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Maryland House Judiciary Committee
House Office Building, Room 101
6 Bladen Street
Annapolis, MD 21401

In Support of House Bill 0466 – Comparative Negligence for Vulnerable Road Users

Esteemed members of the House Judiciary Committee:

Saiontz & Kirk is a Maryland-based law firm that has been representing individuals seriously injured in motor vehicle crashes, including pedestrians, cyclists, and other vulnerable road users for the past 55 years. Our attorneys live and work in Maryland and regularly see, firsthand, the consequences of Maryland’s outdated contributory negligence doctrine. We submit this testimony in strong support of House Bill 0466, which would adopt a comparative negligence standard for vulnerable road users in Maryland.

Maryland remains one of only four states, along with Alabama, North Carolina, and Virginia, and the District of Columbia, that continues to follow contributory negligence, a harsh and antiquated doctrine that completely bars recovery if an injured person is found even 1% at fault. In contrast, the overwhelming majority of the country has rejected this rule in favor of comparative negligence, which allocates responsibility based on fault and allows injured victims to recover damages proportionate to that fault. The continued use of contributory negligence in Maryland arbitrarily denies compensation to injured people and undermines fundamental principles of fairness.

The Maryland Court of Appeals itself has acknowledged the injustice of this doctrine. In *Coleman v. Soccer Association of Columbia* (2013), Judge Harrell described contributory negligence as a “dinosaur” that should be rendered extinct. More than a decade later, that dinosaur still roams, disproportionately harming vulnerable road users such as pedestrians and cyclists who are struck by motor vehicles.

Contributory negligence originated in the 19th century as a judicial tool to shield industrial employers from liability, not as a mechanism to promote fairness or safety. Over time, courts, legislatures, and legal scholars across the country have recognized its inequities and replaced it with comparative negligence, which more accurately reflects shared responsibility and modern understandings of justice.

Maryland is also increasingly out of step with its neighboring jurisdictions. Washington, D.C. has already enacted legislation limiting the application of contributory negligence in cases involving vulnerable road users. Under that framework, pedestrians and cyclists may recover damages even if they are partially at fault, so long as their negligence does not exceed that of the

In Support of House Bill 0466

February 9, 2026

Page 2 of 2

defendants. This reform has not produced negative consequences; instead, it has promoted fairness while maintaining accountability.

In Baltimore and throughout Maryland, pedestrians and cyclists face daily risks due to inadequate infrastructure, missing or unsafe crosswalks, disappearing bike lanes, speeding, and distracted driving. Under current law, even a minor misstep by a vulnerable road user, such as being slightly outside a crosswalk, can completely eliminate their right to recovery, regardless of how reckless or dangerous the driver's conduct may have been. That result is fundamentally unjust.

House Bill 0466 does not eliminate responsibility for vulnerable road users. It simply ensures that when pedestrians, cyclists, or motorcyclists are injured, damages are apportioned based on fault rather than erased entirely. If an injured person bears some responsibility, their recovery is reduced proportionally, not eliminated altogether.

Our firm has been forced to turn away pedestrians and cyclists with serious injuries, clear negligence by drivers, and substantial damages solely because contributory negligence barred any recovery. These individuals are left to shoulder overwhelming medical bills, lost income, and lifelong consequences with no access to the civil justice system. House Bill 0466 corrects that inequity and restores balance.

Maryland should no longer cling to a doctrine that most of the country has abandoned and that even our highest court has criticized. House Bill 0466 represents a measured, fair, and necessary reform that protects vulnerable road users while preserving accountability for all parties.

For these reasons, Saiontz & Kirk urges the Committee to pass House Bill 0466 and move Maryland toward a modern, equitable negligence framework that reflects today's realities and values.

Thank you for your time and consideration. We are happy to answer any questions.

Very Truly Yours,



Carl Saiontz