

Chapter 137

(Senate Bill 680)

AN ACT concerning

State Government – ~~Public Welfare Actions~~ Attorney General – Determinations and Settlements

FOR the purpose of requiring the ~~factfinder~~ judge or jury in a public welfare action ~~actions~~ certain actions to make a certain determination and assign responsibility and liability in a certain manner; authorizing the State to continue to pursue certain actions if it does not obtain complete relief from certain responsible persons; establishing that certain provisions of law requiring uniform contribution among joint tort-feasors do not apply to ~~public welfare claims~~ certain actions; establishing the impact of a certain settlement on the liability of certain responsible persons; and generally relating to determinations and settlements by the Attorney General of ~~public welfare actions~~ certain actions.

BY adding to

Article – Courts and Judicial Proceedings

Section 3–1401.1

Annotated Code of Maryland

(2020 Replacement Volume and 2023 Supplement)

BY adding to

Article – State Government

Section 6–106.2

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

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

Article – Courts and Judicial Proceedings

3–1401.1.

THIS TITLE DOES NOT APPLY TO A PUBLIC WELFARE CLAIM BROUGHT UNDER § 6–106.2 OF THE STATE GOVERNMENT ARTICLE.

Article – State Government

6–106.2.

(A) THIS SECTION APPLIES TO AN ACTION BROUGHT OR ASSERTED BY THE STATE ARISING FROM OR RELATED TO ALLEGED OR THREATENED INJURIES TO THE ENVIRONMENT, INFRASTRUCTURE, OR THE NATURAL RESOURCES OF THE STATE ASSOCIATED WITH THE ALLISION BETWEEN THE VESSEL KNOWN AS THE DALI AND THE FRANCIS SCOTT KEY BRIDGE ON MARCH 26, 2024.

(B) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “PROPORTIONATE SHARE OF LIABILITY” MEANS THE PERCENTAGE OF COMPARATIVE RESPONSIBILITY ASSIGNED BY ~~THE FACTFINDER~~ A JUDGE OR JURY TO A SETTLING PARTY UNDER IN ACCORDANCE WITH THIS SECTION.

~~(3) “PUBLIC WELFARE ACTION” MEANS ANY CIVIL ACTION IN WHICH THE STATE OR THE ATTORNEY GENERAL HAS ASSERTED A PUBLIC WELFARE CLAIM.~~

~~(4) “PUBLIC WELFARE CLAIM” MEANS ANY CLAIM, COUNTERCLAIM, CROSS CLAIM, OR OTHER DEMAND FOR RELIEF OF ANY KIND BROUGHT OR ASSERTED BY THE ATTORNEY GENERAL OR THE STATE UNDER COMMON LAW, STATUTORY LAW, OR ANY OTHER BASIS:~~

~~(I) FOR CONSUMER PROTECTION; OR~~

~~(II) ARISING FROM OR RELATED TO ALLEGED INJURIES TO OR THREATENED INJURIES TO THE HEALTH, SAFETY, ENVIRONMENT, OR WELFARE OF THE RESIDENTS OF MARYLAND.~~

~~(5) (3) “RESPONSIBLE PERSON” MEANS ANY A PERSON ALLEGEDLY ALLEGED TO BE LIABLE IN WHOLE OR IN PART FOR ANY PUBLIC WELFARE CLAIM~~ AN ACTION GOVERNED BY THIS SECTION.

~~(B) (C) IN A PUBLIC WELFARE ACTION~~ AN ACTION GOVERNED BY THIS SECTION, THE ~~FACTFINDER~~ JUDGE OR JURY SHALL:

(1) MAKE A DETERMINATION OF THE TOTAL LIABILITY, INCLUDING DAMAGES, COSTS, AND ~~ALL~~ ANY OTHER AVAILABLE RELIEF;

(2) ASSIGN COMPARATIVE RESPONSIBILITY TO ~~ALL PARTIES~~ EACH PARTY JOINED IN THE ~~PUBLIC WELFARE~~ ACTION, INCLUDING ALL DEFENDANTS, THIRD-PARTY DEFENDANTS, INTERVENORS, AND ANY OTHER NAMED PARTY, BASED ON THE PARTY’S RELATIVE DEGREE OF FAULT OR RESPONSIBILITY FOR THE TOTAL LIABILITY; AND

(3) IF EQUITY REQUIRES, DETERMINE THE LIABILITY OF A GROUP OF RELATED PERSONS ON A COLLECTIVE BASIS.

~~(C)~~ (D) IF THE STATE HAS NOT OBTAINED COMPLETE RELIEF FROM A RESPONSIBLE PERSON WHO HAS RESOLVED THE PERSON’S LIABILITY TO THE STATE IN A SETTLEMENT ~~FOR A PUBLIC WELFARE CLAIM~~ OF AN ACTION GOVERNED BY THIS SECTION, THE STATE MAY:

(1) CONTINUE TO PURSUE AN ~~ONGOING PUBLIC WELFARE~~ ACTION AGAINST ANY OTHER RESPONSIBLE PERSON WHO HAS NOT RESOLVED THE PERSON’S LIABILITY TO THE STATE ~~FOR THE PUBLIC WELFARE CLAIM THAT IS THE SUBJECT OF THE PUBLIC WELFARE ACTION~~; OR

(2) BRING A NEW ~~PUBLIC WELFARE~~ ACTION AGAINST ANY OTHER RESPONSIBLE PERSON WHO HAS NOT RESOLVED THE PERSON’S LIABILITY TO THE STATE ~~FOR THE PUBLIC WELFARE CLAIM THAT IS THE SUBJECT OF THE PUBLIC WELFARE ACTION~~.

~~(D)~~ (E) NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW:

(1) THE MARYLAND UNIFORM CONTRIBUTION AMONG JOINT TORT-FEASORS ACT UNDER TITLE 3, SUBTITLE 14 OF THE COURTS ARTICLE DOES NOT APPLY TO ~~PUBLIC WELFARE CLAIMS~~ AN ACTION GOVERNED BY THIS SECTION;

(2) IF A RESPONSIBLE PERSON RESOLVES THE PERSON’S LIABILITY TO THE STATE IN A SETTLEMENT OF ~~A PUBLIC WELFARE CLAIM~~ AN ACTION GOVERNED BY THIS SECTION, THE PERSON MAY NOT BE LIABLE FOR CLAIMS FOR NONCONTRACTUAL CONTRIBUTION OR INDEMNITY REGARDING ANY ~~MATTER ACTION OR CLAIM ADDRESSED~~ RESOLVED IN THE SETTLEMENT, ~~INCLUDING ANY STATUTORY OR COMMON LAW CLAIM~~; AND

(3) A SETTLEMENT OF ~~A PUBLIC WELFARE CLAIM~~ AN ACTION GOVERNED BY THIS SECTION THAT RESOLVES THE LIABILITY OF A RESPONSIBLE PERSON:

(I) DOES NOT RELEASE FROM LIABILITY ANY OTHER RESPONSIBLE PERSON EXCEPT AS SPECIFICALLY PROVIDED IN THE TERMS OF THE SETTLEMENT; BUT

(II) REDUCES THE POTENTIAL LIABILITY OF ALL OTHER RESPONSIBLE PERSONS LIABLE IN WHOLE OR IN PART ~~FOR THE PUBLIC WELFARE CLAIM THAT IS THE SUBJECT OF THE SETTLEMENT BY THE~~ BY THE LARGER OF:

1. THE SETTLING PERSON’S PROPORTIONATE SHARE OF LIABILITY FOR ALL SETTLED PUBLIC WELFARE CLAIMS, INCLUDING ALL STATUTORY AND COMMON LAW CLAIMS; OR

2. THE AMOUNT THE SETTLING PERSON PAYS TO SETTLE THE ACTION.

~~(E)~~ **(F) THIS SECTION MAY NOT BE CONSTRUED TO:**

(1) IMPAIR ANY EXPRESS CONTRACTUAL RIGHTS; ~~OR~~

(2) CREATE NEW TYPES OF ACTIONS OR CLAIMS;

(3) ALTER THE BURDEN OF PROOF, CAUSATION STANDARD, OR ELEMENTS OF AN ACTION OR CLAIM GOVERNED BY THIS SECTION; OR

~~(2)~~ **(4) GRANT AUTHORITY TO THE STATE OR THE ATTORNEY GENERAL TO BRING ACTIONS OR CLAIMS NOT OTHERWISE AUTHORIZED BY LAW.**

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any settlement of a public welfare an action finalized before the effective date of this Act.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 25, 2024.