

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

House Bill 632 (Delegates Vallario and Dembrow)

Judiciary

Fair Disclosure Act of 1999

This bill provides that, on written request of a party to a lawsuit, an insurer or an entity that has a self-insurance plan shall provide to the party any known information concerning the defendant's whereabouts. The information must be provided only if the plaintiff certifies that:

- the defendant had applicable insurance at the time the alleged liability was incurred;
- the plaintiff made a reasonable effort, in good faith, to locate the defendant; and
- the defendant is evading service of process or the whereabouts of the defendant are unknown to the plaintiff.

The bill grants immunity from liability for the provision of such information.

The bill does not apply to a local government or its insurer in a claim under the Local Government Tort Claims Act, or the State or its insurer in a claim under the Maryland Tort Claims Act.

The bill applies prospectively only.

Fiscal Summary

State Effect: Potential increase in general and/or special fund revenues.

Local Effect: Potential increase in revenues.

Small Business Effect: Potential meaningful.

Fiscal Analysis

State Effect: The bill could result in increased revenues for the State from civil cases in which the State is plaintiff and is able to obtain and collect on judgments against insured defendants through the use of the substituted service of process option (when it otherwise would not be able to do so). State judgment collections can be categorized as either general or special fund revenue, depending on the nature of the claim.

It is expected that any extra work for the Maryland Insurance Administration resulting from the bill could be handled with existing resources.

Local Revenues: The bill could result in increased revenues for local governments in a similar manner as for the State.

Small Business Effect: The bill could result in increased revenues for small businesses in a similar manner as for State and local governments.

Information Source(s): Maryland Automobile Insurance Fund, Department of Legislative Services

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ncs/jr

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