLS identified a potentially meaningful economic impact for small businesses. If HB 466 passes, carriers will be required to reprice several categories of exposures because previously deniable claims will become potential partial-payment claims.

7. Compression of implementation timeline

The bill's proposed October 1, 2026 prospective date will pose substantial challenges to carriers. HB 466 will require rating, reserving, and reinsurance changes. As written, the bill shifts costs

substantially to insurance carriers without adding any public policy reforms that could simultaneously improve safety outcomes.

For these reasons, we respectfully urge Committee members to report unfavorably on HB 466.

Thank you for your time and consideration of this important issue.

Sincerely,

A handwritten signature in cursive script that reads "Lauren G. Pachman".

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