

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 1231

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, strike “affect” and substitute “effect”; in line 11, after “dates;” insert “altering the application of certain provisions of law to certain insurance policies; altering the date on or after which a certain exclusion in certain insurance policies is required to be waived;”; in the same line, after “change;” insert “providing for the effective dates of this Act;”; in line 16, after “6-817(a)(1) and (2)(i) and (b)(1)” insert “and (2)(i)”; in line 17, after “6-820(a)” insert “and (b)”; in line 28, after “7” insert “and 8”; and after line 28, insert:

“BY repealing and reenacting, with amendments,

Article 48A - Insurance Code

Section 735(b)

Annotated Code of Maryland

(1994 Replacement Volume and 1996 Supplement)

BY repealing and reenacting, with amendments,

Article - Insurance

Section 19-704(d)

Annotated Code of Maryland

(1996 Volume)

(As enacted by Chapter 11 of the Acts of the General Assembly of 1996)”.

AMENDMENT NO. 2

On page 3, after line 20, insert:

“(2) (i) Notwithstanding any other remedy that may be available, an owner who fails to meet the requirements of subsections (b)(1) and (c) of this section, or of § 6-819(e) of this subtitle

(Over)

shall lose the liability protection under § 6-836 of this subtitle for any alleged injury or loss caused by the ingestion of lead by a person at risk that is first documented by a test for EBL of 20 ug/dl or more on or after [October 1, 2004] FEBRUARY 24, 2006 in any of the owner's units that have not satisfied the risk reduction standard specified in § 6-815(a) of this subtitle, the inspection requirement of subsection (c) of this section, or the modified risk reduction standard specified in § 6-819(a) of this subtitle, as applicable.”.

AMENDMENT NO. 3

On page 3, in line 32, strike “APRIL” and substitute “MAY”.

AMENDMENT NO. 4

On page 4, after line 26, insert:

“(b) [An] ON OR AFTER FEBRUARY 24, 1996, AN owner of an affected property shall give to the tenant of the affected property a notice, prepared by the Department, of the tenant's rights under §§ 6-817 and 6-819 of this subtitle upon the execution of a lease or the inception of a tenancy.”.

On page 5, in line 12, after “If” insert “, ON OR AFTER FEBRUARY 24, 1996.”.

AMENDMENT NO. 5

On page 6, in line 12, strike “the effective date of this Act” and substitute “FEBRUARY 24, 1996”.

AMENDMENT NO. 6

On page 6, after line 28, insert:

“SECTION 8. AND BE IT FURTHER ENACTED, That, notwithstanding other provisions of this Act, this Act shall apply [beginning on January 1, 1995] to insurance policies issued or renewed [between October 1, 1994 and December 31, 1994.] ON OR AFTER FEBRUARY 24, 1996.”.

AMENDMENT NO. 7

On page 6, before line 29, insert:

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

Article 48A - Insurance Code

735.

(b) A lead hazard exclusion contained in a contract of insurance issued or renewed on or after [January 1, 1995] FEBRUARY 24, 1996 shall be waived with respect to an affected property which is covered under the policy, to the extent of a qualified offer made or to be made under Part V of Title 6, Subtitle 8 of the Environment Article, if:

(1) The affected property is in compliance with the provisions of Part III of Title 6, Subtitle 8 of the Environment Article;

(2) Without regard to whether a change in occupancy has occurred, and at the election of the insured, the affected property:

(i) Passes the test for lead-contaminated dust under § 6-816 of the Environment Article; or

(ii) Has undergone the lead hazard reduction treatments and complies with the risk reduction standards under § 6-815(a)(2) of the Environment Article; and

(3) The insured submits to the authorized insurer a current verified report of an accredited inspector under § 6-818 of the Environment Article certifying that the affected property complies with the standards set forth in paragraph (2) of this subsection.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Insurance

(Over)

19-704.

(d) If a policy issued or renewed by an authorized insurer on or after [January 1, 1995] FEBRUARY 24, 1996, for an affected property contains a lead hazard coverage exclusion, the authorized insurer shall waive the exclusion to the extent of a qualified offer made or to be made under Title 6, Subtitle 8, Part V of the Environment Article:

(1) if the owner of the affected property complies with Title 6, Subtitle 8, Part III of the Environment Article;

(2) if at the election of the insured, and whether or not a change in occupancy has occurred, the affected property:

(i) passes the test for lead-contaminated dust under § 6-816 of the Environment Article; or

(ii) has undergone the lead hazard reduction treatments and complies with the risk reduction standard under § 6-815(a)(2) of the Environment Article; and

(3) if the insured submits to the authorized insurer a current verified report completed by an accredited inspector under § 6-818 of the Environment Article certifying that the affected property complies with the standards set forth in item (2) of this subsection.”;

in line 29, strike “2.” and substitute “4.”; in the same line, after “That” insert “Section 1 of”; and after line 30, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect June 1, 1997, and shall remain in effect until October 1, 1997.

SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect October 1, 1997.”.