

HOUSE BILL 85

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2000 Regular Session
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(PRE-FILED)

By: **Delegate Dembrow**
Requested: October 6, 1999
Introduced and read first time: January 12, 2000
Assigned to: Economic Matters
Reassigned: Judiciary, January 19, 2000

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 15, 2000

CHAPTER _____

1 AN ACT concerning

2 **Civil Actions - Disclosure of ~~Information~~ Business Address**

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

13 BY repealing and reenacting, with amendments,
14 Article - Courts and Judicial Proceedings
15 Section 6-311
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 1999 Supplement)

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

1 **Article - Courts and Judicial Proceedings**

2 6-311.

3 (a) In this section, "person" has the meaning stated in Rule 1-202 of the
4 Maryland Rules.

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

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

11 (c) (1) Subject to subsections (d) and (e) of this section, on written request of
12 a party to the action, an insurer or a person ~~{that} WHO~~ has a self-insurance plan
13 shall provide to the party ~~ANY INFORMATION CONCERNING~~ the defendant's
14 ~~WHEREABOUTS, INCLUDING THE DEFENDANT'S~~ last known home AND BUSINESS
15 ~~{address} ADDRESS, if known TO THE INSURER OR THE PERSON WHO HAS THE~~
16 ~~SELF INSURANCE PLAN.~~

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

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

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

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

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

28 (e) A plaintiff shall file a certification described under subsection (d) of this
29 section with the clerk of the court in which the case is filed and serve the certification
30 on the insurer or the person ~~{that} WHO~~ has the self-insurance plan, as provided in
31 the Maryland Rules.

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

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

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