
By: Chairman, Judiciary Committee (Commission on Uniform State Laws)

Introduced and read first time: March 4, 1996

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, March 11, 1996

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 1996

CHAPTER ____

1 AN ACT concerning

2 **Uniform Certification of Questions of Law Act**

3 FOR the purpose of adopting the revised Uniform Certification of Questions of Law Act;
4 repealing existing provisions relating to certification of questions of law; specifying
5 the process by which the Court of Appeals or the Court of Special Appeals may
6 certify a question of law to the highest court of another jurisdiction; specifying the
7 process by which the Court of Appeals may answer a question of law certified to it
8 by a court of another jurisdiction; providing for the fees and costs of certification;
9 providing for the construction and severability of this Act; and generally relating to
10 the certification of questions of law.

11 BY repealing

12 Article - Courts and Judicial Proceedings
13 Section 12-601 through 12-609, inclusive
14 Annotated Code of Maryland
15 (1995 Replacement Volume and 1995 Supplement)

16 BY adding to

17 Article - Courts and Judicial Proceedings
18 Section 12-601 through 12-613, inclusive
19 Annotated Code of Maryland
20 (1995 Replacement Volume and 1995 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That Section(s) 12-601 through 12-609, inclusive, of Article - Courts and
23 Judicial Proceedings of the Annotated Code of Maryland be repealed.

2

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article - Courts and Judicial Proceedings**

4 12-601. DEFINITIONS.

5 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANING
6 INDICATED.

7 (B) "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF
8 COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, OR ANY TERRITORY OR
9 INSULAR POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

10 (C) "TRIBE" MEANS A TRIBE, BAND, OR VILLAGE OF NATIVE AMERICANS
11 WHICH IS RECOGNIZED BY FEDERAL LAW OR FORMALLY ACKNOWLEDGED BY A
12 STATE.

13 12-602. POWER TO CERTIFY.

14 THE COURT OF APPEALS OR THE COURT OF SPECIAL APPEALS OF THIS STATE,
15 ON THE MOTION OF A PARTY TO PENDING LITIGATION OR ITS OWN MOTION, MAY
16 CERTIFY A QUESTION OF LAW TO THE HIGHEST COURT OF ANOTHER STATE OR OF
17 A TRIBE IF:

18 (1) THE PENDING LITIGATION INVOLVES A QUESTION TO BE DECIDED
19 UNDER THE LAW OF THE OTHER JURISDICTION;

20 (2) THE ANSWER TO THE QUESTION MAY BE DETERMINATIVE OF AN
21 ISSUE IN THE PENDING LITIGATION; AND

22 (3) THE QUESTION IS ONE FOR WHICH AN ANSWER IS NOT PROVIDED
23 BY A CONTROLLING APPELLATE DECISION, CONSTITUTIONAL PROVISION, OR
24 STATUTE OF THE OTHER JURISDICTION.

25 12-603. POWER TO ANSWER.

26 THE COURT OF APPEALS OF THIS STATE MAY ANSWER A QUESTION OF LAW
27 CERTIFIED TO IT BY A COURT OF THE UNITED STATES OR BY AN APPELLATE COURT
28 OF ANOTHER STATE OR OF A TRIBE, IF THE ANSWER MAY BE DETERMINATIVE OF
29 AN ISSUE IN PENDING LITIGATION IN THE CERTIFYING COURT AND THERE IS NO
30 CONTROLLING APPELLATE DECISION, CONSTITUTIONAL PROVISION, OR STATUTE
31 OF THIS STATE.

32 12-604. POWER TO REFORMULATE QUESTION.

33 THE COURT OF APPEALS OF THIS STATE MAY REFORMULATE A QUESTION OF
34 LAW CERTIFIED TO IT.

35 12-605. CERTIFICATION ORDER; RECORD.

36 (A) THE COURT CERTIFYING A QUESTION OF LAW TO THE COURT OF
37 APPEALS OF THIS STATE SHALL ISSUE A CERTIFICATION ORDER AND FORWARD IT
38 TO THE COURT OF APPEALS OF THIS STATE.

3

1 (B) BEFORE RESPONDING TO A CERTIFIED QUESTION, THE COURT OF
2 APPEALS OF THIS STATE MAY REQUIRE THE CERTIFYING COURT TO DELIVER ALL
3 OR PART OF ITS RECORD TO THE COURT OF APPEALS OF THIS STATE.

4 12-606. CONTENTS OF CERTIFICATION ORDER.

5 (A) A CERTIFICATION ORDER ~~MUST~~ SHALL CONTAIN:

6 (1) THE QUESTION OF LAW TO BE ANSWERED;

7 (2) THE FACTS RELEVANT TO THE QUESTION, SHOWING FULLY THE
8 NATURE OF THE CONTROVERSY OUT OF WHICH THE QUESTION AROSE;

9 (3) A STATEMENT ACKNOWLEDGING THAT THE COURT OF APPEALS OF
10 THIS STATE, ACTING AS THE RECEIVING COURT, MAY REFORMULATE THE
11 QUESTION; AND

12 (4) THE NAMES AND ADDRESSES OF COUNSEL OF RECORD AND
13 PARTIES APPEARING WITHOUT COUNSEL.

14 (B) IF THE PARTIES CANNOT AGREE UPON A STATEMENT OF FACTS, THE
15 CERTIFYING COURT SHALL DETERMINE THE RELEVANT FACTS AND STATE THEM AS
16 A PART OF ITS CERTIFICATION ORDER.

17 12-607. NOTICE; RESPONSE.

18 THE COURT OF APPEALS OF THIS STATE, ACTING AS A RECEIVING COURT,
19 SHALL NOTIFY THE CERTIFYING COURT OF ACCEPTANCE OR REJECTION OF THE
20 QUESTION AND, IN ACCORDANCE WITH NOTIONS OF COMITY AND FAIRNESS,
21 RESPOND TO AN ACCEPTED CERTIFIED QUESTION AS SOON AS PRACTICABLE.

22 12-608. PROCEDURES.

23 (A) AFTER THE COURT OF APPEALS OF THIS STATE HAS ACCEPTED A
24 CERTIFIED QUESTION, PROCEEDINGS ARE GOVERNED BY THE MARYLAND RULES
25 OF PROCEDURE.

26 (B) PROCEDURES FOR CERTIFICATION FROM THIS STATE TO A RECEIVING
27 COURT ARE THOSE PROVIDED IN THE RULES AND STATUTES OF THE RECEIVING
28 FORUM.

29 12-609. OPINION.

30 THE COURT OF APPEALS OF THIS STATE SHALL STATE IN A WRITTEN OPINION
31 THE LAW ANSWERING THE CERTIFIED QUESTION AND SEND A COPY OF THE
32 OPINION TO THE CERTIFYING COURT, COUNSEL OF RECORD, AND PARTIES
33 APPEARING WITHOUT COUNSEL.

34 12-610. COST OF CERTIFICATION.

35 FEES AND COSTS ARE THE SAME AS IN CIVIL APPEALS DOCKETED BEFORE THE
36 COURT OF APPEALS OF THIS STATE AND ~~MUST~~ SHALL BE EQUALLY DIVIDED
37 BETWEEN THE PARTIES UNLESS OTHERWISE ORDERED BY THE CERTIFYING COURT.

4

1 12-611. SEVERABILITY.

2 IF ANY PROVISION OF THIS SUBTITLE OR ITS APPLICATION TO ANY PERSON OR
3 CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER
4 PROVISIONS OR APPLICATIONS OF THIS SUBTITLE WHICH CAN BE GIVEN EFFECT
5 WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE
6 PROVISIONS OF THIS SUBTITLE ARE SEVERABLE.

7 12-612. UNIFORMITY OF APPLICATION AND CONSTRUCTION.

8 THIS SUBTITLE SHALL BE APPLIED AND CONSTRUED TO EFFECTUATE ITS
9 GENERAL PURPOSE TO MAKE UNIFORM LAW WITH RESPECT TO THE SUBJECT OF
10 THE SUBTITLE AMONG STATES ENACTING IT.

11 12-613. SHORT TITLE.

12 THIS SUBTITLE MAY BE CITED AS THE MARYLAND UNIFORM CERTIFICATION
13 OF QUESTIONS OF LAW ACT.

14 SECTION 3. AND BE IT FURTHER ENACTED, That the catch lines contained
15 in this Act are not law and may not be considered to have been enacted as part of this
16 Act.

17 SECTION ~~3.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
18 effect October 1, 1996.