

# SENATE BILL 142

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11r0384

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By: **Senators Zirkin and Raskin**

Introduced and read first time: January 24, 2011

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Civil Action – Disclosure of Information – Repeal of Certification**  
3 **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 insurer or person with a  
7 self–insurance plan is required to provide the plaintiff with certain information  
8 on the last known home and business addresses of the defendant; making a  
9 stylistic change; providing for the application of this Act; and generally relating  
10 to the disclosure of information in a civil action.

11 BY repealing and reenacting, with amendments,  
12 Article – Courts and Judicial Proceedings  
13 Section 6–311  
14 Annotated Code of Maryland  
15 (2006 Replacement Volume and 2010 Supplement)

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**

19 6–311.

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4           (c) (1) [Subject to subsections (d) and (e) of this section, on] **ON** written  
5 request of a party to the action, an insurer or a person that has a self-insurance plan  
6 shall provide to the party the defendant's last known home and business [address]  
7 **ADDRESSES** if known.

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

11           (d) [Subsection (c)(1) of this section applies only if the plaintiff files a  
12 certification that:

13               (1) States that the defendant had applicable insurance coverage at the  
14 time the alleged liability was incurred;

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

17               (3) States that the defendant is evading service of process or the  
18 whereabouts of the defendant are unknown to the plaintiff.

19           (e) A plaintiff shall file a certification described under subsection (d) of this  
20 section with the clerk of the court in which the case is filed and serve the certification  
21 on the insurer or the person that has the self-insurance plan, as provided in the  
22 Maryland Rules.

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

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

28           **SECTION 3. AND BE IT FURTHER ENACTED,** That this Act shall take effect  
29 October 1, 2011.