
By: **Delegates Vallario and Dembrow**
Introduced and read first time: February 11, 1999
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions - Disclosure of Information and Service of Process**

3 FOR the purpose of requiring an insurer or a person that has a self-insurance plan to
4 provide certain information on the whereabouts of a defendant who is insured
5 under the insurance policy or self-insurance plan under certain circumstances;
6 providing that an insurer or a person that has a self-insurance plan, and their
7 employees and agents, who provide certain information required by this Act are
8 not subject to certain liability; authorizing certain service of process under
9 certain circumstances; providing that certain defenses are not affected by this
10 Act; defining a certain term; providing for the application of this Act; making
11 provisions of this Act severable; and generally relating to service of process.

12 BY adding to
13 Article - Courts and Judicial Proceedings
14 Section 6-311 and 6-312
15 Annotated Code of Maryland
16 (1998 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Courts and Judicial Proceedings**

20 6-311.

21 (A) IN THIS SECTION, "PERSON" HAS THE MEANING STATED IN RULE 1-202 OF
22 THE MARYLAND RULES.

23 (B) (1) THIS SECTION APPLIES TO AN ACTION AGAINST A PERSON WHO HAD
24 APPLICABLE INSURANCE COVERAGE UNDER AN INSURANCE POLICY OR
25 SELF-INSURANCE PLAN AT THE TIME THE ALLEGED LIABILITY THAT IS THE
26 SUBJECT OF THE ACTION WAS INCURRED.

1 (2) SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, THIS SECTION
2 APPLIES TO A PERSON WHO IS A DEFENDANT SUBJECT TO A COMPLAINT,
3 COUNTERCLAIM, CROSS-CLAIM, OR THIRD-PARTY COMPLAINT.

4 (C) (1) SUBJECT TO SUBSECTIONS (D) AND (E) OF THIS SECTION, ON
5 WRITTEN REQUEST OF A PARTY, AN INSURER OR A PERSON THAT HAS A
6 SELF-INSURANCE PLAN SHALL PROVIDE TO THE PARTY ANY INFORMATION KNOWN
7 TO THE INSURER OR THE PERSON THAT HAS THE SELF-INSURANCE PLAN
8 CONCERNING THE DEFENDANT'S WHEREABOUTS, INCLUDING THE DEFENDANT'S
9 HOME ADDRESS.

10 (2) AN INSURER OR A PERSON THAT HAS A SELF-INSURANCE PLAN, AND
11 THEIR EMPLOYEES AND AGENTS MAY NOT BE CIVILLY OR CRIMINALLY LIABLE FOR
12 THE DISCLOSURE OF INFORMATION REQUIRED UNDER THIS SUBSECTION.

13 (D) SUBSECTION (C)(1) OF THIS SECTION APPLIES ONLY IF THE PLAINTIFF
14 CERTIFIES THAT:

15 (1) THE DEFENDANT HAD APPLICABLE INSURANCE COVERAGE AT THE
16 TIME THE ALLEGED LIABILITY WAS INCURRED;

17 (2) THE PLAINTIFF MADE A REASONABLE EFFORT, IN GOOD FAITH, TO
18 LOCATE THE DEFENDANT; AND

19 (3) THE DEFENDANT IS EVADING SERVICE OF PROCESS OR THE
20 WHEREABOUTS OF THE DEFENDANT ARE UNKNOWN TO THE PLAINTIFF.

21 (E) A PLAINTIFF SHALL:

22 (1) SERVE A CERTIFICATION DESCRIBED UNDER SUBSECTION (D) OF
23 THIS SUBSECTION ON THE INSURER OR THE PERSON THAT HAS THE
24 SELF-INSURANCE PLAN, AS PROVIDED IN THE MARYLAND RULES; AND

25 (2) FILE A NOTICE OF SERVICE OF THE CERTIFICATION WITH THE
26 CLERK OF THE COURT IN WHICH THE CASE IS FILED.

27 (F) A DEFENDANT WHO IS SUBJECT TO THE PROVISIONS OF THIS SECTION IS
28 DEEMED TO HAVE CONSENTED TO THE DISCLOSURE OF THE INFORMATION
29 DESCRIBED IN THIS SECTION.

30 6-312.

31 (A) IN THIS SECTION, "PERSON" HAS THE MEANING STATED IN RULE 1-202 OF
32 THE MARYLAND RULES.

33 (B) THIS SECTION APPLIES TO A PERSON WHO IS A DEFENDANT SUBJECT TO A
34 COMPLAINT, COUNTERCLAIM, CROSS-CLAIM, OR THIRD-PARTY COMPLAINT.

35 (C) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PARTY MAY
36 EFFECT SERVICE BY DELIVERING A COPY OF THE SUMMONS AND THE COMPLAINT

1 TO A DEFENDANT PERSONALLY OR BY LEAVING COPIES OF THE SUMMONS AND
2 COMPLAINT AT THE DEFENDANT'S DWELLING HOUSE OR USUAL PLACE OF ABODE
3 WITH A PERSON OF SUITABLE AGE AND DISCRETION RESIDING AT THE DWELLING
4 HOUSE OR PLACE OF ABODE OR BY DELIVERING A COPY OF THE SUMMONS AND THE
5 COMPLAINT TO AN AGENT AUTHORIZED BY APPOINTMENT OR LAW TO RECEIVE
6 SERVICE OF PROCESS.

7 (2) ANY SERVICE UNDER THIS SUBSECTION IS AS EFFECTIVE AS ACTUAL
8 PERSONAL SERVICE.

9 (3) THE METHOD OF SERVICE PROVIDED IN THIS SUBSECTION IS IN
10 ADDITION TO AND NOT EXCLUSIVE OF ANY OTHER MEANS OF SERVICE THAT MAY BE
11 PROVIDED BY STATUTE OR RULE FOR OBTAINING JURISDICTION OF A DEFENDANT.

12 (D) THIS SECTION DOES NOT AFFECT ANY DEFENSE, INCLUDING
13 NONCOOPERATION, AVAILABLE TO AN INSURER OR A PERSON WHO HAS A
14 SELF-INSURANCE PLAN UNDER THE TERMS OF THE APPLICABLE INSURANCE OR
15 SELF-INSURANCE PLAN.

16 (E) A DEFENDANT WHO IS SUBJECT TO THE PROVISIONS OF THIS SECTION IS
17 DEEMED TO HAVE CONSENTED TO SERVICE OF PROCESS AS DESCRIBED IN THIS
18 SECTION.

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

23 SECTION 3. AND BE IT FURTHER ENACTED, That if any provision of this
24 Act or the application thereof to any person or circumstance is held invalid for any
25 reason in a court of competent jurisdiction, the invalidity does not affect other
26 provisions or any other application of this Act which can be given effect without the
27 invalid provision or application, and for this purpose the provisions of this Act are
28 declared severable.

29 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 1999.