

# SENATE BILL 142

D3, C4

(11r0384)

## ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Senators Zirkin and Raskin**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Civil Action – Disclosure of Information – ~~Repeal of~~ Modification of**  
3 **Requirements for Certification Requirement**

4 FOR the purpose of repealing the requirement that a plaintiff ~~file a certain~~  
5 ~~certification with the court and serve the certification on an insurer or person~~  
6 ~~that has a self-insurance plan before the~~ set forth in detail, in a certain  
7 certification, certain efforts by the plaintiff to locate a defendant before a certain  
8 insurer or person with a self-insurance plan is required to provide the plaintiff  
9 with certain information on the last known home and business addresses of the  
10 defendant; making ~~a stylistic change~~ stylistic changes; providing for the  
11 application of this Act; and generally relating to the disclosure of information in  
12 a civil action.

13 BY repealing and reenacting, with amendments,  
14 Article – Courts and Judicial Proceedings

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#### 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.

*Italics* indicate opposite chamber/conference committee amendments.



1 Section 6–311  
 2 Annotated Code of Maryland  
 3 (2006 Replacement Volume and 2010 Supplement)

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

6 **Article – Courts and Judicial Proceedings**

7 6–311.

8 (a) In this section, “person” has the meaning stated in Rule 1–202 of the  
 9 Maryland Rules.

10 (b) (1) This section applies to an action against a person who had  
 11 applicable insurance coverage under an insurance policy or self–insurance plan at the  
 12 time the alleged liability that is the subject of the action was incurred.

13 (2) Subject to paragraph (1) of this subsection, this section applies to a  
 14 person who is a defendant subject to a complaint, counterclaim, cross–claim, or  
 15 third–party complaint.

16 (c) (1) ~~Subject to subsections (d) and (e) of this section, on~~ ~~ON~~ written  
 17 request of a ~~party~~ **PLAINTIFF** to the action, an insurer or a person that has a  
 18 self–insurance plan shall provide to the ~~party~~ **PLAINTIFF** the defendant’s last known  
 19 home and business [address] **ADDRESSES** if known.

20 (2) An insurer or a person that has a self–insurance plan, and their  
 21 employees and agents, may not be civilly or criminally liable for the disclosure of  
 22 information required under this subsection.

23 (d) ~~Subsection (c)(1) of this section applies only if the plaintiff files a~~  
 24 certification that **STATES THAT THE DEFENDANT:**

25 (1) ~~States that the defendant had~~ **HAD** applicable insurance coverage  
 26 at the time the alleged liability was incurred; **AND**

27 (2) ~~Sets forth in detail the reasonable efforts made, in good faith, by~~  
 28 ~~the plaintiff to locate the defendant; and~~

29 (3) ~~States that the defendant is~~ **IS** evading service of process or the  
 30 whereabouts of the defendant are unknown to the plaintiff.

31 (e) A plaintiff shall file a certification described under subsection (d) of this  
 32 section with the clerk of the court in which the case is filed and serve the certification

1 on the insurer or the person that has the self-insurance plan, as provided in the  
2 Maryland Rules.

3 (f) A defendant who is subject to the provisions of this section is deemed to  
4 have consented to the disclosure of the information described in this section.

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.