

SENATE BILL 309

D3

71r2316
CF HB 388

By: **Senator Stone**

Introduced and read first time: January 31, 2007

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2007

CHAPTER _____

1 AN ACT concerning

2 **Civil Actions – Dismissal ~~or Termination~~ – Limitations**

3 FOR the purpose of authorizing the commencement of a new civil action if a prior
4 action for the same cause was commenced within the applicable period of
5 limitations, and was dismissed or terminated in a manner other than by a final
6 judgment on the merits without prejudice; providing the time period within
7 which a new civil action may be commenced in accordance with this Act;
8 providing for the application of this Act; and generally relating to altering the
9 periods of limitations on commencement of civil actions under certain
10 circumstances.

11 BY adding to

12 Article – Courts and Judicial Proceedings

13 Section 5–118

14 Annotated Code of Maryland

15 (2006 Replacement Volume)

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

18 **Article – Courts and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **5-118.**

2 **(A) THIS SECTION DOES NOT APPLY TO A VOLUNTARY DISMISSAL OF A**
3 **CIVIL ACTION BY THE PARTY WHO COMMENCED THE ACTION.**

4 **(B) IF A CIVIL ACTION IS COMMENCED BY A PARTY WITHIN THE**
5 **APPLICABLE PERIOD OF LIMITATIONS AND IS DISMISSED ~~OR TERMINATED IN A~~**
6 **MANNER ~~OTHER THAN BY A FINAL JUDGMENT ON THE MERITS~~ WITHOUT**
7 **PREJUDICE, THE PARTY MAY COMMENCE A NEW CIVIL ACTION FOR THE SAME**
8 **CAUSE WITHIN THE LATER OF:**

9 **(1) THE APPLICABLE PERIOD OF LIMITATIONS; OR**

10 **(2) ~~1 YEAR~~ 6 MONTHS FROM THE DATE OF THE DISMISSAL ~~OR~~**
11 **~~TERMINATION.~~**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
13 construed to apply only prospectively and may not be applied or interpreted to have
14 any effect on or application to any action dismissed ~~or terminated~~ before the effective
15 date of this Act.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2007.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.