

SENATE BILL 144

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By: **Senator Zirkin**

Introduced and read first time: January 16, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Prelitigation Discovery of Insurance Coverage**

3 FOR the purpose of making certain provisions of law authorizing the prelitigation discovery
4 of certain insurance coverage information relating to claims involving vehicle
5 accidents applicable to claims involving any tort; making conforming changes;
6 providing for the application of this Act; and generally relating to the disclosure of
7 certain coverage information in certain insurance agreements.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 10–1101 through 10–1104
11 Annotated Code of Maryland
12 (2013 Replacement Volume and 2016 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Courts and Judicial Proceedings
15 Section 10–1105
16 Annotated Code of Maryland
17 (2013 Replacement Volume and 2016 Supplement)

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

20 **Article – Courts and Judicial Proceedings**

21 10–1101.

22 (a) In this subtitle the following words have the meanings indicated.

23 (b) “Beneficiary” means an individual who may bring an action for wrongful death
24 under Title 3, Subtitle 9 of this article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) “Claimant” means:

2 (1) A person who alleges damages as a result of a [vehicle accident] **TORT**
3 or an attorney who represents the person; or

4 (2) A personal representative of the estate of a decedent who died as a
5 result of [a vehicle accident] **AN ALLEGED TORT** or an attorney who represents the
6 personal representative of the estate of the decedent.

7 (d) “Insurer” includes a property and casualty insurer, a self-insurance plan, or
8 any person required to provide indemnification for a claim for wrongful death, personal
9 injury, or property damage.

10 (e) “Vehicle” has the meaning stated in § 11–176 of the Transportation Article.

11 10–1102.

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

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

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

18 10–1103.

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

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

23 (1) The date of the [vehicle accident] **ALLEGED TORT**;

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

25 (3) A copy of [the vehicle accident report] **ANY VEHICLE ACCIDENT**
26 **REPORT OR POLICE REPORT CONCERNING THE ALLEGED TORT**, if available; and

27 (4) The insurer’s claim number, if available.

28 10–1104.

1 (a) This section applies to a claim by the estate of [an individual] **A DECEDENT**
2 or a beneficiary of [the individual resulting from the death of the individual in a vehicle
3 accident] **THE DECEDENT, WHO DIED AS A RESULT OF AN ALLEGED TORT.**

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

6 (1) The date of the [vehicle accident] **ALLEGED TORT**;

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

8 (3) A copy of the [vehicle accident report] **ANY VEHICLE ACCIDENT**
9 **REPORT OR POLICE REPORT CONCERNING THE ALLEGED TORT**, if available;

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

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

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

16 (7) The name of each beneficiary of the decedent, if known; and

17 (8) The relationship to the decedent of each known beneficiary of the
18 decedent.

19 10–1105.

20 (a) An insurer shall provide in writing the documentation described under §
21 10–1102 of this subtitle within 30 days after the date of a request in accordance with §
22 10–1103 or § 10–1104 of this subtitle, regardless of whether the insurer contests the
23 applicability of coverage to a claim.

24 (b) An insurer, and the employees and agents of an insurer, may not be civilly or
25 criminally liable for the disclosure of documentation required under this subtitle.

26 (c) Disclosure of the documentation under this subtitle does not constitute:

27 (1) An admission that a claim is subject to the applicable agreement
28 between the insurer and the alleged tortfeasor; or

29 (2) A waiver of any term or condition of the applicable agreement between
30 the insurer and the alleged tortfeasor or any right of the insurer, including any potential
31 defense concerning coverage or liability.

1 (d) Documentation disclosed under this subtitle is not admissible as evidence at
2 trial by reason of its disclosure under this subtitle.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
4 apply only prospectively and may not be applied or interpreted to have any effect on or
5 application to any claim filed with an insurer, as defined in Section 1 of this Act, before the
6 effective date of this Act.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2017.