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

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Committee Report: Favorable with amendments  
House action: Adopted  
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CHAPTER \_\_\_\_\_

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

13 BY adding to  
14 Article - Courts and Judicial Proceedings  
15 Section 6-311 and 6-312  
16 Annotated Code of Maryland  
17 (1998 Replacement Volume)

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 6-311.

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

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

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

8 (C) (1) SUBJECT TO SUBSECTIONS (D) AND (E) OF THIS SECTION, ON  
9 WRITTEN REQUEST OF A PARTY TO THE ACTION, AN INSURER OR A PERSON THAT  
10 HAS A SELF-INSURANCE PLAN SHALL PROVIDE TO THE PARTY ~~ANY INFORMATION~~  
11 ~~KNOWN TO THE INSURER OR THE PERSON THAT HAS THE SELF-INSURANCE PLAN~~  
12 ~~CONCERNING THE DEFENDANT'S WHEREABOUTS, INCLUDING THE DEFENDANT'S~~  
13 LAST KNOWN HOME ADDRESS IF KNOWN.

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

17 (D) SUBSECTION (C)(1) OF THIS SECTION APPLIES ONLY IF THE PLAINTIFF  
18 ~~CERTIFIES~~ FILES A CERTIFICATION THAT:

19 (1) STATES THAT THE DEFENDANT HAD APPLICABLE INSURANCE  
20 COVERAGE AT THE TIME THE ALLEGED LIABILITY WAS INCURRED;

21 (2) SETS FORTH IN DETAIL THE REASONABLE EFFORTS MADE, IN GOOD  
22 FAITH, BY THE PLAINTIFF MADE A REASONABLE EFFORT, IN GOOD FAITH, TO LOCATE  
23 THE DEFENDANT; AND

24 (3) STATES THAT THE DEFENDANT IS EVADING SERVICE OF PROCESS OR  
25 THE WHEREABOUTS OF THE DEFENDANT ARE UNKNOWN TO THE PLAINTIFF.

26 (E) A PLAINTIFF SHALL:

27 (1) ~~SERVE FILE~~ SERVE FILE A CERTIFICATION DESCRIBED UNDER SUBSECTION (D)  
28 ~~OF THIS SUBSECTION~~ SECTION WITH THE CLERK OF THE COURT IN WHICH THE CASE  
29 IS FILED AND SERVE THE CERTIFICATION ON THE INSURER OR THE PERSON THAT  
30 HAS THE SELF-INSURANCE PLAN, AS PROVIDED IN THE MARYLAND RULES; AND

31 (2) ~~FILE A NOTICE OF SERVICE OF THE CERTIFICATION WITH THE~~  
32 ~~CLERK OF THE COURT IN WHICH THE CASE IS FILED.~~

33 (F) A DEFENDANT WHO IS SUBJECT TO THE PROVISIONS OF THIS SECTION IS  
34 DEEMED TO HAVE CONSENTED TO THE DISCLOSURE OF THE INFORMATION  
35 DESCRIBED IN THIS SECTION.

1 6-312.

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

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

6 (C) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PARTY MAY  
7 EFFECT SERVICE BY DELIVERING A COPY OF THE SUMMONS AND THE COMPLAINT  
8 TO A DEFENDANT PERSONALLY OR BY LEAVING COPIES OF THE SUMMONS AND  
9 COMPLAINT AT THE DEFENDANT'S DWELLING HOUSE OR USUAL PLACE OF ABODE  
10 WITH A PERSON OF SUITABLE AGE AND DISCRETION RESIDING AT THE DWELLING  
11 HOUSE OR PLACE OF ABODE OR BY DELIVERING A COPY OF THE SUMMONS AND THE  
12 COMPLAINT TO AN AGENT AUTHORIZED BY APPOINTMENT OR LAW TO RECEIVE  
13 SERVICE OF PROCESS.

14 (2) ANY SERVICE UNDER THIS SUBSECTION IS AS EFFECTIVE AS ACTUAL  
15 PERSONAL SERVICE.

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

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

23 (E) A DEFENDANT WHO IS SUBJECT TO THE PROVISIONS OF THIS SECTION IS  
24 DEEMED TO HAVE CONSENTED TO SERVICE OF PROCESS AS DESCRIBED IN THIS  
25 SECTION.

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

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

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

