



Maryland Law Quick Reference Guide 2020-2021
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Circuit Court Answer Due	30 days from Service if served in Maryland 60 days from Service if served outside Maryland 60 days from Service if served thru Md. statutory agent 90 days from Service if served outside the United States
Contributory/Comparative Negligence	Contributory Negligence (no comparative). Any negligence on the part of the plaintiff which substantially contributed to the accident is a bar to the plaintiff's recovery. The burden to prove plaintiff's contributory negligence is on the defendant.
Minimum Liability Limits	30 / 60 / 15 Md. Code, Transportation Art. § 17-103(b)
Statute of Limitations General for BI and PD	3 years. Md. Code, Cts. Jud. Proc. Art. § 5-101
Statute of Limitations – Minors, Generally	3 years past 18 th birthday - Md. Code, Cts. Jud. Proc. Art. § 5-201
Statute of Limitations – Assault, Libel, Slander	1 year Md. Code, Cts. Jud. Proc. Art. § 5-105
Sexual Abuse of Minor	20 years past 18 th birthday, BUT Only 3 years after date Defendant convicted for abuse of Plaintiff
Statute of Repose – Landowner	20 years Md. Code, Cts. Jud. Proc. Art. § 5-108
Statute of Repose – Professional Architect, Engineer, Contractor	10 years Md. Code, Cts. Jud. Proc. Art. § 5-108
Husband/Wife Sue in Tort?	Yes.
Child Sue Parents?	Yes. Md. Code, Cts. Jud. Proc. Art. § 5-806
PIP/Med Pay Stacking	No. <i>Travelers Ins. Co. v. Benton</i> , 365 A.2d 1000 (Md. 1976)
UM Stacking	Not allowed. Md. Code, Insurance Art. § 19-513
UIM Stacking	Yes, if provided for in the policy. <i>Hoffman v. USAA</i> , 522 A.2d 1320 (Md. 1987)
BI Punitive Damages Covered	Yes, if provided for in the policy.
UM Punitive Damages Covered	Yes, if provided for in the policy.
Non-Economic Damages Cap	Yes. Non-Economic Damages for personal injury or wrongful death are capped at \$860,000 for claims arising after Oct. 1, 2019 - Cap increases by \$15,000 every Oct. 1st. If there are two or more claimants for wrongful death, cap is 150% of the current limit.
Punitive Damages Cap	No Cap on Punitive Damages in Maryland. Requires clear and convincing evidence of actual malice. See <i>Owens-Illinois, Inc. v. Zenobia</i> , 601 A.2d 633 (Md. 1992).
Pre-Judgment Interest	Not allowed in personal injury cases. See <i>Buxton v. Buxton</i> , 770 A.2d 152 (Md. 2001). As of right or at the discretion of the court in contract cases at a rate of 6% per annum. See <i>Id.</i> ; Md. Const. Art. III § 57.
Post-Judgment Interest	Currently 10% per annum. See Md. Rule 2-604 (a); Md. Code, Cts. Jud. Proc. Art. § 11-107

Courts

General District: Exclusive jurisdiction for claims not exceeding \$5,000 (small claims). Concurrent jurisdiction with Circuit Court for claims in excess of \$5,000 up to \$30,000. Either party has automatic right to appeal to Circuit Court. Circuit: Exclusive jurisdiction for claims exceeding \$30,000. Party entitled to trial by jury. Court of Special Appeals: Intermediate appellate court from circuit court. Maryland Court of Appeals: Highest court hearing appeals from Court of Special Appeals.

Joint & Several Liability

Yes. Each tortfeasor is responsible for 100% of the judgment amount but can seek contribution against any joint tortfeasor. If one tortfeasor settles with Plaintiff, no contribution allowed against settling tortfeasor, although remaining tortfeasor gets a pro rata credit for settling tortfeasors. Md. Code, Cts. Jud. Proc. Art. §§ 3-1401-1409.

Assumption of the Risk

Bars recovery if Defendant proves Plaintiff knew and understood, or reasonably should have known and understood, the risk of an existing danger and voluntarily chose to encounter the risk.

Last Clear Chance

Despite Plaintiff's contributory negligence, may still recover if Plaintiff proves that after his negligence, defendant had a fresh opportunity of which he was aware to avoid the injury and failed to do so.

No Fault

Md. provides for PIP coverage as "No-Fault" coverage.

UM Limits Offset

Yes. UM coverage reduced by liability limits paid to Plaintiff. "The limit of liability for an insurer that provides uninsured motorist coverage under this section is the amount of that coverage less the amount paid to the insured, that exhausts any applicable liability insurance policies, bonds, and securities, on behalf of any person that may be held liable for the bodily injuries or death of the insured." Md. Code, Insurance Art. § 19-509(g)
(*NOTE – an insured may purchase "Enhanced UIM Coverage" for which there is no offset by Defendant's liability coverage.)

Minor Child Negligence

That degree of care which a child of similar age, intelligence, experience and development would have used under the same circumstances. (Stricter standard than for Adults)

BAC Level

0.08 blood alcohol concentration = "Under the influence of alcohol per se"

Subro PIP Payments

No. "An insurer that provides PIP benefits does not have a right of subrogation and does not have a claim against any other person or insurer to recover any benefits paid because of the alleged fault of the other person in causing or contributing to a motor vehicle accident." Md. Code, Insurance Art. § 19-507(d)

Seatbelt Defense

Not allowed. Md. Code, Transportation § 22-412.3(h)

Reduce for Medical Write-Offs

Not allowed under Maryland's Collateral Source Rule. *Eastern Shore Title Co. v. Ochse*, 160 A.3d 1238 (Md. 2017)

Phantom Vehicle (John Doe) Claim Requirements

Physical Contact with a Phantom Vehicle is not required to prove a UM claim in Maryland.

Insurer Reservation of Rights

Should include all of the policy language and facts on which a denial of coverage is based and sent within a reasonable time of knowledge of the basis for denial/reservation. See *Wolfe v. Anne Arundel County*, 761 A.2d 935 (Md. App. 2000); *Medical Mut. Liab. Ins. Soc'y of Maryland v. Miller*, 451 A.2d 930 (Md. App. 1982).

One Firm. Your Firm.

CENTRAL VIRGINIA

901 Moorefield Park Drive, Suite 200
Richmond, Virginia 23236
p 804.320.6300

NORTHERN VIRGINIA

3950 University Drive, Suite 204
Fairfax, Virginia 22030
p 703.691.3331

EASTERN VIRGINIA

555 East Main Street, Suite 1200
Norfolk, Virginia 23510
p 757.623.4500

WESTERN VIRGINIA

2840 Electric Road, Suite 111
Roanoke, Virginia 24018
p 540.776.3583

www.kpmlaw.com