

# HOUSE BILL 388

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71r2409

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By: **Delegates Smigiel, Anderson, Carter, Dumais, Elmore, Kelly, Lee, Manno, Schuler, and Simmons**

Introduced and read first time: February 2, 2007

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Dismissal or Termination – Limitations**

3 FOR the purpose of authorizing the commencement of a new civil action if a prior  
4 action for the same cause was commenced within the applicable period of  
5 limitations, and dismissed or terminated in a manner other than by a final  
6 judgment on the merits; providing the time period within which a new civil  
7 action may be commenced in accordance with this Act; providing for the  
8 application of this Act; and generally relating to altering the periods of  
9 limitations on commencement of civil actions under certain circumstances.

10 BY adding to

11 Article – Courts and Judicial Proceedings  
12 Section 5–118  
13 Annotated Code of Maryland  
14 (2006 Replacement Volume)

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 **5–118.**

19 **IF A CIVIL ACTION IS COMMENCED BY A PARTY WITHIN THE APPLICABLE**  
20 **PERIOD OF LIMITATIONS AND IS DISMISSED OR TERMINATED IN A MANNER**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **OTHER THAN BY A FINAL JUDGMENT ON THE MERITS, THE PARTY MAY**  
2 **COMMENCE A NEW CIVIL ACTION FOR THE SAME CAUSE WITHIN THE LATER OF:**

3 **(1) THE APPLICABLE PERIOD OF LIMITATIONS; OR**

4 **(2) 1 YEAR FROM THE DATE OF THE DISMISSAL OR TERMINATION.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
6 construed to apply only prospectively and may not be applied or interpreted to have  
7 any effect on or application to any action dismissed or terminated before the effective  
8 date of this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2007.