

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 142

(Senators Zirkin and Raskin)

Judicial Proceedings

Judiciary

Civil Action - Disclosure of Information - Modification of Requirements for
Certification

This bill repeals a requirement that a plaintiff set forth in detail, in a certification concerning a request for disclosure of the defendant's last known home and business addresses, the efforts made by the plaintiff to locate the defendant before an insurer or self-insured person is required to disclose the information.

The bill also makes technical changes clarifying that the statutory provisions regarding certification and disclosure apply to a plaintiff to a lawsuit who is requesting the disclosure of the last known home and business addresses of a defendant, not any party to the lawsuit.

The bill only applies prospectively to cases filed on or after the bill's October 1, 2011 effective date.

Fiscal Summary

State Effect: The bill is procedural in nature and does not materially affect State finances.

Local Effect: The bill is procedural in nature and does not materially affect local finances.

Small Business Effect: None.

Analysis

Current Law: On written request of a party to a lawsuit, an insurer or a person that has a self-insurance plan must provide to the party the defendant's last known home and business address, if known.

The information must be provided only if the plaintiff files a certification that:

- states that the defendant had applicable insurance coverage at the time the alleged liability was incurred;
- sets forth the reasonable efforts made, in good faith, by the plaintiff to locate the defendant; and
- states either that the defendant is evading service of process or the whereabouts of the defendant are unknown to the plaintiff.

The plaintiff must file the certification with the court and serve it on the insurer or person that has a self-insurance plan.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Carroll, Montgomery, and St. Mary's counties; Town of Bel Air; Town of Leonardtown; Town of Riverdale Park; City of Salisbury; Maryland Insurance Administration; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2011
ncs/kdm Revised - Enrolled Bill - May 11, 2011

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