

SENATE BILL 938

D3

9lr3058
CF HB 1011

By: **Senator Mooney**

Introduced and read first time: February 17, 2009

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Transparency in Lawsuits Protection Act**

3 FOR the purpose of requiring certain legislation creating a private right of action to
4 contain express language providing for the right; prohibiting certain courts from
5 implying a private right of action in the absence of express statutory language;
6 declaring the purpose of this Act; providing for the application of this Act; and
7 generally relating to private rights of action.

8 BY adding to

9 Article – Courts and Judicial Proceedings

10 Section 5–1201 through 5–1203 to be under the new subtitle “Subtitle 12.
11 Transparency in Lawsuits Protection Act”

12 Annotated Code of Maryland

13 (2006 Replacement Volume and 2008 Supplement)

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

16 **Article – Courts and Judicial Proceedings**

17 **SUBTITLE 12. TRANSPARENCY IN LAWSUITS PROTECTION ACT.**

18 **5–1201.**

19 **THE PURPOSE OF THIS SUBTITLE IS TO ENSURE THAT ANY LEGISLATIVE**
20 **ACT, REGULATORY OR OTHERWISE, IN THIS STATE DOES NOT CREATE A**
21 **PRIVATE RIGHT OF ACTION UNLESS THE RIGHT IS EXPRESSLY STATED IN THE**
22 **LEGISLATION.**

23 **5–1202.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) ANY LEGISLATION ENACTED IN THIS STATE CREATING A PRIVATE**
2 **RIGHT OF ACTION SHALL CONTAIN EXPRESS LANGUAGE PROVIDING FOR THE**
3 **RIGHT.**

4 **(B) COURTS OF THIS STATE MAY NOT CONSTRUE A STATUTE TO IMPLY A**
5 **PRIVATE RIGHT OF ACTION IN THE ABSENCE OF EXPRESS STATUTORY**
6 **LANGUAGE.**

7 **5-1203.**

8 **THIS SUBTITLE MAY BE CITED AS THE TRANSPARENCY IN LAWSUITS**
9 **PROTECTION ACT.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
11 any action that is filed or pending on or after the effective date of this Act.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2009.