

HB0466_Testimony_Dongyi(Tony)_Du.pdf

Uploaded by: Dongyi Du

Position: FAV

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 No lawyer would take the case because our state's outdated law protects the negligent over the injured.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.

Committee Submission Supporting HB 466_SLF.pdf

Uploaded by: Eric Stravitz

Position: FAV

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House Judiciary Committee
Annapolis, MD 21401-1991

February 9, 2026

Position: SUPPORT House Bill 466

Dear Chairman and Committee Members:

I am a resident of District 33, a trial lawyer, cyclist, and walker. I support House Bill 466 for a variety of reasons. As a trial lawyer for over 30 years, who has litigated and tried cases involving pedestrians and cyclists, I have considerable experience with how juries and lawyers view crash cases between autos and Vulnerable Road Users (“VRUs”).

Jurors’ perspectives: Many jurors either don’t cycle or won’t do so near autos. As a result, they may unfairly attribute *some fault* to a cyclist simply for doing so. In a contributory negligence state like Maryland, this can defeat a worthy crash victim’s Plaintiff’s case. Likewise, in a pedestrian v. vehicle case in which the status of a walk signal at a cross-walk is at issue, (for example, was it still on “walk” or did it just turn to “don’t walk”) could defeat a case.

Attorney’s perspective: Under current Maryland law, if a Plaintiff is found 1% contributorily negligent by a jury,¹ the Plaintiff loses. Plaintiffs are often deposed (questioned under oath by opposing counsel with a court reporter transcribing the session) for hours. It is a stressful, exhausting process. It is too easy for a Plaintiff to make factual mistakes in such a fraught setting. It is also easy for a talented and experienced defense attorney to take some minor point and turn it into that 1% that will kill a worthy Plaintiff’s case. This unfairly affects case selection and settlements. This deep unfairness is why only 4 of our 50 states (Maryland, Virginia, North Carolina, and Alabama) still have contributory negligence (D.C. does too, but not for VRUs).

HB 466 remedies contributory negligence’s harshness by having the factfinder (judge or jury) compare the fault of the VRU/Plaintiff with that of the Defendant(s)—and allowing the Plaintiff to recover if his/her percentage of fault is less than each Defendant’s combined percentage of fault—creating a much fairer system. The fact that under HB 466 the Plaintiff’s *damages*² would be reduced by the percentage of his/her negligence, makes this system eminently fair to the plaintiff *and* defendant. It would also keep cases that *should* be settled from going to trial because a finding of a small amount of negligence would reduce the value of the case rather than destroying it. This would allow more VRUs to get justice for their injuries, which are often

¹ Or judge, if it is a bench trial.

² Economic and non-economic harms and losses (e.g., lost wages, diminution in income, medical bills, pain and suffering or in the event that the victim dies, survivor and wrongful death damages).

fractures or worse, rather than having their cases rejected by good attorneys or settled for too little because of the threat of contributory negligence. It would also help reduce the burden on the Courts.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'E. N. Stravitz', with a stylized, overlapping flourish at the end.

Eric N. Stravitz

HB0466 LOS - Comparative Negligence for VRUs.pdf

Uploaded by: Jed Weeks

Position: FAV



February 9, 2026

House Judiciary Committee
100-101 Taylor House Office Building
Annapolis, MD 21401 - 1991

SUPPORT: HB0466 Civil Actions - Motor Vehicle Accidents Involving Vulnerable Individuals - Comparative Negligence

Bikemore, Baltimore City's livable streets advocacy organization representing more than 8,000 advocates and the 30% of Baltimoreans who lack access to a car, is writing in support of HB0466, which seeks to bring fairness to Maryland's negligence laws for vulnerable road users.

The Inherent Inequity of Contributory Negligence

Maryland's contributory negligence doctrine is fundamentally unjust when applied to vulnerable road users. These individuals, including pedestrians, cyclists, scooter riders, wheelchair users, farm equipment operators, and emergency responders working on roadways, lack the protection afforded to motor vehicle occupants in a crash.

In a crash between a multi-ton vehicle and a vulnerable road user, we already know who will suffer greater harm. The driver will likely be uninjured, while the pedestrian or cyclist may be severely injured or removed from the scene by ambulance. In these cases, the only party left to speak to the police is often the driver, creating an immediate imbalance in evidence gathering and reporting.

Unlike drivers, vulnerable road users do not have automatic representation through insurance. When seeking recovery for medical expenses, lost wages, and property damage, they are often forced to go up against powerful insurance companies whose primary goal is to protect the driver's financial interests.

Insurance Companies Exploit Contributory Negligence to Deny Legitimate Claims

We have seen countless cases where insurance companies issue claims denials based on absurd and unsupported assertions of contributory negligence, banking on the likelihood that victims do not have the resources to obtain legal representation and fight back.

Even when a vulnerable road user does seek representation, the system remains stacked against them. Many crashes occur at intersections, bike lane transitions, and congested work zones, areas where police often lack training on vulnerable road user laws. This results in inaccurate police reports, misattributed right-of-way violations, and other reporting errors that insurance adjusters exploit to deny compensation.

Egregious denials could include:

- A bicyclist denied compensation because a traffic sign had fallen over.
- A tractor operator told they should have been even farther off the road.
- A cyclist told they should have used a "calmer street," despite being on a designated bike route.

A Personal Experience: When the System Fails Victims

As an advocate, I have unfortunately seen this within my own family.

My wife was riding her bicycle when a driver doored her, admitting they failed to check before opening their door into traffic and that they had parked too far from the curb. Yet, when we filed a claim, the insurer blamed my wife, arguing that her injuries were caused by her fall, not the door striking her, as if being hit by a car door wasn't the reason she fell in the first place.

These arguments are legally baseless, yet insurance companies routinely use them to deny claims. We were fortunate to have the knowledge and legal resources to challenge them. After filing suit and obtaining video evidence of the crash, the insurer agreed to settle.

But that settlement did not undo the traumatic brain injury she sustained, the multiple hand surgeries that kept her out of work for months, or the economic losses suffered by the newborn patients she could no longer care for as a nurse practitioner. We fought back, but not every vulnerable road user is so lucky.

Maryland Must Join the Majority of States in Moving to Comparative Negligence

In Maryland, if an injured cyclist or pedestrian is found even 1% at fault, they receive nothing, even if the driver is responsible for 99% of the crash. This means many personal injury attorneys won't even take these cases, leaving injured victims without any legal recourse.

On its face, this system is indefensible. Vulnerable road users already bear the greatest risk of injury, they should not also bear the greatest financial burden after a crash.

A comparative negligence standard would correct this injustice, allowing victims to recover damages proportionate to their level of fault. 46 other states and the District of Columbia have already made this change, and the world did not end. Drivers still drive. Insurance companies still operate. The only difference? Victims in these 46 states and the District of Columbia are not automatically denied justice.

It is time for Maryland to follow suit.

We urge the Committee to support HB0466 and bring Maryland in line with the overwhelming majority of states that already provide a fairer, more just system of recovery.

Sincerely,

Jed Weeks
Executive Director

BikeMarylandetal-FAV-HB466-Comparative Negligence2

Uploaded by: Jon Korin

Position: FAV



HB466 – Comparative Negligence for Vulnerable Road Users

House Judiciary Committee

February 11, 2026

Position: Favorable

Greetings Chair and Members of the Committee

Our mission is to promote bicycling, increase safety, improve conditions, and provide a voice for bicyclists in Maryland. We partner with advocacy organizations to promote vulnerable road user safety legislation on the state and county level and work with government agencies, including police departments, to develop policy and awareness campaigns that protect the rights and well-being of bicyclists and pedestrians in Maryland.

We the undersigned represent multiple community-based organizations advocating for safe biking, walking and active transportation, submit this testimony on behalf of tens of thousands of members across the State of Maryland.

Pedestrians, bicyclists, people with disabilities, emergency responders and others that lawfully use or cross Maryland roads (“Vulnerable Road User” or “VRU”) are at risk of injury or death by the acts of drivers in lethal vehicles. But under Maryland law a lawful vulnerable road user injured or killed by a driver may not be able to recover damages if there is even a minimal perceived negligence on the VRU’s part. This is grossly unfair to the victim and denies Maryland a valuable deterrent for safe vehicle driving enjoyed by nearly all other states and since 2016, D.C. This bill fixes it. Here is a summary of why it is important:

- 1. More walking, biking and micro-mobility promotes health, reduces traffic, protects the environment and grows Maryland’s economy**
- 2. In 2025, more than 470 people were killed on Maryland roads and about 33% were VRUs (an alarming disproportionate amount)**
- 3. Strong consequences deter dangerous behavior and provide a basis for educating all road users**
- 4. A seriously injured or dead VRU has no chance to provide a crash statement**

5. **Nearly all judges and juries drive and are familiar with vehicle laws but few bike and therefore have misconceptions about rights, rules and safe practices for cyclists**
6. **This bill provides equitable relief for victims and supports a stronger message of safety to drivers with regard to our most vulnerable users of the road**
7. **This was recommended by the 2017 Maryland Bicycle Safety Task Force**
8. **Maryland is one of only 4 states with this issue. The District of Columbia passed a similar law in 2016.**
9. **This bill aligns with Maryland's commitment to Vision Zero, Complete Streets and other policies and laws aimed at reducing deaths and injuries on our roads**

Some Marylanders walk or bike as a lifestyle or economic choice; others because they have no other affordable option. This bill makes our roads safer for all vulnerable road users and provides fair relief when crashes occur.

We request that the committee support the passage of HB594.

Baltimore Bicycling Club (BBC)
Baltimoreans for People Oriented Places
Bicycle Advocates for Annapolis & Anne Arundel County (BikeAAA)
Bike Harford
Bike Maryland
Bikemore
Bike HoCo
Frederick Bicycle Coalition
Maryland Eastern Shore Trail Network
Washington Area Bicyclist Association (WABA)

HB0466 SK Testimony.pdf

Uploaded by: Juan Puga Nieto

Position: FAV



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February 9, 2026

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

HB0466_MDSierraClub_fav_11Feb2026.docx.pdf

Uploaded by: Lindsey Mendelson

Position: FAV



SIERRA CLUB

MARYLAND CHAPTER

P.O. Box 278
Riverdale, MD 20738

Committee: Judiciary

Testimony on: HB 466, Civil Actions - Motor Vehicle Accidents Involving Vulnerable Individuals - Comparative Negligence

Position: Support

Hearing Date: February 11, 2026

The Maryland Chapter of the Sierra Club urges a favorable report on HB 466, which would establish the doctrine of comparative negligence in Maryland when determining damage recoveries provided to vulnerable individuals injured in collisions with vehicles. Vulnerable individuals include pedestrians on sidewalks; bicyclists and wheelchair users lawfully using a highway, crosswalk, or sidewalk; and emergency and utility personnel actively working along a highway. The doctrine of comparative negligence is already used in almost every other state in the nation.

This legislation would be a significant step in protecting the rights of vulnerable road users, who may be injured in a collision to which their actions contributed in some small way. Under current Maryland law, which uses the doctrine of contributory negligence, vehicle drivers are largely shielded from damage suits if the pedestrian or cyclist contributed even slightly to the collision, even if the vehicle driver's actions overwhelmingly caused the collision. Protecting pedestrians, bicyclists, wheelchair users, and other vulnerable road users who are engaging in more sustainable modes of transportation is crucial to creating a sustainable, multi-mobility transportation system.

Under the doctrine of contributory negligence, a person cannot receive compensation for losses if they are even one percent at fault. Only four states – Alabama, Virginia, North Carolina, and Maryland – adhere to the doctrine of contributory negligence. HB 466 would alter this approach and utilize instead the doctrine of comparative negligence where vehicle collisions injure or kill vulnerable individuals. The bill would still bar a plaintiff from receiving compensation if the plaintiff's negligence is: 1) the proximate cause of the plaintiff's injury and 2) greater than the combined negligence of all defendants that proximately caused the plaintiff's injury. This does not absolve the vulnerable individual of all responsibility, but creates a much fairer basis for determining compensation for injury. In contrast, under current Maryland law a pedestrian or cyclist whose action contributed even slightly to the injury or death would generally face great difficulty in recovering damages even from a drunk driver who was speeding.

The bill would provide a fairer treatment for pedestrians, cyclists and other vulnerable individuals. Over time, we expect this will lead to safer streets, sidewalks, and crosswalks for everybody. For these reasons, the Maryland Chapter of the Sierra Club urges a favorable report on HB 466.

Jane Lyons-Raeder
Chair, Transportation Committee
janeplyons@gmail.com

Randy Lyons
Legislative Chair
Randy.Lyon@MDSierra.org

Josh Tulkin
Chapter Director
Josh.Tulkin@MDSierra.org

Founded in 1892, the Sierra Club is America's oldest and largest grassroots environmental organization. The Maryland Chapter has over 70,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.

HB0466_FAV_City of Rockville_Civil Actions - Motor

Uploaded by: Marissa Valeri

Position: FAV



Testimony of the Mayor and Council of Rockville
HB 466 – Civil Actions – Motor Vehicle Accidents Involving Vulnerable
Individuals – Comparative Negligence

Good afternoon, Chair Bartlett and esteemed members of the House Judiciary Committee. I am Rockville City Councilmember Marissa Valeri, and I thank you for the opportunity to testify in support of HB 466, which aligns with Rockville’s Vision Zero and Pedestrian Master Plan priorities. We are thankful to Delegate Embry and colleagues for introducing this important legislation.

The Rockville Mayor and Council unanimously support HB 466, and support the comparative negligence standard for civil actions involving motor vehicle collisions. We believe Maryland should join with the majority of States who have already changed their standard away from contributory negligence.

We support this legislation for the following reasons:

- It creates a more equitable system for victim compensation.
- For the first time, vulnerable individuals would have the opportunity to recover damages resulting from a vehicle collision. Given the rise in healthcare costs, any ability to recover damages increases the ability of individuals who are injured to receive the medical care they need.
- We have an obligation to protect pedestrians, bicyclists, those who roll, and others at greatest risk for serious injury or death in collisions, while promoting accountability and encouraging drivers to exhibit safer driving behavior.

HB 466 takes an important step forward by bringing increased fairness and equity to Maryland’s civil justice system. For these reasons, we urge the Committee to provide HB 466 with a favorable report. Thank you.

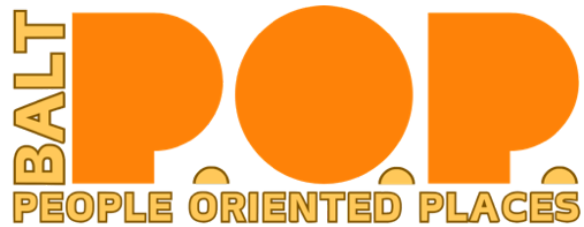
MGA 2026 Testimony Bill HB0466 (Vulnerable Individ

Uploaded by: Michael Scepaniak

Position: FAV

Bill: HB0466

Bill Title: Civil Actions - Motor Vehicle Accidents Involving Vulnerable Individuals - Comparative Negligence



Position: **Favorable**

Members of the House Judiciary Committee,

As a group which advocates for a built environment which is safe and convenient for all people, whether they are moving through that environment on foot, on a bicycle, in a wheelchair, via public transit, or in an automobile, we support HB0466.

Maryland's roadways are not safe, especially for vulnerable road users (VRUs). Despite the Vision Zero efforts of the past several years, those roadways have actually gotten less safe - for everyone.

This bill represents the thirteenth attempt in the past 30 years to change Maryland's prevailing contributory negligence standard - to some degree. Some of those bills were simply seeking to authorize a **study** of making such a change. Every single attempt has failed, with none of them making it out of committee.

It would appear that there are a lot of interests who would like to see a change made - and even more who don't.

This bill seeks to establish a comparative negligence standard, but only for VRUs. Past attempts at this have surfaced a number of arguments against.

It has been argued that VRUs don't deserve a special comparative negligence carve-out. Why does a pedestrian or cyclist being struck by an automobile stand out in comparison to someone being bitten by a dog? The answer is that VRUs find themselves in exceptionally vulnerable situations and, when struck, suffer exceptionally negative outcomes. An automobile generally weighs at least 10 times more than a pedestrian or cyclist, and depending on the type of automobile, it can be closer to 30 times or more. While the driver stands little chance of suffering any real injury when striking a VRU, the VRU stands a very high chance of suffering a life-altering injury. The risk to each party is completely disproportionate.

It has been argued that adopting a comparative negligence standard for VRUs will excuse or encourage careless behavior on the part of VRUs. Please consider that **the existing contributory negligence standard** sets a disproportionately **high** standard on the behavior of VRUs. In contrast, a comparative negligence standard would set an **equal** standard for VRUs

and drivers. As such, we don't understand why the existing standard does **not** raise concerns that the current standard excuses or encourages careless behavior on the part of **drivers**.

It has been argued that the current standard is working fine and there is no reason to fix it. Given all of the attempts over the course of the past 30 years, it would appear that it depends on who you are. For insurance companies, attorneys, and trucking company interests, it would appear that the current contributory negligence standard is a-OK. In contrast, for today's growing population of VRUs who increasingly find themselves at the mercy of a transportation system that does not adequately protect them from automobile traffic, the situation is dire. Despite the Vision Zero efforts of the past several years, VRU deaths and serious injuries are trending up, not down. The current situation is definitely not fine.

It has been argued that adopting a comparative negligence standard for VRUs won't make roads safer for those VRUs. By itself, that may or may not be true. But, it is a piece of the puzzle that is well worth embracing. The community of advocates who are fighting to make our transportation system safer for all of its users are pursuing that goal from a myriad of angles. This includes funding and support for protected infrastructure, speed monitoring systems to prevent speeding, authorization for transportation departments to easily reduce posted speed limits, encouraging the adoption of crash analysis practices, etc. There is no silver bullet solution here. As such, we need to work on placing multiple pieces, of which adopting a comparative negligence standard for VRUs is one.

It has been argued that a good lawyer will always get a good case brought by a plaintiff to the jury, regardless of the in-place contributory negligence standard. And what if the plaintiff does not have access to a "good lawyer"? How is a plaintiff to tell a "good" lawyer from a "bad" lawyer? What if the "good" lawyer the plaintiff hires turns out to be wrong and that jury deems them to be 1% at fault? Why not just skip all of that and adopt a comparative negligence standard that encourages both parties to settle their dispute in pre-trial proceedings?

It has been argued that VRUs don't deserve their own tort law - and that any change made should be all or nothing. History has shown that when this has been attempted, those attempts have failed. And so this VRU-specific carve-out approach is being pursued - which raises its own fierce opposition from entrenched powers.

It has been argued that adopting a comparative negligence standard for VRUs will result in chaos, a flood of litigation, rising insurance rates, and insurers leaving the state. All of this amounts to FUD - fear, uncertainty, and doubt. The fact of the matter is that Maryland is only one of five jurisdictions in the U.S. that still cling to the contributory negligence standard, the others being Alabama, North Carolina, Virginia, and Washington, D.C. [1] Why are the other 46 states able to make an **overall** comparative negligence standard (not just for VRUs) work and Maryland can't (simply for VRUs)?

VRUs are already vulnerable and at a disadvantage on our roadways. Let's make it so that they are no longer vulnerable and at a disadvantage in our courtrooms.

We hope the committee finds these points helpful and convincing and we urge its members to **vote in favor of HB0466**. Thank you for your efforts and the opportunity for us to testify on this legislation.

[BaltPOP - Baltimoreans for People-Oriented Places](#)

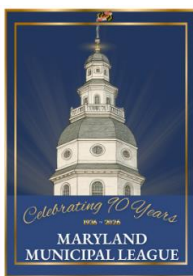
References:

[1] Justia. "Comparative & Contributory Negligence in Personal Injury Lawsuits". October 2024.
<https://www.justia.com/injury/negligence-theory/comparative-contributory-negligence/>

HB 466 - UNF - MML.pdf

Uploaded by: Angelica Bailey Thupari

Position: UNF



TESTIMONY

COMMITTEE: House Judiciary

DATE: February 11, 2026

POSITION: Unfavorable

BILL: HB 466

The Maryland Municipal League respectfully opposes House Bill 466, which would establish a comparative negligence standard for certain civil actions arising from motor vehicle accidents involving “vulnerable individuals,” such as pedestrians and cyclists, as defined in law.

Under the bill, a vulnerable plaintiff’s recovery would not be barred by their own negligence unless that negligence was both a proximate cause of the injury and greater than the combined negligence of all defendants. In cases where the plaintiff is partially at fault, damages would instead be reduced in proportion to the plaintiff’s share of negligence. While the bill applies only to a subset of motor vehicle cases, it represents a departure from Maryland’s longstanding contributory negligence framework.

From a municipal perspective, even this limited shift raises meaningful liability and fiscal concerns. Municipalities are frequently named defendants in litigation involving pedestrian and cyclist incidents, particularly in cases alleging issues with roadway design, traffic control devices, crosswalks, sidewalks, or other public infrastructure. By lowering the threshold for recovery in these cases, the bill could result in an increase in the number of claims brought, as well as higher defense and settlement costs in matters that previously may not have proceeded under existing law.

Over time, these increased exposures could place upward pressure on municipal insurance premiums or self-insurance pool contributions, creating budgetary impacts for local governments. As a result, even a targeted modification to negligence standards in this area could have outsized implications for municipal risk management and liability planning.

For these reasons, the League respectfully requests an unfavorable report on House Bill 466.

For more information relating to this piece of testimony, please contact:

Angelica Bailey Thupari: Director, Advocacy and Public Policy, angelicab@mdmunicipal.org

MML represents 161 local governments and about 2 million Maryland residents.

HB 466_IAB_UNF.pdf

Uploaded by: Bryson Popham

Position: UNF



Insurance Agents
& Brokers

February 9, 2026

The Honorable J. Sandy Bartlett, Chair
House Judiciary Committee
100 Taylor House Office Building
Annapolis, Maryland 21401

RE: House Bill 466 - *Civil Actions - Motor Vehicle Accidents Involving Vulnerable Individuals - Comparative Negligence*
- UNFAVORABLE

Dear Chair Bartlett and Members of the Committee,

On behalf of the Insurance Agents & Brokers of Maryland (IA&B), we respectfully urge an unfavorable vote on House Bill 466. IA&B is a professional trade association for independent insurance agents in Maryland, representing nearly 200 member agencies and their 1,800-plus employees.

IA&B members, and the insurance consumers we serve, have benefited from a stable Maryland insurance market with well-defined standards of liability. Periodic attempts have been made over many years to change our contributory negligence standard to one of comparative negligence. This bill would do so in situations where a person meeting the statutory definition of "vulnerable individual" brings a civil action for liability arising from a motor vehicle accident.

Unfortunately, the bill creates substantial uncertainty and would serve only to disrupt well established measures of negligence in the context of motor vehicle accidents. Numerous examples of vulnerable individuals exist under the statutory definition found in Section 21-901.3 of the Transportation Article. In a common situation where there may be multiple plaintiffs in a tort action, different standards of negligence may apply to different parties to the action. This could create needless complexity in the disposition of the claims being brought.

In fact, House Bill 466 appears to be an effort to move Maryland toward a general standard of comparative negligence. The better approach would be to introduce legislation that accomplishes that purpose, and a debate could be fairly maintained if the choice were between contributory negligence and comparative negligence.

For these reasons, we respectfully urge an unfavorable vote on House Bill 466. Thank you for your consideration.

Sincerely,

Johnathan Savant
Director, Government Affairs

cc: Claire Pantaloni
Bryson F. Popham

HB 466_MAMIC_UNF.pdf

Uploaded by: Bryson Popham

Position: UNF



191 Main Street, Suite 310 – Annapolis MD 21401 – 410-268-6871

February 9, 2026

The Honorable Sandy J. Bartlett
Chair, House Judiciary Committee
100 Taylor House Office Building
Annapolis, Maryland 21401

RE: HB 466 - Civil Actions - Motor Vehicle Accidents Involving Vulnerable Individuals - Comparative Negligence - UNFAVORABLE

Dear Chair Bartlett and Members of the Committee,

I'm writing today on behalf of the Maryland Association of Mutual Insurance Companies (MAMIC) in opposition to House Bill 466.

MAMIC is comprised of 12 mutual insurance companies that are headquartered in Maryland and neighboring states. Approximately one-half of its members are domiciled in Maryland, and are key contributors and employers in our local communities. Together, MAMIC members offer a wide variety of insurance products and services and provide coverage for thousands of Maryland citizens.

For many years, the Maryland laws of negligence have observed the doctrine of contributory negligence. This practice has served our State well and has afforded prompt and fair settlements of personal injury claims. At the same time, the General Assembly has periodically considered and rejected attempts to change this law to one of comparative negligence. We urge you to do so again with House Bill 466.

Apart from the fundamental change from contributory negligence to comparative negligence, this bill would create potentially confusing claim situations, especially where there may be multiple claimants – some of whose claims may be eligible for determination under a comparative negligence analysis, and others who would remain subject to our current contributory negligence law.

We note that the definition of vulnerable individual cited at page 1, line 21 of the bill comprises a considerable number of persons with different circumstances. We respectfully submit that the definition is quite broad; indeed, overly broad. It would create a number of different factual scenarios, and would introduce an element of subjectivity into the claims adjudication process in determining whether a party actually qualifies as a vulnerable individual.

We believe that Maryland's current law of negligence affords fair treatment to all parties involved in a claim for damages, and that adoption of the provisions of House Bill 466 would upset the balance we have achieved in Maryland over the course of many years.

Very truly yours,

Melissa Shelley, President, MAMIC

cc: Bryson Popham

NAMIC Letter Opposing 466.pdf

Uploaded by: Gina Rotunno

Position: UNF

February 9, 2026

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

Re: NAMIC Opposition to HB 466 - Civil Actions - Motor Vehicle Accidents Involving Vulnerable Individuals - Comparative Negligence

Members of the House Judiciary Committee,

The National Association of Mutual Insurance Companies (NAMIC) is reaching out to express our concerns with HB 466 - Civil Actions - Motor Vehicle Accidents Involving Vulnerable Individuals - Comparative Negligence by Senator Elizabeth Embry.

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 would change how fault is handled in certain motor vehicle accident lawsuits by replacing Maryland’s long-standing contributory negligence rule with a comparative negligence system when the plaintiff is considered a “vulnerable individual.” Under this bill, these plaintiffs could still collect damages even if they were partly at fault, as long as they were not more at fault than the those they are suing.

HB 466 would create two different legal standards depending on the plaintiff. Similar accidents could be treated differently simply because one driver is in a certain category, leading to confusion and inconsistency. HB 466 also covers a wide range of individuals, including walkers, cyclists, motorcyclists, and even people operating wheelchairs or scooters, which significantly expands the number of cases that would fall under this proposal.

The State’s fiscal note warns that this change could lead to significant increases in payouts for state and local governments, signaling that private insurance costs would likely rise. Allowing recovery even when a plaintiff shares significant responsibility for an accident means more lawsuits will result in payments, and those payments will often be higher. This ultimately could drive up the cost of auto insurance for everyone.

For these reasons, NAMIC strongly opposes Senate Bill 466 and respectfully requests that an unfavorable report be issued for the bill.



Sincerely,
Gina Rotunno
Regional Vice President, Mid-Atlantic

MDCC_HB 466_Unfavorable.pdf

Uploaded by: Grason Wiggins

Position: UNF



House Bill 466

Date: February 11, 2026

Committee: House Judiciary

Position: Unfavorable

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 7,000 members and federated partners working to develop and promote strong public policy that ensures sustained economic growth for Maryland businesses, employees, and families.

House Bill 466 (HB 466) would alter Maryland's current standard of contributory negligence by creating a separate comparative fault standard for motor vehicle accidents involving individuals defined under § 21-901.3 of the Transportation Article.

The Maryland Chamber has consistently stated its strong support for retaining the common law doctrine of contributory negligence because of the significant, negative economic effects a shift away from this doctrine would have on Maryland's economic climate. A shift to comparative fault would result in more lawsuits, higher costs, and higher insurance premiums for Maryland's employers and employees. As a result of more litigation and higher costs, Maryland's consumers would subsequently experience an increase in the cost of goods and a reduction in potential employment opportunities.

Contributory negligence remains the tort law standard for our economic competitors like Virginia and Washington, D.C., and a shift away from that standard would place Maryland in an even less competitive position for economic growth. Maryland is currently struggling to attract investment, generate businesses, and create jobs, and HB 466 would increase the cost of doing business in Maryland and directly compound these issues. **For these reasons, the Maryland Chamber respectfully requests an unfavorable report on HB 466.**

MDC Opposition Letter to HB 466.pdf

Uploaded by: Joseph Johnston

Position: UNF



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February 9, 2026

Chair J. Sandy Bartlett
House Judiciary Committee
100 Taylor House Office Building
Annapolis, Maryland 21401

**RE: HB 466 - Motor Vehicle Accidents Involving Vulnerable
Individuals - Comparative Negligence - OPPOSE**

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

On behalf of the Maryland Defense Counsel, Inc. ("MDC"), we oppose House Bill 466 ("HB 466"), which seeks to abolish contributory negligence in favor of comparative negligence in certain cases brought by "vulnerable individuals" as defined in Md. Code Ann., Transp., § 21-901.3¹ against operators of motor vehicles.

MDC opposes HB 466 for two primary reasons discussed below. *First*, HB 466 seeks to establish a comparative fault without abolishing joint and several liability among defendants. *Second*, HB 466 creates a confusing situation in which contributory negligence could apply to claims on one plaintiff while comparative negligence applies to the claims of another.

¹ Section 21-901.3(a) provides that:
"vulnerable individual" means:

- (1) A pedestrian, including an individual who is lawfully:
 - (i) Actively working on a highway or a utility facility along a highway;
 - (ii) Providing emergency services on a highway; or
 - (iii) On a sidewalk or footpath;
- (2) An individual who is lawfully riding or leading an animal on a highway, shoulder, crosswalk, or sidewalk; or
- (3) An individual who is lawfully operating or riding any of the following on a highway, shoulder, crosswalk, or sidewalk:
 - (i) A bicycle;
 - (ii) A farm tractor or farm equipment;
 - (iii) A play vehicle;
 - (iv) A motor scooter;
 - (v) A motorcycle;
 - (vi) An animal-drawn vehicle;
 - (vii) An EPAMD; or
 - (viii) A wheelchair.



Contributory negligence has been the law in Maryland since 1847.² Under the doctrine of contributory negligence, if the plaintiff is at fault, then the plaintiff does not recover. Where more than one defendant is at fault, each defendant is jointly and severally liable for any judgment entered in favor of the plaintiff. Stated differently, joint and several liability flows from the finding that each defendant is responsible in full for the harm to a faultless plaintiff. Currently, a defendant with joint and several liability who is responsible for 10% of a plaintiff's harm can be made to pay 100% of the liability, but can then attempt to recover 50% of that liability if there is one other joint tortfeasor from whom collection can be obtained.³

HB 466 seeks to do away with contributory negligence in favor of comparative fault in cases where a "vulnerable individual" brings an action to recover damages for negligent operation of a motor vehicle. Under HB 466, plaintiffs whose claims may have been barred by their own fault, may now be able to recover. In establishing a comparative fault scheme, HB 466 does not affect the rule of joint and several liability.

Comparative fault in general, and as contemplated in HB 466, allows some recovery by an at-fault plaintiff. By allowing an at-fault plaintiff to recover, there is no reason to require an at-fault defendant to pay for more than their portion of the negligence. Joint and several liability, therefore, makes no sense in a comparative fault scheme.

For example, imagine a hypothetical scenario where a plaintiff, who is 40% at fault, receives a verdict of \$100,000 against defendant 1, who is 50% at fault, and defendant 2, who is 10% at fault. The defendants would owe 60% of a verdict to plaintiff. If joint and several liability applies, defendant 2, while only being 10% at fault, can be forced to pay \$60,000 for contributing only \$10,000 in harm. Defendant 2 would then have to try to collect \$30,000 from defendant 1, the defendant who was 50% at fault. Where all parties are at fault for causing an accident, there is no reason to only protect the plaintiff from collection risks. In short, installing *any* sort of comparative fault scheme would require the abolition of pure joint and several liability. MDC opposes HB 466 because it would install comparative fault while maintaining joint and several liability.

MDC also opposes HB 466 because it could lead to complicated scenarios. For example, a vulnerable individual who asserts a negligence claim against an automobile driver would be subject to comparative negligence. But, if that driver were to assert in the same action, a related claim against another automobile, contributory negligence would apply. That is sure to cause confusion.

² See *Harrison v. Montgomery County Bd. of Educ.*, 295 Md. 442, 450 (1983) (citing *Irwin v. Spriggs*, 6 Gill 200 (1847)).

³ See *Lahocki v. Contee Sand & Gravel Co.*, 41 Md. App. 579, 619-22 (1979), *rev'd on other grounds*, 286 Md. 714 (1980).



MARYLAND DEFENSE COUNSEL, INC.

Promoting justice. Providing solutions.

For these reasons, MDC urges an unfavorable report on HB 466.

Sincerely,

/s/ Joseph S. Johnston

jjohnston@gdldlaw.com

410-783-4984

on behalf of Maryland Defense Counsel, Inc.

Allstate HB 466 comparative negligence testimony 2

Uploaded by: Lauren Pachman

Position: UNF



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".

Lauren G. Pachman
Legislative & Regulatory Senior Counsel

Government & Industry Relations
Allstate Insurance Company
3100 Sanders Road
Northbrook, IL 60062

Lauren.Pachman@allstate.com

HB466 - Oppose - Maryland Motor Truck Association.

Uploaded by: Louis Campion

Position: UNF

Maryland Motor Truck Association



NOTHING WITHOUT
TRUCKING 

HEARING DATE: February 11, 2026

BILL NO/TITLE: HB466: Civil Actions - Motor Vehicle Accidents Involving Vulnerable Individuals - Comparative Negligence

COMMITTEE: House Judiciary

POSITION: **Oppose**

Maryland Motor Truck Association (MMTA) opposes this legislation, which would change Maryland's tort standard to one of comparative negligence in civil actions for damages arising from the negligent operation of a motor vehicle if the plaintiff was a vulnerable road user at the time of the accident.

MMTA was pleased to serve as a participant on the Task Force to Study Bicycle Safety in Maryland, which met over several months in 2017. The Association believes that several of the recommendations offered by that task force can have a meaningful impact on safety as motor vehicle operators share the road with bicyclists; however, during the task force debates our representative expressed our concerns about inclusion of recommendation 1.2, which asked the General Assembly to consider replacing Maryland's tort standard of contributory negligence with one of comparative fault in certain accidents involving motor vehicles and bicyclists. MMTA does not believe that changing this standard will have any impact on safety and will result only in the following outcomes:

- Make it exponentially harder for trucking companies to find insurance in an increasingly tight market;
- Drive up insurance premiums for all motor vehicle operators; and
- Drive up jury awards.

The American Transportation Research Institute completed a study in 2020 to better understand the impact of rising verdicts on trucking. The research evaluated 600 cases between 2006 and 2019. In the first five years of data, there were 26 cases over \$1 million involving heavy-duty trucks. In the last five years, there were nearly 300 cases. The number of verdicts over \$10 million nearly doubled in that time. According to CaseMetrix, the average verdict against a trucking company in 2012 was about \$2.6 million. In 2017, that figure was just over \$7 million. As of 2019 it exceeded \$17 million.

The impacts on motor carriers of these nuclear verdicts have included bankruptcy filings, businesses closing, and unsustainable higher insurance premiums as fewer companies are willing to provide insurance to the trucking industry. Over the past few years carriers such as Nationwide E&S and Zurich have exited the truck insurance market, making it more and more difficult for the trucking industry to deliver the products our businesses and citizens need.

MMTA believes that the passage of this legislation and subsequent shift to a comparative fault system, even in these limited circumstances, would increase exposure for all motor vehicle operators in the state, and make it increasingly harder for Maryland registered trucks to get insurance.

No driver wants to hit a vulnerable road user or be involved in an accident of any kind. For commercial drivers, the outcome is likely the loss of your job and the possible loss of your Commercial Driver's License (CDL). Level of fault in an accident is often subjective, difficult to prove, and based on a variety of contributing factors. For those reasons we encourage the Committee to give this bill an unfavorable report.

About Maryland Motor Truck Association: Maryland Motor Truck Association is a non-profit trade association that has represented the trucking industry since 1935. In service to its 1,000 members, MMTA is committed to support, advocate and educate for a safe, efficient and profitable trucking industry in Maryland.

For further information, contact: Louis Campion, (c) 443-623-5663

HB 466 Comp Negligence HS Jud 021126 UNF .pdf

Uploaded by: Nancy Egan

Position: UNF



Testimony of
American Property Casualty Insurance
Association
House Judiciary Committee
HB 466 Civil Actions - Motor Vehicle Accidents
Involving Vulnerable Individuals - Comparative
Negligence
February 11, 2026

Unfavorable

The American Property Casualty Insurance Association (APCIA) is a national trade organization whose members write approximately 67% of the personal auto insurance market and 81.54 % of the commercial auto insurance market in Maryland. House Bill 466 would change Maryland’s tort standard from contributory negligence to that of comparative negligence in a unique exception for bicyclists and other “vulnerable users” involved in crashes with motor vehicles. This bill is unnecessary and overreaches in such a way as to likely lead to negative and unintended consequences for Maryland’s consumers, taxpayers and businesses.

HB 466 would abandon many years of common law and adopt comparative negligence. The bill’s proponents have not demonstrated a compelling need for this bill. There has been no uproar for comparative fault or any basis for such a profound change in Maryland tort law. Virginia and North Carolina all impose a contributory negligence standard on lawsuit plaintiffs. Loosening this standard could have a profound impact on the cost of doing business, and, therefore, a potentially negative impact on economic development. A similar bill was introduced in MD in 2025, HB 594 and the [fiscal note](#) showed that there would be a great impact in the number of claims filed against the state. This

The Maryland law¹ has worked well for many years; there is no reason to discard it. Virginia embraces the contributory negligence doctrine and Maryland is most frequently pitted against Virginia for economic development, business growth, and the jobs they bring. Together with taxes, regulation of business, and quality of life, a state’s civil justice system is a key factor in measuring the business climate. The quality of Maryland’s civil justice system is critical to current and prospective Maryland employers and to economic development in our state. Maryland needs more jobs and investment, not more litigation. In 2024, Virginia was ranked #1 for business by CNBC while Maryland trailed at #31. Don’t add another reason to not invest in Maryland.

HB 466 would be a challenge to administer as it would establish comparative negligence for some, but not all, negligence actions. In some cases, you could have both, comparative negligence and contributory negligence doctrines applicable to the same lawsuit. For example, in a negligence action developing out of an automobile collision also involving a bicycle, the rider of the bicycle would be subject to comparative

¹ [Garrett County Maryland v. Bell Atlantic, 695 A.2d 171 \(1977\)](#)

negligence, while the driver of the automobile would be subject to contributory negligence. This is unworkable.

Several studies have demonstrated that a move from contributory to comparative negligence results in an increase of auto insurance costs. The study, *An Analysis of the Relative Costs of the Adoption of Comparative Negligence – A Paired State Study: Delaware and Maryland*, by Professors Joseph E. Johnson of the University of North Carolina and William L. Ferguson of the University of Georgia compares automobile insurance premiums, frequency of claims, and severity of claims in Maryland and Delaware. The study concluded that:

- In the four-year period after changing to a comparative fault system, pure premiums for Delaware drivers increased at a rate of 18.61%, while Maryland experienced an increase of only 9.16%. In the four years prior to Delaware's change from contributory negligence to comparative fault, the rate of premium increase for Delaware was 11.33%, compared to a 12.12% growth rate in Maryland.
- During the 1980-1984 period, Delaware claim frequency increased at a rate of 0.43% per year; Maryland's 1.74%. Under comparative fault, the Delaware rate of growth for claims accelerated to 2.75% per year, while Maryland's decline 1.07%.
- Claim severity in Delaware increased at an annual rate of 10.87% between 1980 and 1984, and 15.75% after 1984. Maryland severity was 10.34% per year prior to 1984 and 8.06% afterwards.

Another study, the "[Costs Effects of Comparative Negligence](#)," by Professors Winkler, Flanigan, and Johnson of the University of North Carolina at Greensboro² concluded that:

- States with comparative negligence standards have substantially higher automobile loss costs. . . [T]o the extent businesses operate in states where comparative negligence is the rule, they should expect higher costs for general liability, product liability, and professional liability insurance. Consumers in those states should expect higher costs for homeowners insurance, as well as for automobile insurance.
- There will be increased litigation and larger damage awards.

For these reasons, APCIA urges the Committee to provide an unfavorable report on House Bill 466.

Nancy J. Egan, State Government Relations Counsel, Mid-Atlantic,

Nancy.egan@APCIA.org

Cell: 443-841-4174

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² [https://libres.uncg.edu/ir/uncg/f/D_Winkler_Cost_1991\(MULTI%20UNCG%20AUTHORS\).pdf](https://libres.uncg.edu/ir/uncg/f/D_Winkler_Cost_1991(MULTI%20UNCG%20AUTHORS).pdf)

HB0466-JUD_MACo_OPP.pdf

Uploaded by: Sarah Sample

Position: UNF



House Bill 466

Civil Actions – Motor Vehicle Accidents Involving Vulnerable Individuals – Comparative Negligence

MACo Position: **OPPOSE**

To: Judiciary Committee

Date: February 11, 2026

From: Sarah Sample

The Maryland Association of Counties (MACo) **OPPOSES** HB 466. The bill would create a new comparative fault standard in Maryland and upend the state’s well-established and carefully balanced contributory negligence standard, without any corresponding adjustments to other components of Maryland’s longstanding balanced approach to tort claims.

The current standard of contributory negligence makes certain that when county employees have been negligent, and found to be at fault for the types of claims described in the bill, there is no question as to a plaintiff’s ability to recover damages. Additionally, the “last clear chance” exception functions in a way that plaintiffs still do have some existing potential to recover damages even if there is some fault in their own actions. Maryland’s doctrine of joint and several liability also represents an important part of the State’s balanced approach to such lawsuits. Taken together, Maryland has a thoughtful approach that is sensitive to residents from two angles. It allows for reasonable recovery of damages and a sensitivity to the taxpayer burden of excessive or prolonged government litigation.

The proposed shift to comparative negligence, especially in the absence of any changes to the other portions of Maryland’s current balanced system, would likely cause the number of claims to increase, give life to previously meritless or frivolous claims, and cause these cases to take longer and become more difficult to resolve. A comparative negligence case requires more deliberation, research, and investigation to effectively parse out the varying degrees of fault for all parties based on what is often ambiguous and nuanced data. This brings significantly more cost for plaintiffs and defendants as well as extends that additional burden onto the courts. Therefore, the potential to increase the tax burden on residents for new state and local costs is high. This effect is precisely why a more simple and practical process for damage recovery has been preferable for so long.

This confusing and expensive outcome could drain funds that might otherwise be directed toward maintaining critical infrastructure, including roads, parks, sidewalks, and other facilities where the activities addressed in this bill are likely to take place.

Counties believe the current contributory negligence standard in conjunction, along with the “last clear chance” exception, and the system of joint and several liability, collectively constitute a fair process to ensure responsibility for claims and be conscious of the taxpayer burden for government litigation. Accordingly, MACo requests an **UNFAVORABLE** report on **HB 466**.

HB 466 Civil Actions MABE Opposed 021126.pdf

Uploaded by: William Kress

Position: UNF

BILL: House Bill 466
TITLE: Civil Actions – Motor Vehicle Accidents Involving Vulnerable Individuals – Comparative Negligence
DATE: February 11, 2026
POSITION: OPPOSED
COMMITTEE: House Judiciary Committee
CONTACT: Melanie Wernig, Director of the MABE Group Insurance Pool

The Maryland Association of Boards of Education (MABE) Group Insurance Pool submits this testimony in **opposition** to House Bill 466.

The MABE Group Insurance Pool is a protected self-insurance program authorized by the Annotated Code of Maryland. The Pool is comprised of 19 of Maryland's 24 local school boards, providing comprehensive property and casualty coverage, including automobile liability, to the vast majority of public school systems in the State. Our mission is to provide stable, affordable risk management to public education, ensuring that educational funds remain in the classroom rather than being diverted to litigation and liability costs.

Opposition to Eroding the Contributory Negligence Standard

HB 466 seeks to alter Maryland's long-standing doctrine of contributory negligence by introducing a comparative negligence standard specifically for motor vehicle accidents involving "vulnerable individuals" (pedestrians, cyclists, etc.).

The MABE Insurance Pool opposes this bill for the following reasons:

1. Disproportionate Impact on School Bus Operations School systems operate the largest mass transit fleets in the state. Our buses are mandated to operate in precisely the environments this bill targets: neighborhoods, school zones, and busy intersections filled with "vulnerable individuals" (students, parents, and pedestrians).

- By nature of their mission, school buses are constantly interacting with pedestrian traffic.
- Under current law, if a plaintiff contributes to their own injury through negligence (e.g., darting into traffic, ignoring crossing signals), the school system is protected from liability.
- HB 466 would remove this defense, exposing school boards to significantly increased litigation and settlements even when a pedestrian was primarily at fault for an accident.

2. Diversion of Educational Resources The fiscal impact of this legislation would be borne directly by taxpayers and students.

- The MABE Insurance Pool is a non-profit, member-owned trust. Any increase in claims severity or frequency results in higher premiums for local school boards.
- Shifting from contributory to comparative negligence will inevitably lead to higher settlement amounts and increased defense costs, as cases that would previously be dismissed will now proceed to costly litigation to determine "percentages" of fault.
- Every additional dollar spent on insurance premiums and legal payouts is a dollar unavailable for teacher salaries, student services, and facility maintenance.

3. Slippery Slope to Broader Tort Reform Maryland courts and the General Assembly have historically upheld contributory negligence as a fair balancing of responsibility—requiring all parties to exercise due care. Creating a "carve-out" for specific classes of plaintiffs introduces inconsistency into the civil justice system and sets a precedent for a piecemeal dismantling of Maryland's tort laws. We believe that if a pedestrian fails to exercise reasonable care for their own safety, public school funds should not be the insurance policy for that negligence.

Conclusion

The MABE Insurance Pool is committed to the safety of all students and residents. However, HB 466 unfairly shifts the financial burden of accidents caused by plaintiff negligence onto public school systems. This legislation would increase liability costs for school boards and reduce the resources available for education.

For these reasons, the MABE Insurance Pool requests an **UNFAVORABLE** report on House Bill 466.