

BY: Senator Simonaire

AMENDMENTS TO HOUSE BILL 438
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “relationship;” insert “altering certain provisions of law relating to the protection from liability for a spouse’s obligations to apply in a gender-neutral manner:”.

On page 2, in line 13, strike “and” and substitute a comma; and in the same line, after “2-202” insert “, and 4-301”.

AMENDMENT NO. 2

On page 5, after line 6, insert:

“4-301.

(a) (1) An individual is not liable for:

(i) any debt contracted by the individual’s spouse before the marriage; or

(ii) any claim or demand against the spouse that arose before the marriage.

(2) The debtor spouse and that spouse’s property are liable for the debt as if the marriage had not occurred.

(b) [A husband] AN INDIVIDUAL is not liable:

(1) for a tort that is committed:

(Over)

(i) separately by [his wife] THE INDIVIDUAL'S SPOUSE; and

(ii) without [his] THE INDIVIDUAL'S participation or sanction;

or

(2) on a contract made by [his wife in her] THE INDIVIDUAL'S SPOUSE IN THE INDIVIDUAL'S SPOUSE'S own name and on [her] THE INDIVIDUAL'S SPOUSE'S own responsibility.

(c) A judgment or decree in a proceeding under § 4-205(b) of this title shall:

(1) be passed ONLY against the [wife only] THE INDIVIDUAL AGAINST WHOM THE ACTION IS BROUGHT; and

(2) operate only on the property [she] THE INDIVIDUAL owned individually before or after the marriage.

(d) (1) Except as provided in paragraph (2) of this subsection, the property that [a woman] AN INDIVIDUAL owns at the time of [her] THE INDIVIDUAL'S marriage, or acquires after [her] THE INDIVIDUAL'S marriage, is not liable for the payment of [her husband's] THE INDIVIDUAL'S SPOUSE'S debts.

(2) (i) A transfer of property between spouses is invalid if made in prejudice of the rights of present creditors.

(ii) A claim under this paragraph shall be asserted within 3 years after the transfer or be barred absolutely.

(iii) For purposes of this paragraph, all claims are considered due and matured.”.