

# HOUSE BILL 642

D3

8lr2105

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By: **Delegates Barnes, Anderson, Carter, Conaway, Dumais, Dwyer, McConkey, Ramirez, Schuler, Simmons, Smigiel, Valderrama, and Waldstreicher**

Introduced and read first time: February 1, 2008

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Jury Trials in Civil Actions – Amount in Controversy**

3 FOR the purpose of altering the amount in controversy in a civil action in which a  
4 party may not demand a jury trial; providing for the construction and  
5 application of this Act; making this Act contingent on the passage and  
6 ratification of a certain constitutional amendment; and generally relating to  
7 jury trials in civil actions.

8 BY repealing and reenacting, with amendments,  
9 Article – Courts and Judicial Proceedings  
10 Section 4–402(e)(1)  
11 Annotated Code of Maryland  
12 (2006 Replacement Volume and 2007 Supplement)

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

15 **Article – Courts and Judicial Proceedings**

16 4–402.

17 (e) (1) In a civil action in which the amount in controversy does not  
18 exceed [\$10,000] **\$20,000**, exclusive of attorney’s fees if attorney’s fees are recoverable  
19 by law or contract, a party may not demand a jury trial pursuant to the Maryland  
20 Rules.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be  
22 construed to affect any requirement under Maryland Rule 2–325 for withdrawal of an  
23 election for jury trial after a party files a demand electing a trial by jury.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be  
2 construed to apply only prospectively and may not be applied or interpreted to have  
3 any effect on or application to any civil action filed before the effective date of this Act.

4 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is contingent on  
5 the passage of Chapter \_\_\_ (S.B.\_\_\_/H.B.\_\_\_) (8lr2104) of the Acts of the General  
6 Assembly of 2008, a constitutional amendment, and its ratification by the voters of the  
7 State.

8 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions  
9 of Section 4 of this Act, this Act shall take effect on the proclamation of the Governor  
10 that the constitutional amendment, having received a majority of the votes cast at the  
11 general election, has been adopted by the people of Maryland.