



**MARYLAND DAMAGES LAWS
QUICK REFERENCE GUIDE**

Choice of Venue	<p>Circuit Court: Claims over \$30,000 and concurrent jurisdiction for claims between \$15,000 and \$30,000.</p> <p>District Court: Maximum recovery is \$30,000. For amounts in excess of \$15,000, plaintiffs can file in either District or Circuit Court, and Defendants can request a jury trial to move a case from District Court to Circuit Court. For claims at or below \$5,000, the case is considered a small claim and will proceed without formal rules of evidence.</p>
Economic vs. Non-Economic Damages	<p>Economic: Quantifiable damages such as the cost of repair or replacement of property, the cost of medical care and treatment (past and future), or lost income (past and future)</p> <p>Non-Economic: Non-quantifiable damages such as pain and suffering, intentional infliction of emotional distress, loss of care, loss of support, etc. There is a cap on non-economic damages in Maryland, which is discussed below.</p>
Statutes of Limitations	<p>Personal Injury: 3 years¹</p> <p>Personal Injury Against Health Care Provider: The earlier of 5 years from the time the injury was committed, or 3 years from the date the injury was discovered²</p> <p>Wrongful Death: 3 years generally. Exception for toxic exposure at the workplace³</p> <p>Property Damage, Products Liability and Contract: 3 years¹</p> <p>Breach of Warranty: 4 years⁴</p>
Medical Malpractice Damages Cap	<p>For Health Care Malpractice awards under § 3-2A-05, non-economic damages for a cause of action arising between Jan. 1, 2005, and Dec. 31, 2008, inclusive, may not exceed \$650,000. This amount increases by \$15,000 on Jan. 1 of each year beginning Jan. 1, 2009.</p> <p>The cap for health care malpractice damages as of Jan. 1, 2018 is \$785,000.</p> <p>See Table of Medical Malpractice Damage Caps on our website.</p>
Lost Wages	<p>Maryland does not require deductions for expected income tax in calculating lost wages.</p>

¹ See Md. Code Ann., Cts. & Jud. Proc § 5-101

² See Md. Code Ann., Cts. & Jud. Proc. § 5-109

³ See Md. Code Ann., Cts. & Jud. Proc § 3-904

⁴ See Md. Code Ann., Comm. Law § 2-725

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<p>Punitive Damages</p>	<p>Standard: Clear and convincing evidence that the defendant demonstrated consciousness of the wrongdoing or conduct characterized by evil motive, intent to injury, ill will, or fraud.⁵</p> <p>Permitted in personal injury claims⁵</p>
<p>Personal Injury or Wrongful Death Damages Cap</p>	<p>For any personal injury action or wrongful death action arising on or after Oct. 1, 1994, non-economic damages may not exceed \$500,000. There are two caveats: 1) this limitation increases by \$15,000 on Oct. 1 of each year beginning on Oct. 1, 1995; and 2) in a wrongful death action in which there are two or more claimants, the total award of non-economic damages may not exceed 150% of the basic limitation.⁶</p> <p>For causes of action that arise on or after Oct. 1, 2015, non-economic damages are capped at \$815,000. This amount increases by \$15,000 each year.</p> <p>See Damage Cap Calculator on our website.</p>
<p>Wrongful Death and Survival Damages</p>	<p>When an individual dies as a result of personal injury, there are two types of claims available: Wrongful Death and Survival.</p> <p>Wrongful death damages belong to individuals with specific relationships to the decedent. Economic damages include future lost wages, loss of benefits, and loss of services. Non-economic damages include damages for mental anguish, emotional pain and suffering, loss of society, companionship, comfort, protection, care, attention, advice, or education.⁷ Punitive damages are not permitted.⁸</p> <p>Wrongful Death Damages for Personal Injury: Non-economic damages are subject to the Cap described above. However, where there is more than one eligible beneficiary, the cap is increased to 150% of the applicable cap. Moreover, the cap on non-economic damages in a wrongful death action is independent of the cap on non-economic damages in a survival action.</p> <p>Wrongful Death Damages for Medical Malpractice: For a wrongful death action brought under Md. Code Ann., Cts. & Jud. Proc § 3-2A01, <i>et seq.</i>, the Health Care Malpractice Claims article, in which there are two or more claimants or beneficiaries, whether or not there is a personal injury action arising from the same medical injury, the total amount awarded for non-economic damages for all actions may not exceed 125% of the limitation established under.⁷ See information about wrongful death Cap above.</p> <p>Survival Damages belong to the estate of the deceased and include both economic and non-economic damages. Economic damages include medical expenses, lost wages between the time of injury and the time of death, property damages, and funeral expenses of up to \$15,000.⁹ Non-economic damages include pre-impact fright, and conscious pain and suffering of the deceased. These non-economic damages are subject to the non-economic personal injury cap discussed above.</p>

**This is meant to be a quick reference guide for the general laws of this jurisdiction.
However, legal issues are complex and often require legal expertise.
Please call the attorneys at DeCaro Doran to address any specific questions.**

⁵ See *Darcars Motors of Silver Spring, Inc. v. Borzym*, 841 A.2d 828 (Md. 2004)

⁶ See Md. Code Ann., Cts. & Jud. Proc. § 11-108(b)

⁷ See Md. Code Ann., Cts. & Jud. Proc § 3-2A09(b)(1) - (2)

⁸ See *Cohen v. Rubin*, 460 A.2d 1046 (Md. 1983)

⁹ See Md. Code Ann., Estates and trusts 7-401 and 8-106