

HOUSE BILL 1129

D3

EMERGENCY BILL

11r2230

CF 11r2658

By: **Delegates Kramer, Bates, Beitzel, Bromwell, Carter, Costa, Dwyer, George, Jameson, Kach, K. Kelly, Kipke, McConkey, W. Miller, Norman, O'Donnell, Vitale, Weir, and Wood**

Introduced and read first time: February 11, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Contributory Negligence Act**

3 FOR the purpose of establishing that the common law doctrine of contributory
4 negligence, as it existed under its judicially determined meaning on a certain
5 date, shall remain an affirmative defense that may be raised by a party under
6 certain circumstances; defining certain terms; providing for the scope of this
7 Act; making this Act an emergency measure; and generally relating to certain
8 actions for damages and contributory negligence.

9 BY adding to

10 Article – Courts and Judicial Proceedings

11 Section 11–2A–01 to be under the new subtitle “Subtitle 2A. Maryland
12 Contributory Negligence Act”

13 Annotated Code of Maryland

14 (2006 Replacement Volume and 2010 Supplement)

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

17 **Article – Courts and Judicial Proceedings**

18 **SUBTITLE 2A. MARYLAND CONTRIBUTORY NEGLIGENCE ACT.**

19 **11–2A–01.**

20 **(A) IN THIS SECTION, “CONTRIBUTORY NEGLIGENCE” MEANS THE**
21 **COMMON LAW DOCTRINE OF CONTRIBUTORY NEGLIGENCE, WHICH RETAINS ITS**
22 **JUDICIALLY DETERMINED MEANING AS IT EXISTED ON JANUARY 1, 2011.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) CONTRIBUTORY NEGLIGENCE SHALL REMAIN AN AFFIRMATIVE**
2 **DEFENSE THAT MAY BE RAISED BY A PARTY AGAINST WHOM A CLAIM IS MADE**
3 **FOR DAMAGES FOR WRONGFUL DEATH, PERSONAL INJURY, OR PROPERTY**
4 **DAMAGE.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not expand,
6 limit, or otherwise modify the affirmative defense of contributory negligence as it
7 existed and was applicable on January 1, 2011.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
9 measure, is necessary for the immediate preservation of the public health or safety,
10 has been passed by a ye and nay vote supported by three-fifths of all the members
11 elected to each of the two Houses of the General Assembly, and shall take effect from
12 the date it is enacted.