

## Chapter 184

(Senate Bill 142)

AN ACT concerning

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

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

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

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

**Article – Courts and Judicial Proceedings**

6–311.

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

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

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

(c) (1) ~~Subject to subsections (d) and (e) of this section, on~~ ~~ON~~ written request of a ~~party~~ **PLAINTIFF** to the action, an insurer or a person that has a

self-insurance plan shall provide to the party ***PLAINTIFF*** the defendant's last known home and business [address] **ADDRESSES** if known.

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

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

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

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

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

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

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

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

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

**Approved by the Governor, May 10, 2011.**