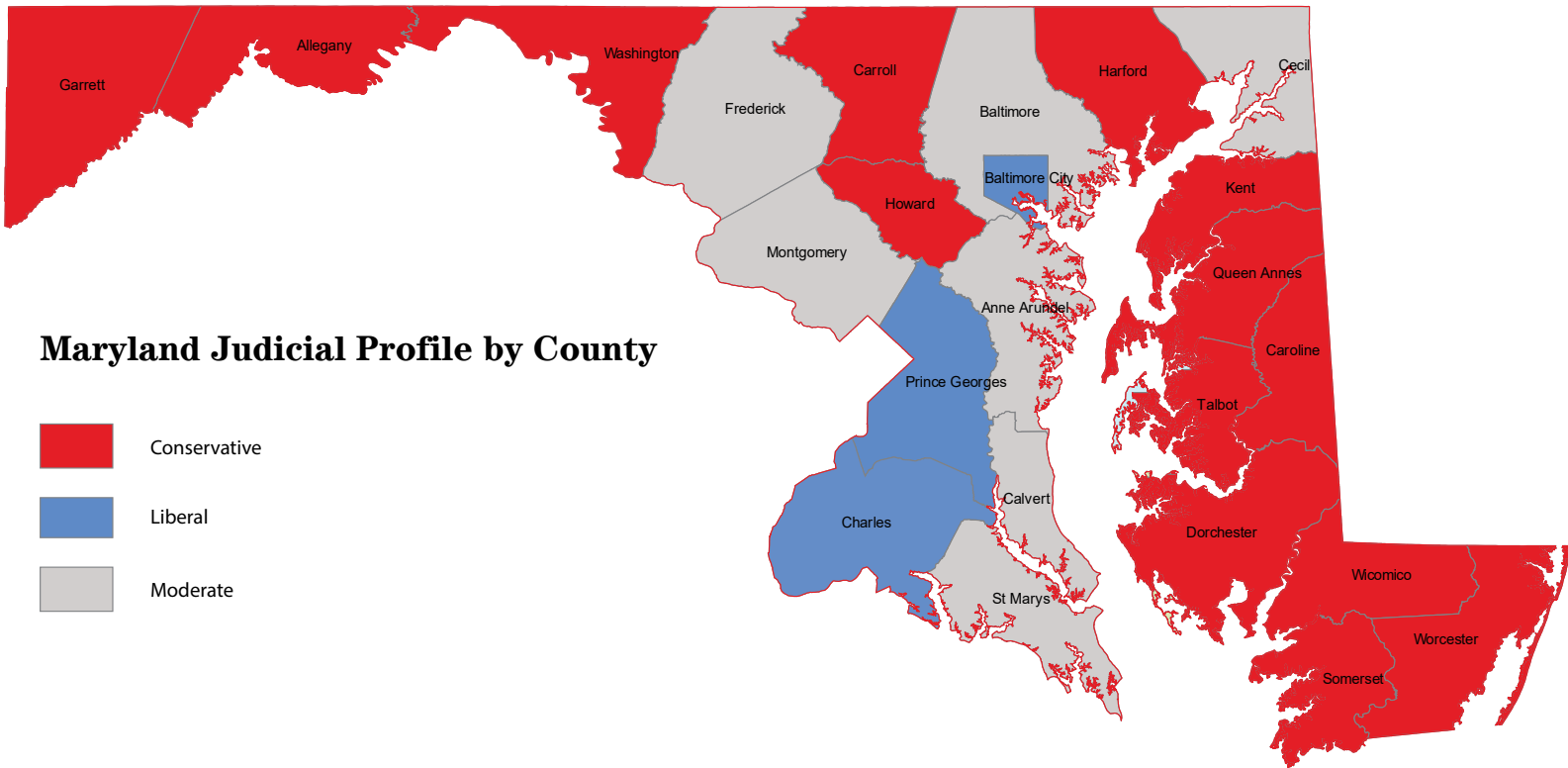


Maryland Tort Easy Reference

FRANKLIN & PROKOPIK
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW



**FRANKLIN & PROKOPIK'S "24 hour emergency hotline" for immediate accident response
Call 1-877-752-0001**

- 1. Statute of Limitations** - Three years for negligence actions; one year for assault or defamation.
- 2. Punitive Damages** - Plaintiff must show, by “clear and convincing evidence”, “actual malice” (i.e., a subjective intent to harm). Such damages are rarely sought in Maryland negligence actions.
- 3. Contributory Negligence** - Maryland is a “contributory negligence” state (any negligence on the part of the plaintiff bars recovery). There is no provision for comparative negligence.
- 4. Assumption of the Risk** - Recognized and acts as a complete bar to recovery.
- 5. Dram Shop Liability** - Not recognized.
- 6. Negligent Infliction of Emotional Distress** - Not recognized as an independent cause of action.
- 7. Collateral Source Rule** - Strictly enforced.
- 8. Statutory Cap on Non-Economic Damages** - The amount of the cap is determined by the date of loss. The cap is automatically increased annually by \$15,000 on October 1 of each year. The increased cap applies to causes of action arising between October 1 of that year and September 30 of the following year inclusive. The cap increased to \$845,000 on October 1, 2017. A single cap applies collectively to the individual personal injury claim and any derivative loss of consortium claim.
- 9. Mandatory Liability Coverage** - Minimum Auto Liability Limits: \$30,000 per person; \$60,000 per occurrence (increased from \$20,000/\$40,000 as of 1/2011); and \$15,000 for property damage.
- 10. Personal Injury Protection** - Required minimum (\$2,500) unless waived. Commercial carriers can waive for their listed drivers but not for members of the public. PIP benefits are not able to be subrogated.
- 11. Uninsured Motorist Coverage** - Mandatory, but can be waived down to minimum mandatory requirements.
- 12. Offer of Judgment** - Only applicable in medical malpractice claims.
- 13. Joint and Several Liability** - Applies in tort actions with no comparative negligence.
- 14. Seat Belt Rule** - A plaintiff’s failure to wear a seat belt is strictly inadmissible in a civil trial.
- 15. Courts** - Maryland’s District Courts (no jury trials; discovery limited to fifteen interrogatories) has jurisdiction for all matters up to \$30,000. If more than \$15,000 is sought, a defendant may pray a jury trial and remove to Maryland’s Circuit Court. Trial courts for larger claims are “Circuit Courts” for each county. Two tiered appellate courts: Court of Special Appeals (intermediary; by right); Court of Appeals (highest court; by writ of cert. in civil actions).
- 16. Death Cases** - Maryland recognizes separate survival (by the estate) and wrongful death (by eligible beneficiaries) actions. The non-economic aspects of both causes of action are subject to the statutory cap. In wrongful death claims, if there are multiple eligible beneficiaries they are collectively subject to a non-economic cap of 150% of the individual statutory cap (see above).

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