

SENATE BILL 145

D3, C4

5lr1198

By: **Senator Zirkin**

Introduced and read first time: January 29, 2015

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Disclosure of Information – Repeal of Certification Requirement**

3 FOR the purpose of repealing the requirement that a plaintiff file a certain certification
4 with the court and serve the certification on an insurer or a person that has a
5 self–insurance plan before the insurer or person with a self–insurance plan is
6 required to provide the plaintiff with certain information on the last known home
7 and business addresses of the defendant; providing for the application of this Act;
8 and generally relating to the disclosure of information in a civil action.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 6–311
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2014 Supplement)

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

16 **Article – Courts and Judicial Proceedings**

17 6–311.

18 (a) In this section, “person” has the meaning stated in Rule 1–202 of the Maryland
19 Rules.

20 (b) (1) This section applies to an action against a person who had applicable
21 insurance coverage under an insurance policy or self–insurance plan at the time the alleged
22 liability that is the subject of the action was incurred.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Subject to paragraph (1) of this subsection, this section applies to a
2 person who is a defendant subject to a complaint, counterclaim, cross-claim, or third-party
3 complaint.

4 (c) (1) [Subject to subsections (d) and (e) of this section, on] **ON** written
5 request of a plaintiff to the action, an insurer or a person that has a self-insurance plan
6 shall provide to the plaintiff the defendant's last known home and business addresses if
7 known.

8 (2) An insurer or a person that has a self-insurance plan, and their
9 employees and agents, may not be civilly or criminally liable for the disclosure of
10 information required under this subsection.

11 (d) [Subsection (c)(1) of this section applies only if the plaintiff files a certification
12 that states that the defendant:

13 (1) Had applicable insurance coverage at the time the alleged liability was
14 incurred; and

15 (2) Is evading service of process or the whereabouts of the defendant are
16 unknown to the plaintiff.

17 (e) A plaintiff shall file a certification described under subsection (d) of this
18 section with the clerk of the court in which the case is filed and serve the certification on
19 the insurer or the person that has the self-insurance plan, as provided in the Maryland
20 Rules.

21 (f) A defendant who is subject to the provisions of this section is deemed to have
22 consented to the disclosure of the information described in this section.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
24 apply only prospectively and may not be applied or interpreted to have any effect on or
25 application to any case filed before the effective date of this Act.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2015.