

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 1431

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “and Dental” and substitute “, Dental, and Hospital”; in line 3, strike “and dental” and substitute “, dental, and hospital”; in line 5, after “given;” insert “requiring certain procedures; providing for the application of this Act;”; and in line 5, strike “and dental” and substitute “, dental, and hospital”.

AMENDMENT NO. 2

On page 1, after line 15, insert:

“(A) THE PROVISIONS OF THIS SECTION APPLY ONLY TO A PROCEEDING IN THE DISTRICT COURT FOR A CLAIM FOR:

(1) DAMAGES FOR PERSONAL INJURY;

(2) MEDICAL, HOSPITAL, OR DISABILITY BENEFITS UNDER ARTICLE 48A, § 539 OF THE CODE;

(3) FIRST PARTY MOTOR VEHICLE MEDICAL PAYMENTS UNDER ARTICLE 48A, § 541 OF THE CODE; AND

(4) FIRST PARTY HEALTH INSURANCE BENEFITS.”.

AMENDMENT NO. 3

On page 1, in line 16, strike “(A) A” and substitute “(B)(1) A MEDICAL, DENTAL, OR HOSPITAL”; in line 18, strike “(1)” and substitute “(I)”; strike in their entirety lines 20 through 23, inclusive, and substitute:

(Over)

“(II) AT LEAST 30 DAYS, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BEFORE THE BEGINNING OF THE TRIAL, THE PARTY WHO INTENDS TO INTRODUCE THE WRITING OR RECORD FILES WITH THE CLERK OF THE DISTRICT COURT AND SERVES ON ALL OTHER PARTIES AS PROVIDED UNDER MARYLAND RULE 1-321:

1. NOTICE OF THE PARTY’S INTENT TO INTRODUCE THE WRITING OR RECORD WITHOUT THE SUPPORT OF A PHYSICIAN’S, DENTIST’S, OR HOSPITAL EMPLOYEE’S TESTIMONY; AND

2. A COPY OF THE WRITING OR RECORD; AND”;

and in line 24, strike “(3)” and substitute “(III)”.

AMENDMENT NO. 4

On page 1, after line 24, insert:

“(2) A PARTY, WHO RECEIVES A NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION AND INTENDS TO INTRODUCE ANOTHER MEDICAL, DENTAL, OR HOSPITAL WRITING OR RECORD WITHOUT A PHYSICIAN’S, DENTIST’S, OR HOSPITAL EMPLOYEE’S TESTIMONY, SHALL FILE AND SERVE A NOTICE OF INTENT AND COPY OF THE WRITING OR RECORD AT LEAST 15 DAYS BEFORE THE BEGINNING OF THE TRIAL.”.

AMENDMENT NO. 5

On page 1, in line 25, strike “(B) A” and substitute “(C) A MEDICAL, DENTAL, OR HOSPITAL”; in line 27, strike “GIVING” and substitute “PROVIDING”; in line 28, strike “OR DENTIST EITHER” and substitute “, DENTIST, OR HOSPITAL EMPLOYEE”; in line 29, strike “KEEPER” and substitute “CUSTODIAN”; and in line 30, strike “OR THE GIVING” and substitute “AND THE NECESSITY AND THE PROVIDING”.

AMENDMENT NO. 6

On page 2, in line 1, strike “(C)” and substitute “(D)”;

in line 3, strike “OR DENTIST EITHER” and substitute “, DENTIST, OR HOSPITAL EMPLOYEE”; and in the same line, strike

“KEEPER” and substitute “CUSTODIAN”.

AMENDMENT NO. 7

On page 2, after line 5, insert:

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

and in line 6, strike “2.” and substitute “3.”.