

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 138

(Senator Zirkin)

Judicial Proceedings

Judiciary

Courts - Evidence - Vehicle Repair Estimates

This bill establishes that in a civil action in the District Court or a circuit court, if the amount in controversy does not exceed the jurisdictional limits of the District Court, a written vehicle repair estimate prepared by an insurer or its authorized representative is admissible without the testimony of the preparer of the estimate as evidence of the estimate's authenticity and the fairness and reasonableness of the estimate.

The bill applies prospectively and may not be applied to or interpreted to have any effect on cases filed before October 1, 2011.

Fiscal Summary

State Effect: None. The bill is procedural and does not materially affect State finances.

Local Effect: None. The bill is procedural and does not materially affect local finances.

Small Business Effect: None.

Analysis

Bill Summary: A finder of fact is authorized to attach whatever weight to the written estimate that the finder of fact deems appropriate. The written estimate may be admitted on testimony by the party or any other person with personal knowledge: (1) identifying the written estimate or an authenticated copy; (2) identifying the preparer of the estimate; (3) explaining the circumstances surrounding the receipt of the written estimate; (4) describing the goods or services that are the subject of the written estimate; and

(5) stating that the goods or services were provided or would be provided in connection with the event giving rise to the action.

The estimate may be admitted under these conditions only if the party who intends to introduce the written estimate into evidence does the following at least 60 days before the beginning of the trial: (1) serves notice of the party's intent to introduce the written estimate without the testimony of the preparer of the vehicle repair estimate, a list that identifies each written estimate, and a copy of the written estimate on all other parties according to the Maryland Rules; and (2) files notice with the court of service and the list that identifies each written estimate.

The required list must include: (1) the name of the preparer of the written estimate; and (2) the date of each written estimate.

Current Law: In a civil action in the District Court or a circuit court, if the amount in controversy does not exceed the jurisdictional limits of the District Court, a paid bill for goods or services (other than medical or health-related bills or records, which are covered by a separate provision) is admissible without the testimony of the provider of the goods or services as evidence of the bill's authenticity and the fairness and reasonableness of the bill.

A finder of fact is authorized to attach whatever weight to the paid bill that the finder of fact deems appropriate. The paid bill may be admitted on testimony by the party or any other person with personal knowledge: (1) identifying the original bill or an authenticated copy; (2) identifying the provider of goods or services; (3) explaining the circumstances surrounding the receipt of the bill; (4) describing the goods or services provided; (5) stating that the goods or services were provided in connection with the event giving rise to the action; and (6) stating that the bill was paid.

The bill may be admitted under these conditions only if the party who intends to introduce the bill into evidence does the following at least 60 days before the beginning of the trial: (1) serves notice of the party's intent to introduce the bill without the testimony of the provider of the goods or services that were billed, a list that identifies each bill, and a copy of the bill on all other parties according to the Maryland Rules; and (2) files notice of service and the list that identifies each bill with the court.

The required list must include: (1) the name of the provider of the goods and services for each bill; and (2) the date of each bill of the provider of the goods and services.

These requirements and procedures may not be construed to: (1) apply to proof of the existence of a medical or health-related condition, the opinion of a health care provider, or the necessity and the providing of medical, dental, or other health care; (2) limit

statutory provisions pertaining to the admissibility of medical or health-related records; or (3) limit the right of a party to request a summons to compel the attendance of a witness, examine a witness who appears at trial, or engage in discovery under the Maryland Rules.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2011
ncs/kdm Revised - Senate Third Reader - March 28, 2011

Analysis by: Amy A. Devadas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510