
By: Delegates Vallario, Genn, Dembrow, and Doory

Introduced and read first time: January 24, 1997

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 1997

CHAPTER ____

1 AN ACT concerning

2 **Courts - Evidence - Paid Bills**

3 FOR the purpose of ~~establishing a rebuttable presumption~~ providing that, on certain
4 testimony, by a party or certain other persons, a paid bill for goods or services
5 provided is admissible to prove, without the testimony of the provider of the goods
6 or services, that the bill is authentic and the charges of the provider are fair and
7 reasonable; providing a certain exception; providing that this Act applies to civil
8 proceedings in the District Court and certain civil proceedings in a circuit court;
9 providing for certain procedures; providing for the application of this Act; and
10 generally relating to the ~~establishment of a certain evidentiary presumption~~
11 ~~concerning paid bills~~ admissibility of certain evidence concerning paid bills to prove
12 certain matters under certain circumstances.

13 BY adding to

14 Article - Courts and Judicial Proceedings

15 Section 10-105

16 Annotated Code of Maryland

17 (1995 Replacement Volume and 1996 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Courts and Judicial Proceedings**

21 10-105.

22 (A) THE PROVISIONS OF THIS SECTION APPLY TO A CIVIL ~~OR CRIMINAL~~

23 ACTION IN;

24 (1) THE DISTRICT COURT OR A CIRCUIT COURT; OR

2

1 (2) A CIRCUIT COURT IF:

2 (I) THE CASE WAS ORIGINALLY FILED IN THE DISTRICT COURT;

3 (II) THE CASE WAS TRANSFERRED FROM THE DISTRICT COURT TO
4 A CIRCUIT COURT; AND

5 (III) THE AMOUNT IN CONTROVERSY IN THE ACTION IN THE
6 CIRCUIT COURT DOES NOT EXCEED THE AMOUNT SPECIFIED IN § 4-401 OF THIS
7 ARTICLE FOR THAT TYPE OF ACTION.

8 (B) (1) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE AUTHENTICITY
9 OF A BILL FOR GOODS OR SERVICES PROVIDED AND THE FAIRNESS AND
10 REASONABLENESS OF THE CHARGES OF THE PROVIDER OF THE GOODS OR
11 SERVICES ~~SHALL BE REBUTTABLY PRESUMED~~ MAY BE PROVED, WITHOUT THE
12 TESTIMONY OF THE PROVIDER OF THE GOODS OR SERVICES, BY ADMISSION INTO
13 EVIDENCE OF THE PAID BILL.

14 (2) THE BILL SHALL BE ADMITTED ON TESTIMONY, BY THE PARTY OR
15 ANY OTHER PERSON WITH PERSONAL KNOWLEDGE:

16 ~~(+)~~ (I) IDENTIFYING THE ORIGINAL BILL OR AN
17 AUTHENTICATED COPY; AND

18 ~~(2)~~ ~~(+)~~ (II) 1. IDENTIFYING THE PROVIDER OF THE GOODS OR
19 SERVICES;

20 ~~(3)~~ 2. EXPLAINING THE CIRCUMSTANCES SURROUNDING
21 THE RECEIPT OF THE BILL;

22 ~~(4)~~ 3. DESCRIBING THE GOODS OR SERVICES PROVIDED;

23 ~~(5)~~ 4. STATING THAT THE GOODS OR SERVICES WERE
24 PROVIDED IN CONNECTION WITH THE EVENT GIVING RISE TO THE ACTION; AND

25 ~~(6)~~ 5. STATING THAT THE BILL WAS PAID.

26 (C) ~~THE PRESUMPTION DESCRIBED UNDER~~ SUBSECTION (B) OF THIS SECTION
27 APPLIES ONLY IF, AT LEAST ~~30~~ 60 DAYS BEFORE THE BEGINNING OF THE TRIAL, THE
28 PARTY WHO INTENDS TO INTRODUCE THE BILL FILES WITH THE CLERK OF THE
29 COURT AND SERVES ON ALL OTHER PARTIES AS PROVIDED UNDER MARYLAND
30 RULE 1-321:

31 (1) NOTICE OF THE PARTY'S INTENT TO INTRODUCE THE BILL WITHOUT
32 THE SUPPORT OF THE TESTIMONY OF THE PROVIDER OF THE GOODS OR SERVICES
33 THAT WERE BILLED; AND

34 (2) A COPY OF THE BILL.

35 (D) NOTHING CONTAINED IN THIS SECTION MAY BE CONSTRUED TO:

36 (1) APPLY TO PROOF OF THE EXISTENCE OF A MEDICAL, DENTAL, OR
37 OTHER HEALTH CONDITION, THE OPINION OF A HEALTH CARE PROVIDER, OR THE
38 NECESSITY AND THE PROVIDING OF MEDICAL, DENTAL, OR OTHER HEALTH CARE;

1 (2) LIMIT THE PROVISIONS OF § 10-104 OF THIS SUBTITLE CONCERNING
2 THE ADMISSIBILITY OF A MEDICAL, DENTAL, HOSPITAL, OR OTHER HEALTH CARE
3 WRITING OR RECORD; OR

4 (3) LIMIT THE RIGHT OF A PARTY TO:

5 (I) REQUEST A SUMMONS TO COMPEL THE ATTENDANCE OF A
6 WITNESS;

7 (II) EXAMINE A WITNESS WHO APPEARS AT TRIAL; OR

8 (III) ENGAGE IN DISCOVERY AS PROVIDED UNDER THE MARYLAND
9 RULES.

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

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 1997.