

HOUSE BILL 594

D3, R5

5lr2465

By: **Delegates Embry, Boyce, Feldmark, Kaufman, R. Lewis, Palakovich Carr, Pasteur, Taveras, and Williams**

Introduced and read first time: January 23, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Motor Vehicle Accidents Involving Vulnerable Individuals –**
3 **Comparative Negligence**

4 FOR the purpose of prohibiting recovery by a certain plaintiff from being barred in a certain
5 civil action due to the plaintiff's negligence, except under certain circumstances;
6 requiring any damages awarded under this Act to be diminished in proportion to the
7 amount of negligence attributed to the plaintiff; and generally relating to
8 comparative negligence and motor vehicle accidents involving vulnerable
9 individuals.

10 BY adding to
11 Article – Courts and Judicial Proceedings
12 Section 11–302
13 Annotated Code of Maryland
14 (2020 Replacement Volume and 2024 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – Courts and Judicial Proceedings**

18 **11–302.**

19 **(A) THIS SECTION APPLIES ONLY TO A CIVIL ACTION BROUGHT BY A**
20 **PLAINTIFF WHO, AT THE TIME OF THE MOTOR VEHICLE ACCIDENT GIVING RISE TO**
21 **THE CAUSE OF ACTION, WAS A VULNERABLE INDIVIDUAL, AS DEFINED IN § 21–901.3**
22 **OF THE TRANSPORTATION ARTICLE.**

23 **(B) IN AN ACTION TO RECOVER DAMAGES ARISING FROM THE NEGLIGENT**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 OPERATION OF A MOTOR VEHICLE, RECOVERY BY THE PLAINTIFF MAY NOT BE
2 BARRED DUE TO THE PLAINTIFF'S NEGLIGENCE UNLESS THE PLAINTIFF'S
3 NEGLIGENCE WAS:

4 (1) A PROXIMATE CAUSE OF THE PLAINTIFF'S INJURY; AND

5 (2) GREATER THAN THE COMBINED NEGLIGENCE OF ALL
6 DEFENDANTS THAT PROXIMATELY CAUSED THE PLAINTIFF'S INJURY.

7 (C) THE DAMAGES AWARDED IN AN ACTION DESCRIBED IN THIS SECTION
8 SHALL BE DIMINISHED IN PROPORTION TO THE AMOUNT OF NEGLIGENCE
9 ATTRIBUTED TO THE PLAINTIFF.

10 (D) THE PROVISIONS OF THIS SECTION MAY NOT BE CONSTRUED TO AFFECT
11 THE RULE OF JOINT AND SEVERAL LIABILITY OR THE DOCTRINE OF LAST CLEAR
12 CHANCE.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
14 apply only prospectively and may not be applied or interpreted to have any effect on or
15 application to any cause of action arising before the effective date of this Act.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2025.