

SENATE BILL 138

D3

11r0544

By: **Senator Zirkin**

Introduced and read first time: January 24, 2011

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Evidence – Unpaid Bills and Written Estimates for Goods or**
3 **Services**

4 FOR the purpose of providing that, on certain testimony by a party or certain other
5 persons, an unpaid bill or a written estimate for goods or services is admissible
6 to prove, without the testimony of the provider of the goods or services, that the
7 estimate or unpaid bill is authentic and that the charges of the provider are fair
8 and reasonable; making certain provisions concerning the admissibility of paid
9 bills for goods or services apply to unpaid bills and written estimates for goods
10 and services; providing for the application of this Act; and generally relating to
11 the admissibility of unpaid bills and written estimates for goods or services as
12 evidence of certain matters in certain civil trials.

13 BY repealing and reenacting, with amendments,
14 Article – Courts and Judicial Proceedings
15 Section 10–105
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2010 Supplement)

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

20 **Article – Courts and Judicial Proceedings**

21 10–105.

22 (a) The provisions of this section apply to a civil action in:

23 (1) The District Court; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) A circuit court if the amount in controversy in the action in the
2 circuit court does not exceed the amount specified in § 4–401 of this article for that
3 type of action.

4 (b) (1) (i) Subject to the provisions of this section, a [paid] bill **OR**
5 **WRITTEN ESTIMATE** for goods or services is admissible without the testimony of the
6 provider of the goods or services as evidence of the authenticity of the bill **OR**
7 **WRITTEN ESTIMATE** for **THE** goods or services [provided] and the fairness and
8 reasonableness of the charges **OR ESTIMATE** of the provider of the goods or services.

9 (ii) A finder of fact may attach whatever weight to a [paid] bill
10 **OR WRITTEN ESTIMATE** that the finder of fact deems appropriate.

11 (2) The bill **OR WRITTEN ESTIMATE** shall be admitted on testimony,
12 by the party or any other person with personal knowledge:

13 (i) Identifying the original bill **OR WRITTEN ESTIMATE** or an
14 authenticated copy; and

15 (ii) 1. Identifying the provider of the goods or services **THAT**
16 **ARE THE SUBJECT OF THE BILL OR WRITTEN ESTIMATE;**

17 2. Explaining the circumstances surrounding the receipt
18 of the bill **OR WRITTEN ESTIMATE;**

19 3. Describing the goods or services [provided] **THAT ARE**
20 **THE SUBJECT OF THE BILL OR WRITTEN ESTIMATE; AND**

21 4. Stating that the goods or services were provided **OR**
22 **WOULD BE PROVIDED** in connection with the event giving rise to the action[]; and

23 5. Stating that the bill was paid].

24 (c) (1) Subsection (b) of this section applies only if, at least 60 days before
25 the beginning of the trial, the party who intends to introduce the bill **OR WRITTEN**
26 **ESTIMATE:**

27 (i) Serves notice of the party's intent to introduce the bill **OR**
28 **WRITTEN ESTIMATE** without the support of the testimony of the provider of the goods
29 or services that [were billed] **ARE THE SUBJECT OF THE BILL OR WRITTEN**
30 **ESTIMATE**, a list that identifies each bill **OR WRITTEN ESTIMATE**, and a copy of the
31 bill **OR WRITTEN ESTIMATE** on all other parties as provided under Maryland Rule
32 1–321; and

1 (ii) Files notice of service and the list that identifies each bill **OR**
2 **WRITTEN ESTIMATE** with the court.

3 (2) The list required under paragraph (1) of this subsection shall
4 include:

5 (i) The name of the provider of the goods and services for each
6 bill **OR WRITTEN ESTIMATE**; and

7 (ii) The date of each bill **OR WRITTEN ESTIMATE** of the
8 provider of the goods and services.

9 (d) Nothing contained in this section may be construed to:

10 (1) Apply to proof of the existence of a medical, dental, or other health
11 condition, the opinion of a health care provider, or the necessity and the providing of
12 medical, dental, or other health care;

13 (2) Limit the provisions of § 10–104 of this subtitle concerning the
14 admissibility of a medical, dental, hospital, or other health care writing or record; or

15 (3) Limit the right of a party to:

16 (i) Request a summons to compel the attendance of a witness;

17 (ii) Examine a witness who appears at trial; or

18 (iii) Engage in discovery as provided under the Maryland Rules.

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

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2011.