

**Department of Fiscal Services**  
Maryland General Assembly

**FISCAL NOTE**  
**Revised**

House Bill 835 (Delegate Kach, *et al.*)  
Economic Matters

Referred to Judicial Proceedings

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**Vehicle Laws - Uninsured Motorists - Waiver of Right to Noneconomic Damages**

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This amended bill provides that a person who knows or has reason to know that a motor vehicle is not covered by the required insurance is considered to have waived the right to recover noneconomic loss damages in an action against a person driving a motor vehicle that is covered by the required insurance. The bill provides for a rebuttable presumption that an individual knows or has reason to know that a motor vehicle is not covered by the required insurance if the insurance has been ineffective for at least 60 days after the date the individual was notified by the Motor Vehicle Administration about the lapse or termination of the insurance coverage, and about the consequences of a lapse or termination of insurance coverage.

The waiver of the right to recover noneconomic loss damages does not apply to an individual who does not know or have reason to know that the motor vehicle is not covered by the required insurance or to an individual whose injuries are caused by an individual who, in connection with the accident, is convicted of specified crimes.

The bill sunsets on September 30, 2002.

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**Fiscal Summary**

**State Effect:** None. The bill would not directly affect governmental finances.

**Local Effect:** None.

**Small Business Effect:** None. The bill would not directly affect small businesses.

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**Information Source(s):** Judiciary (District Court of Maryland), Department of Transportation (Motor Vehicle Administration), Department of Fiscal Services

**Fiscal Note History:** First Reader - March 7, 1997

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Revised - House Third Reader - April 2, 1997

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