

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL NO. 835

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “and” in line 2 down through “of” in line 3 and substitute “Waiver of Right to”; strike beginning with “prohibiting” in line 4 down through “drivers” in line 16 and substitute “establishing that an individual driving a motor vehicle that is not covered by insurance is considered to have waived the right to recover noneconomic loss damages under certain circumstances; exempting certain individuals from the waiver under certain circumstances; creating a rebuttable presumption that an individual knows or has reason to know that the motor vehicle is not covered by insurance under certain circumstances; making stylistic changes; making technical changes; providing for the termination of this Act; and generally relating to operating a motor vehicle that does not have insurance coverage”; and in line 19, strike “and 21-902”.

AMENDMENT NO. 2

On pages 1 through 4, strike in their entirety the lines beginning with line 25 on page 1 through line 11 on page 2, inclusive, and substitute:

“17-107.

(a) [A person] AN INDIVIDUAL who knows or has reason to know that a motor vehicle is not covered by the required security may not:

(1) Drive the vehicle; or

(2) If [he] THE INDIVIDUAL is an owner of the vehicle, knowingly permit another [person] INDIVIDUAL to drive it.

(b) (1) In [any] A prosecution under subsection (a) of this section the introduction of the

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official records of the [Motor Vehicle] Administration showing the absence of a record that the vehicle is covered by the security required under § 17-104 of this subtitle shall be prima facie evidence that [a person] AN INDIVIDUAL knows or has reason to know that a motor vehicle is not covered by the required security.

(2) The introduction of evidence of the records of the Administration may not limit the introduction of other evidence bearing upon whether the vehicle was covered by the required security.

(c) An owner or lessee of [any] A motor vehicle registered under Title 13 of this article may not raise the defense of sovereign or governmental immunity as described under § 5-399.4 of the Courts [and Judicial Proceedings] Article.”.

AMENDMENT NO. 3

On page 2, in line 14, strike the first comma and substitute “AND”; and strike “, AND LOSS OF CONSORTIUM”.

AMENDMENT NO. 4

On pages 2 through 4, strike in their entirety the lines beginning with line 15 on page 2 through line 14 on page 4, and substitute:

“(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AN INDIVIDUAL WHO IS INJURED IN A VEHICULAR ACCIDENT WHILE OPERATING A MOTOR VEHICLE IN VIOLATION OF SUBSECTION (A) OF THIS SECTION AND WHO IS THE OWNER AND DRIVER OF THE MOTOR VEHICLE IS CONSIDERED TO HAVE WAIVED THE RIGHT TO RECOVER FOR NONECONOMIC LOSS IN AN ACTION AGAINST A PERSON OPERATING A MOTOR VEHICLE THAT IS COVERED BY THE REQUIRED SECURITY.

(3) THIS SUBSECTION DOES NOT APPLY TO:

(I) AN INDIVIDUAL WHO DOES NOT KNOW OR HAVE REASON TO KNOW THAT THE MOTOR VEHICLE IS NOT COVERED BY THE REQUIRED SECURITY;
OR

(II) AN INDIVIDUAL WHOSE INJURIES ARE CAUSED BY AN INDIVIDUAL WHO, IN CONNECTION WITH THE ACCIDENT, IS:

1. CONVICTED OF OPERATING A MOTOR VEHICLE IN VIOLATION OF § 21-902 OF THIS ARTICLE;

2. CONVICTED OF A VIOLATION OF ARTICLE 27, § 388A OF THE CODE;

3. CONVICTED OF VEHICULAR ASSAULT;

4. CONVICTED OF A VIOLATION OF ARTICLE 27, § 388B OF THE CODE;

5. CONVICTED OF RECKLESS DRIVING UNDER § 21-901.1(A) OF THIS ARTICLE; OR

6. FOUND TO HAVE BEEN DRIVING IN A MANNER THAT SHOWS CONTEMPT FOR THE SAFETY OF OTHERS UNDER CIRCUMSTANCES THAT WOULD PROBABLY CAUSE HARM.

(4) FOR PURPOSES OF THIS SUBSECTION, THERE IS A REBUTTABLE PRESUMPTION THAT A PERSON KNOWS OR HAS REASON TO KNOW THAT A MOTOR VEHICLE IS NOT COVERED BY THE REQUIRED SECURITY IF THE SECURITY PREVIOUSLY IN EFFECT HAD LAPSED OR TERMINATED AND HAD BEEN INEFFECTIVE FOR A PERIOD OF AT LEAST 60 DAYS AFTER THE DATE OF NOTIFICATION BY THE MOTOR VEHICLE ADMINISTRATION ABOUT THE LAPSE OR TERMINATION AND ABOUT SPECIFIC CONSEQUENCES OF THE LAPSE OR TERMINATION UNDER THIS SUBSECTION.”.

AMENDMENT NO. 5

On page 4, in line 16, after the period, insert: “It shall remain effective for a period of 5 years

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and, at the end of September 30, 2002, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.