

Testimony in Support of HB0466

Chair, Vice Chair, and Members of the Judiciary Committee,

My name is Dongyi Du, and I go by Tony. I am here today to urge you to move Maryland toward justice by adopting comparative negligence, especially in cases involving vulnerable individuals.

On June 19, 2023, my 13-year-old son was riding his bike with friends in Ocean City. A bus driver, watching a group of teenagers riding on and off the sidewalk, failed to take proper precautions. Instead, he grew frustrated when he saw my son transition back into the bike lane. The driver then blasted a high-decibel air horn directly into his ear.

Startled by the blast, my son fell. The bus struck him.

He was airlifted to Johns Hopkins. He spent two weeks in the ICU, a month in acute care, and another month in rehabilitation. For a year after returning home, he required high-strength pain medication every four hours. Most heartbreakingly, during that ordeal, my son repeatedly expressed a wish to die rather than endure the pain. Today, nearly three years later, he still requires surgeries.

Our medical bills have exceeded \$2 million. Despite the driver's aggressive actions, because my 13-year-old son failed to look back for one second before entering the lane, he was found partially at fault. In Maryland, that one second of "contributory negligence" means he is entitled to zero recovery. No lawyer would take the case because our state's outdated law protects the negligent over the injured.

We were fortunate to have good insurance. But what happens to the Maryland family that doesn't?

Maryland is now one of only four states still clinging to this 19th-century doctrine. We are 115 years behind Mississippi and 80 years behind the United Kingdom — the very place this law originated before they recognized its unfairness and abolished it in 1945.

I want to be a proud Marylander. I don't want our state to be a "final holdout" for a law that leaves traumatized children and their families to bear 100% of the financial burden for a disaster they did not cause alone.

Please support this bill. Do not let Maryland be the last state to choose fairness over technicality.

Thank you to Delegates Embry, Bagnall, Boyce, Fair, Feldmark, Kaufman, Lewis, Moreno, Palakovich Carr, Simmons, Stinnett, and Terrasa for sponsoring this vital legislation.