

SENATE BILL 465

D3, R5

8lr1322

By: **Senators Lee, Kagan, Madaleno, Robinson, and Smith**

Introduced and read first time: January 26, 2018

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Motor Vehicle Accidents Involving Pedestrians or Nonmotorized**
3 **Vehicles – 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; providing for the application of this
8 Act; providing for the construction of this Act; and generally relating to comparative
9 negligence and motor vehicle accidents involving pedestrians or nonmotorized
10 vehicles.

11 BY adding to
12 Article – Courts and Judicial Proceedings
13 Section 11–302
14 Annotated Code of Maryland
15 (2013 Replacement Volume and 2017 Supplement)

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

18 **Article – Courts and Judicial Proceedings**

19 **11–302.**

20 **(A) THIS SECTION APPLIES ONLY TO A CIVIL ACTION BROUGHT BY A**
21 **PLAINTIFF WHO, AT THE TIME OF THE MOTOR VEHICLE ACCIDENT GIVING RISE TO**
22 **THE CAUSE OF ACTION, WAS:**

23 **(1) A PEDESTRIAN; OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) OPERATING A BICYCLE, A PLAY VEHICLE, OR ANY OTHER**
2 **NONMOTORIZED VEHICLE.**

3 **(B) IN AN ACTION TO RECOVER DAMAGES ARISING FROM THE NEGLIGENT**
4 **OPERATION OF A MOTOR VEHICLE, RECOVERY BY THE PLAINTIFF MAY NOT BE**
5 **BARRED DUE TO THE PLAINTIFF'S NEGLIGENCE UNLESS THE PLAINTIFF'S**
6 **NEGLIGENCE WAS:**

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

8 **(2) GREATER THAN THE COMBINED NEGLIGENCE OF ALL**
9 **DEFENDANTS THAT PROXIMATELY CAUSED THE PLAINTIFF'S INJURY.**

10 **(C) THE DAMAGES AWARDED IN AN ACTION DESCRIBED IN THIS SECTION**
11 **SHALL BE DIMINISHED IN PROPORTION TO THE AMOUNT OF NEGLIGENCE**
12 **ATTRIBUTED TO THE PLAINTIFF.**

13 **(D) THE PROVISIONS OF THIS SECTION MAY NOT BE CONSTRUED TO AFFECT**
14 **THE RULE OF JOINT AND SEVERAL LIABILITY OR THE DOCTRINE OF LAST CLEAR**
15 **CHANCE.**

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

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2018.