

# MedChi

*The Maryland State Medical Society*

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TO: The Honorable Bobby A. Zirkin, Chair  
Members, Senate Judicial Proceedings Committee  
The Honorable Susan C. Lee

FROM: Danna L. Kauffman  
Pamela Metz Kasemeyer  
J. Steven Wise  
Richard A. Tabuteau

DATE: February 6, 2018

RE: **OPPOSE** – Senate Bill 465 – *Civil Actions – Motor Vehicle Accidents Involving Pedestrians or Nonmotorized Vehicles – Comparative Negligence*

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The Maryland State Medical Society (MedChi), which represents more than 7,000 Maryland physicians and their patients, **opposes** Senate Bill 465. Senate Bill 465 establishes a comparative negligence standard in civil actions for damages arising from the negligent operation of a motor vehicle and involving a plaintiff who was a pedestrian or was operating a play vehicle or nonmotorized vehicle at the time of the accident.

Senate Bill 465 is the first step in unraveling a fundamental principle of Maryland tort law. From the perspective of the physician community, it is unclear if the comparative negligence standard would be limited to the operation of the motor vehicle or could be applied to the medical care provided to the plaintiff resulting from the injuries sustained given that the bill language simply provides “in an action to recover damages arising from the negligent operation of the motor vehicle...”. The interpretation of this language could result in different standards being applied throughout the courts, destabilizing the protections currently afforded in Maryland law for medical practice cases.

For these reasons, MedChi requests an unfavorable vote on Senate Bill 465.

**For more information call:**

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