

# SENATE BILL 309

D3

(7lr2316)

## ENROLLED BILL

— Judicial Proceedings / Judiciary —

Introduced by **Senator Stone**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

#### 2 **Civil Actions or Claims – Reports – Dismissal ~~or Termination~~ – Limitations**

3 FOR the purpose of authorizing the commencement of a new civil action *or claim* if a  
4 prior action *or claim* for the same cause *against the same party or parties* was  
5 commenced within the applicable period of limitations, and was dismissed ~~or~~  
6 ~~terminated in a manner other than by a final judgment on the merits~~ without  
7 prejudice for failure to file a certain report under certain circumstances;  
8 providing the time period within which a new civil action *or claim* may be  
9 commenced in accordance with this Act; providing for the application of this Act;  
10 and generally relating to altering the periods of limitations on commencement  
11 of *certain* civil actions *and claims* under certain circumstances.

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber / conference committee amendments.



1 BY adding to  
 2 Article – Courts and Judicial Proceedings  
 3 Section 5–118  
 4 Annotated Code of Maryland  
 5 (2006 Replacement Volume)

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

8 **Article – Courts and Judicial Proceedings**

9 **5–118.**

10 **(A) (1) THIS SECTION DOES NOT APPLY TO A VOLUNTARY DISMISSAL**  
 11 **OF A CIVIL ACTION OR CLAIM BY THE PARTY WHO COMMENCED THE ACTION OR**  
 12 **CLAIM.**

13 **(2) THIS SECTION APPLIES ONLY TO A CIVIL ACTION OR CLAIM**  
 14 **THAT IS DISMISSED ONCE FOR FAILURE TO FILE A REPORT IN ACCORDANCE**  
 15 **WITH § 3–2A–04(B)(3) OF THIS ARTICLE.**

16 **(B) IF A CIVIL ACTION OR CLAIM IS COMMENCED BY A PARTY WITHIN**  
 17 **THE APPLICABLE PERIOD OF LIMITATIONS AND IS DISMISSED OR TERMINATED**  
 18 **IN A MANNER OTHER THAN BY A FINAL JUDGMENT ON THE MERITS WITHOUT**  
 19 **PREJUDICE, THE PARTY MAY COMMENCE A NEW CIVIL ACTION OR CLAIM FOR**  
 20 **THE SAME CAUSE WITHIN AGAINST THE SAME PARTY OR PARTIES ON OR BEFORE**  
 21 **THE LATER OF:**

22 **(1) THE EXPIRATION OF THE APPLICABLE PERIOD OF**  
 23 **LIMITATIONS; OR**

24 **(2) 1 YEAR 6 MONTHS 60 DAYS FROM THE DATE OF THE**  
 25 **DISMISSAL; OR**

26 **(3) AUGUST 1, 2007, IF THE ACTION OR CLAIM WAS DISMISSED ON**  
 27 **OR AFTER NOVEMBER 17, 2006, BUT BEFORE JUNE 1, 2007 OR TERMINATION.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
 29 construed to apply only prospectively and may not be applied or interpreted to have  
 30 any effect on or application to any action or claim dismissed ~~or terminated~~ before the

1 effective date of this Act for which a final judgment has been rendered and for which  
2 appeals, if any, have been exhausted before the effective date of this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 ~~October~~ June 1, 2007.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.