

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 1149 (Delegate K. Kelly)
Judiciary

Civil Proceedings - Evidence - Unknown, Uninsured, or Underinsured Drivers

This bill prohibits reference to, or identification of, a defendant uninsured motorist insurer in an action: (1) brought by an insured; (2) tried before a jury; and (3) for uninsured motorist benefits where the identity of the owner or operator of the motor vehicle alleged to have caused the injuries or damages to the plaintiff is unknown. In such an action, all references to the unknown operator or owner must be in the name of "John Doe" or "Jane Doe." The bill also prohibits reference to, or identification of, an uninsured or underinsured motorist insurance carrier in an action: (1) brought by an insured; (2) tried before a jury; and (3) against an owner or operator of an uninsured or underinsured motor vehicle who is alleged to have caused injuries or damages to the plaintiff.

Fiscal Summary

State Effect: The bill would not directly affect governmental operations or finances.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Current Law: No applicable statutory provision.

Background: Under the Maryland Rules, evidence that a person was or was not insured against liability is not admissible upon the issue whether the person acted negligently or

otherwise wrongfully. This Rule does not require the exclusion of evidence of insurance against liability when offered for another purpose, such as proof of agency, ownership, or control, or bias or prejudice of a witness.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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ef/jr

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