

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 313

(Senators Watson and Carter)

Judicial Proceedings

Rules and Executive Nominations

Civil Actions - Damages - Use of Race, Ethnicity, and Gender Data

This bill prohibits a calculation of damages for loss of earnings resulting from personal injury or wrongful death from being reduced based on race, ethnicity, or gender. The bill applies prospectively to causes of action arising on or after its October 1, 2022 effective date.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finance or operations.

Local Effect: The bill is not anticipated to materially affect local finances or operations.

Small Business Effect: Minimal.

Analysis

Current Law: No provisions in statute address the use of race, ethnicity, or gender in the calculation of damages. Actual damages, also known as compensatory damages, are intended to make a plaintiff whole by returning the plaintiff to the position he or she was in prior to the alleged harm caused by the defendant. Actual damages include both economic damages – compensation for things like *lost wages*, medical expenses, and costs to repair or replace property – and noneconomic damages – compensation for things like pain, suffering, inconvenience, physical impairment, loss of consortium, or other nonpecuniary injury.

While there is no cap on economic damages, the Courts and Judicial Proceedings Article sets various caps on noneconomic damages in civil actions, depending on the type of action and when the cause of action arose.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 244 (Delegate Moon, *et al.*) - Judiciary.

Information Source(s): Maryland Commission on Civil Rights; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - January 31, 2022
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