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VIA ELECTRONIC SUBMISSION

The Hon. J. Sandy Bartlett
Lowe House Office Building, Room 101
6 Bladen Street
Annapolis, MD 21401

RE: HB476 – Civil Actions – Noneconomic Damages
FAVORABLE

Dear Chair Bartlett:

I write to respectfully request a favorable report from the House Judiciary Committee on HB476. I specialize in plaintiff-side civil litigation and serve as a board member of the Maryland Association for Justice. HB476 would return control of noneconomic damages in personal injury, non-medical malpractice cases to the well-considered judgment of Maryland jurors, operating within the existing guardrails of judicial remittitur and the appellate process.

The corporate opponents of HB476 do not, and cannot, credibly claim the cap on non-economic damages is fair or just. As others have eloquently argued, HB476 is deeply unfair to injured plaintiffs and their families, and invidiously discriminates against women, children, the elderly, and members of minority groups.

The bill's opponents seek to distract from the core injustices of current law with ill-founded speculation concerning insurance rates and cost. Justice, the opponents claim, is simply too expensive. In their view the Committee should fear, not continued injustice, but "nuclear verdicts" (the already shopworn simile comparing Maryland citizen jurors to weapons of mass destruction).

Yet even on the issue of insurance premiums—which is secondary to questions of justice—the opposition's case falls apart. Insurance companies rely heavily on a proprietary, "independent" 2024 actuarial study they commissioned from Pinnacle Actuarial Resources. They claim this still-secret report shows that increasing damages

caps could increase auto insurance premiums by “as much as 19 percent.” They then misleadingly portray this worst-case scenario as a likelihood.

This hidden data, which the Committee is apparently expected to accept on faith, sharply contrasts with National Association of Insurance Commissioner (NAIC) data examining state premium rates. These data, published in December 2025, show that the states that recently eliminated caps on personal injury, non-medical malpractice damages had better rates that increased less than Maryland’s from 2019-2023:

	2019	2020	2021	2022	2023	Net 2019-2023
<u>AVERAGE PERSONAL AUTO LIABILITY PREMIUM (\$)</u>						
National ("Countrywide")	653.41	631.29	631.73	660.6	736.65	
% change YoY¹		-3.39%	0.07%	4.57%	11.51%	12.74%
Kansas (struck down 2019)²	426.71	409.13	416.91	437.51	483.45	
% change YoY		-4.12%	1.90%	4.94%	10.50%	13.30%
Oklahoma (struck down 2019)³	507.08	488.72	483.34	506.33	565.91	
% change YoY		-3.62%	-1.10%	4.76%	11.77%	11.60%
Oregon (struck down 2020)⁴	685.76	655.08	643.35	670.07	751.17	
% change YoY		-4.47%	-1.79%	4.15%	12.10%	9.54%
MARYLAND (CAPPED)	749.7	725.03	716.8	754.62	868.68	
% change YoY		-3.29%	-1.14%	5.28%	15.11%	15.87%

¹ Year-over-year.

² *Hilburn v. Enerpipe Ltd.*, 309 Kan. 1127, 442 P.3d 509 (2019).

³ *Beason v. I.E. Miller Services, Inc.*, 2019 OK 28, 441 P.3d 1107 (2019).

⁴ *Busch v. McInnis Waste Systems, Inc.*, 366 Or. 628, 468 P.3d 419 (2020).

Thus, in all three states that eliminated caps on personal injury, non-medical malpractice damages—as HB476 seeks to do—eliminating the cap had no effect on personal liability insurance premiums. Rates for this insurance were less than Maryland’s and increased at a lower rate than Maryland’s (and in line with national trends).

I urge the members of this Committee to reject the ill-founded fear mongering of the insurance industry. I suggest the Committee instead trust the wisdom and judgment of Maryland jurors—your constituents—to render fair and just verdicts in personal injury cases.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Patrick A. Thronson", with a long horizontal flourish extending to the right.

Patrick A. Thronson