

SENATE BILL 146

D3

5lr1191

By: **Senator Zirkin**

Introduced and read first time: January 29, 2015

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 11, 2015

CHAPTER _____

1 AN ACT concerning

2 **Prelitigation Discovery – Insurance Coverage – Prerequisites for Disclosure**

3 FOR the purpose of repealing certain requirements that certain claimants provide a certain
4 insurer with certain information relating to health care treatment and economic
5 damages before the insurer is required to disclose to the claimants certain coverage
6 limits in a certain insurance agreement; repealing a requirement that the amount of
7 health care bills and loss of income documented by a certain claimant meet a certain
8 minimum threshold before a certain insurer is required to disclose to the claimant
9 certain coverage limits; and generally relating to the disclosure of certain coverage
10 limits in certain insurance agreements.

11 BY repealing and reenacting, without amendments,
12 Article – Courts and Judicial Proceedings
13 Section 10–1102
14 Annotated Code of Maryland
15 (2013 Replacement Volume and 2014 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Courts and Judicial Proceedings
18 Section 10–1103 and 10–1104
19 Annotated Code of Maryland
20 (2013 Replacement Volume and 2014 Supplement)

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

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.



Article – Courts and Judicial Proceedings

10–1102.

After a claimant files a written tort claim concerning a vehicle accident and provides the documentation described in § 10–1103 or § 10–1104 of this subtitle to an insurer, the claimant may obtain from the insurer documentation of the applicable limits of coverage in any insurance agreement under which the insurer may be liable to:

(1) Satisfy all or part of the claim; or

(2) Indemnify or reimburse for payments made to satisfy the claim.

10–1103.

(a) This section does not apply to a claim described under § 10–1104 of this subtitle.

(b) A claimant may obtain the documentation described in § 10–1102 of this subtitle if the claimant provides in writing to the insurer:

(1) The date of the vehicle accident;

(2) The name and last known address of the alleged tortfeasor;

(3) A copy of the vehicle accident report, if available; **AND**

(4) The insurer's claim number, if available[;

(5) The claimant's health care bills and documentation of the claimant's loss of income, if any, resulting from the vehicle accident; and

(6) The records of health care treatment for the claimant's injuries caused by the vehicle accident.

(c) If the amount of the health care bills and loss of income documented by the claimant under this section is at least \$12,500, the insurer shall disclose in writing the applicable limits of coverage in each written agreement under which the insurer may be liable].

10–1104.

(a) This section applies to a claim by the estate of an individual or a beneficiary of the individual resulting from the death of the individual in a vehicle accident.

1 (b) A claimant may obtain the documentation described in § 10–1102 of this
2 subtitle if the claimant provides in writing to the insurer:

3 (1) The date of the vehicle accident;

4 (2) The name and last known address of the alleged tortfeasor;

5 (3) A copy of the vehicle accident report, if available;

6 (4) The insurer's claim number, if available;

7 (5) A copy of the decedent's death certificate issued in the State or another
8 jurisdiction;

9 (6) A copy of the letters of administration issued to appoint the personal
10 representative of the decedent's estate in the State or a substantially similar document
11 issued by another jurisdiction;

12 (7) The name of each beneficiary of the decedent, if known; **AND**

13 (8) The relationship to the decedent of each known beneficiary of the
14 decedent[;

15 (9) The amount of economic damages, if any, claimed by each known
16 beneficiary of the decedent, including any amount claimed based on future loss of earnings
17 of the decedent;

18 (10) The health care bills for health care treatment, if any, of the decedent
19 resulting from the vehicle accident;

20 (11) The records of health care treatment for injuries to the decedent caused
21 by the vehicle accident; and

22 (12) Documentation of the decedent's past loss of income, if any, resulting
23 from the vehicle accident].

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2015.