

HOUSE BILL 729

D3

11r2273

By: **Delegate Simmons**

Introduced and read first time: February 10, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Class Action Waiver in a Written Agreement –**
3 **Unenforceability**

4 FOR the purpose of providing that a written agreement made between two parties
5 before a dispute arises between the parties may not waive or have the effect of
6 waiving the rights of one party to the agreement to resolve the dispute by
7 obtaining relief as a representative of or as a member of a class of similarly
8 situated persons; establishing that such a waiver in a written agreement is not
9 enforceable; and generally relating to a class action waiver in a written
10 agreement.

11 BY adding to

12 Article – Courts and Judicial Proceedings

13 Section 6–411

14 Annotated Code of Maryland

15 (2006 Replacement Volume and 2010 Supplement)

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

18 **Article – Courts and Judicial Proceedings**

19 **6–411.**

20 **(A) A WRITTEN AGREEMENT MADE BEFORE A DISPUTE ARISES MAY NOT**
21 **WAIVE OR HAVE THE PRACTICAL EFFECT OF WAIVING THE RIGHTS OF A PARTY**
22 **TO THAT AGREEMENT TO RESOLVE THE DISPUTE BY OBTAINING RELIEF AS A**
23 **REPRESENTATIVE OR AS A MEMBER OF A CLASS OF SIMILARLY SITUATED**
24 **PERSONS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) ANY WAIVER DESCRIBED IN SUBSECTION (A) OF THIS SECTION MAY**
2 **NOT BE ENFORCED.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2011.