
By: **Delegates Krysiak and Feldman**
Introduced and read first time: February 2, 2004
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: April 5, 2004

CHAPTER _____

1 AN ACT concerning

2 **Private Passenger Motor Vehicle Liability Insurance - Coverage for Claims**
3 **of Family Members**

4 FOR the purpose of requiring an insurer to offer to the first named insured under a
5 policy or binder of private passenger motor vehicle liability insurance liability
6 coverage for claims made by family members in a certain amount under certain
7 circumstances; requiring that the offer be made on a certain form; specifying the
8 contents of the form; prohibiting an insurer from refusing to underwrite a first
9 named insured because the first named insured requests or elects liability
10 coverage for claims of family members in a certain amount; establishing certain
11 penalties for violation of a certain provision of this Act; requiring the Insurance
12 Commissioner to make a certain study and provide a certain report by a certain
13 date; providing for the application of this Act; and generally relating to liability
14 coverage for claims of family members under private passenger motor vehicle
15 liability insurance.

16 BY adding to
17 Article - Insurance
18 Section 19-504.1
19 Annotated Code of Maryland
20 (2002 Replacement Volume and 2003 Supplement)

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

1

Article - Insurance

2 19-504.1.

3 (A) THIS SECTION APPLIES ONLY WHEN THE LIABILITY COVERAGE UNDER A
4 POLICY OR BINDER OF PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE
5 EXCEEDS THE AMOUNT REQUIRED UNDER § 17-103 OF THE TRANSPORTATION
6 ARTICLE.

7 (B) AN INSURER SHALL OFFER TO THE FIRST NAMED INSURED UNDER A
8 POLICY OR BINDER OF PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE
9 LIABILITY COVERAGE FOR CLAIMS MADE BY A FAMILY MEMBER IN THE SAME
10 AMOUNT AS THE LIABILITY COVERAGE FOR CLAIMS MADE BY A NONFAMILY
11 MEMBER UNDER THE POLICY OR BINDER.

12 (C) (1) AN OFFER MADE UNDER THIS SECTION SHALL BE MADE ON THE
13 FORM THAT THE COMMISSIONER REQUIRES.

14 (2) THE FORM MAY BE PART OF THE INSURANCE APPLICATION, POLICY,
15 CONTRACT, OR BINDER.

16 (3) THE FORM SHALL CLEARLY AND CONCISELY EXPLAIN IN 10 POINT
17 BOLDFACE TYPE:

18 (I) THE NATURE, EXTENT, BENEFIT, AND COST OF THE AMOUNT
19 OF LIABILITY COVERAGE FOR CLAIMS MADE BY FAMILY MEMBERS THAT IS
20 AVAILABLE TO THE FIRST NAMED INSURED; AND

21 (II) THAT AN INSURER MAY NOT REFUSE TO UNDERWRITE A FIRST
22 NAMED INSURED BECAUSE THE FIRST NAMED INSURED REQUESTS OR ELECTS THE
23 LIABILITY COVERAGE FOR CLAIMS MADE BY FAMILY MEMBERS IN AN AMOUNT
24 EQUAL TO THE COVERAGE PROVIDED FOR CLAIMS MADE BY NONFAMILY MEMBERS.

25 (D) (1) AN INSURER MAY NOT REFUSE TO UNDERWRITE A FIRST NAMED
26 INSURED BECAUSE THE FIRST NAMED INSURED REQUESTS OR ELECTS THE
27 LIABILITY COVERAGE FOR CLAIMS MADE BY FAMILY MEMBERS IN AN AMOUNT
28 EQUAL TO THE COVERAGE PROVIDED FOR CLAIMS MADE BY NONFAMILY MEMBERS.

29 (2) AN INSURER THAT VIOLATES THIS SUBSECTION IS SUBJECT TO THE
30 PENALTIES PROVIDED IN §§ 4-113 AND 4-114 OF THIS ARTICLE.

31 SECTION 2. AND BE IT FURTHER ENACTED, That the Insurance
32 Commissioner shall study the impact on motor vehicle liability insurance rates as a
33 result of requiring insurers to offer to the first named insured liability coverage for
34 claims made by a family member in the same amount as the liability coverage for
35 claims made by a nonfamily member, as provided under this Act. On or before
36 January 10, 2008, the Commissioner shall report, subject to § 2-1246 of the State
37 Government Article, the findings to the General Assembly.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to
2 all private passenger motor vehicle liability insurance policies and binders issued,
3 delivered, or renewed in the State on or after ~~October 1, 2004~~ January 1, 2005.

4 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take
5 effect October 1, 2004.