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

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A BILL ENTITLED

1 AN ACT concerning

2 **Fair Disclosure Act of 1999**

3 FOR the purpose of requiring certain insurers or persons who have a self-insurance  
4 plan to provide information concerning the whereabouts of a defendant under  
5 certain circumstances; providing for certain procedures; providing that an  
6 insurer or a person who has a self-insurance plan, and their employees and  
7 agents, who provide certain information required by this Act are not subject to  
8 certain liability; defining a certain term; providing for the application of this  
9 Act; and generally relating to a requirement that certain insurers and persons  
10 who have self-insurance plans provide information concerning the whereabouts  
11 of a defendant under certain circumstances.

12 BY adding to  
13 Article - Courts and Judicial Proceedings  
14 Section 6-311  
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 SAME MEANING STATED IN RULE  
22 1-202 OF THE MARYLAND RULES.

23 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THIS  
24 SECTION APPLIES TO AN ACTION AGAINST A PERSON WHO HAD APPLICABLE  
25 CASUALTY OR PROPERTY INSURANCE COVERAGE UNDER AN INSURANCE POLICY OR  
26 SELF-INSURANCE PLAN AT THE TIME THE ALLEGED LIABILITY, THAT IS THE  
27 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           (3)     THIS SECTION DOES NOT APPLY TO:

5                   (I)     A LOCAL GOVERNMENT OR ITS INSURER IN A CLAIM UNDER  
6 TITLE 5, SUBTITLE 3 OF THIS ARTICLE; OR

7                   (II)    THE STATE OR ITS INSURER IN A CLAIM UNDER TITLE 12,  
8 SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE.

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

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

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

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

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

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

26     (E)     A PLAINTIFF SHALL:

27           (1)     SERVE THE CERTIFICATION DESCRIBED UNDER SUBSECTION (D) OF  
28 THIS SECTION ON THE INSURER OR THE PERSON WHO HAS THE SELF-INSURANCE  
29 PLAN AS PROVIDED IN THE MARYLAND RULES; AND

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

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

35     SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act  
36 shall be construed to apply only prospectively and may not be applied or interpreted

1 to have any effect on or application to any case filed before the effective date of this  
2 Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 1999.