

HOUSE BILL 85

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2000 Regular Session  
0lr0647

(PRE-FILED)

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By: **Delegate Dembrow**

Requested: October 6, 1999

Introduced and read first time: January 12, 2000

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions - Disclosure of Information**

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

12 BY repealing and reenacting, with amendments,  
13 Article - Courts and Judicial Proceedings  
14 Section 6-311  
15 Annotated Code of Maryland  
16 (1998 Replacement Volume and 1999 Supplement)

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 the  
22 Maryland Rules.

23 (b) (1) This section applies to an action against a person who had applicable  
24 insurance coverage under an insurance policy or self-insurance plan at the time the  
25 alleged liability that is the subject of the action was incurred.

1           (2)       Subject to paragraph (1) of this subsection, this section applies to a  
2 person who is a defendant subject to a complaint, counterclaim, cross-claim, or  
3 third-party complaint.

4       (c)       (1)       Subject to subsections (d) and (e) of this section, on written request of  
5 a party to the action, an insurer or a person [that] WHO has a self-insurance plan  
6 shall provide to the party ANY INFORMATION CONCERNING the defendant's  
7 WHEREABOUTS, INCLUDING THE DEFENDANT'S last known home [address]  
8 ADDRESS, if known TO THE INSURER OR THE PERSON WHO HAS THE  
9 SELF-INSURANCE PLAN.

10           (2)       An insurer or a person that has a self-insurance plan, and their  
11 employees and agents, may not be civilly or criminally liable for the disclosure of  
12 information required under this subsection.

13       (d)       Subsection (c)(1) of this section applies only if the plaintiff files a  
14 certification that:

15           (1)       States that the defendant had applicable insurance coverage at the  
16 time the alleged liability was incurred;

17           (2)       Sets forth in detail the reasonable efforts made, in good faith, by the  
18 plaintiff to locate the defendant; and

19           (3)       States that the defendant is evading service of process or the  
20 whereabouts of the defendant are unknown to the plaintiff.

21       (e)       A plaintiff shall file a certification described under subsection (d) of this  
22 section with the clerk of the court in which the case is filed and serve the certification  
23 on the insurer or the person [that] WHO has the self-insurance plan, as provided in  
24 the Maryland Rules.

25       (f)       A defendant who is subject to the provisions of this section is deemed to  
26 have consented to the disclosure of the information described in this section.

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

30       SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2000.