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Maryland House Judiciary Committee
House Office Building, Room 101
6 Bladen Street
Annapolis, MD 21401

In Support of House Bill 594 – Comparative Negligence for Vulnerable Road Users

Submitted by: Juan Carlos Puga Nieto, Resident of Baltimore City, Daily Walker & Cyclist, and Practicing Attorney

Chairperson Clippinger, Vice Chair Bartlett, and esteemed members of the House Judiciary Committee:

My name is Juan Carlos Puga, and I am a resident of Baltimore City, a daily walker, a cyclist, and a practicing attorney who has represented injured individuals in motor vehicle crash cases. I am testifying in strong support of **House Bill 594**, which proposes a **comparative negligence standard for vulnerable road users** in Maryland.

Maryland remains one of only **four states and the District of Columbia**, alongside Alabama, North Carolina, and Virginia, that still follow **contributory negligence** in some way; a harsh and outdated legal doctrine that bars injured people from recovering compensation if they are even **1% at fault** for their accident. In contrast, **46 states have abandoned this rule** in favor of some form **comparative negligence**, which ensures that responsibility is fairly distributed based on fault rather than arbitrarily denying recovery to injured victims.

The **Maryland Court of Appeals itself has acknowledged the absurdity of this rule**. In the **2013 case of Coleman v. Soccer Association of Columbia**, Judge Harrell and Bell famously wrote in dissent:

"A dinosaur roams yet the landscape of Maryland... The name of that dinosaur is the doctrine of contributory negligence. With the force of a modern asteroid strike, this Court should render, in the present case, this dinosaur extinct."

Yet, over a decade later, this **legal dinosaur continues to roam**, preventing vulnerable road users such as pedestrians and cyclists from receiving fair compensation after being struck by vehicles.

This doctrine **originated in the 1800s**, not to protect fairness but to shield **industrial employers from liability** when their workers were injured. Over the last century, courts, legal scholars, and legislatures have overwhelmingly **moved away from contributory negligence**, replacing it with **comparative negligence**, which ensures that fault is distributed fairly.

In Support of House Bill 594

February 17, 2025

Page 2 of 2

In fact, our neighboring jurisdiction, **Washington, D.C., recognized the unfairness of contributory negligence and enacted a similar law.** Their law limits the application of contributory negligence in civil actions involving vulnerable users, such as pedestrians and cyclists, allowing them to recover damages even if they are partially at fault, provided their negligence is not greater than the combined negligence of the defendants. The implementation of this law has not led to any negative consequences; rather, it has promoted fairness and justice for vulnerable road users.

Every day in Baltimore, I witness firsthand the **challenges faced by pedestrians and cyclists**, inadequate crosswalks, disappearing bike lanes, speeding drivers, and distracted motorists. Under our current system, **even a small mistake by a pedestrian or cyclist can erase all legal rights**, regardless of how reckless the driver was. This is not justice.

House Bill 594 **does not eliminate accountability for vulnerable road users**; it simply ensures that injured pedestrians, cyclists, and motorcyclists can **still seek fair compensation** if they were not primarily responsible for the crash. If someone is partially at fault, their damages are **reduced proportionally** rather than erased altogether.

As an attorney, I have had to turn away injured pedestrians and cyclists who had **clear, valid claims**, except for a **minor technicality** that placed them just slightly at fault. These individuals face **crippling medical bills, lost wages, and permanent injuries**, yet Maryland law leaves them with **no recourse**.

House Bill 594 corrects this injustice and ensures that those who are seriously harmed by negligent drivers still have access to the civil justice system.

It is time for Maryland to **extinguish this legal dinosaur once and for all** and bring fairness to our roads. I urge the Committee to **pass House Bill 594** and move Maryland toward a **modern, fair, and equitable system** for all road users.

Thank you for your time and consideration. I welcome any questions.

Very Truly Yours,



Juan Carlos Puga