

# SENATE BILL 82

C4

2lr0538

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By: **Senator Zirkin**

Introduced and read first time: January 16, 2012

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Automobile Insurance Fund – Claims for Bodily Injury or Death –**  
3 **Payment Limitation**

4 FOR the purpose of increasing the maximum amounts payable from the Maryland  
5 Automobile Insurance Fund for certain claims on account of injury to or death of  
6 one individual and of more than one individual arising from a motor vehicle  
7 accident; and generally relating to claims against the Maryland Automobile  
8 Insurance Fund.

9 BY repealing and reenacting, with amendments,  
10 Article – Insurance  
11 Section 20–602  
12 Annotated Code of Maryland  
13 (2011 Replacement Volume)

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

16 **Article – Insurance**

17 20–602.

18 (a) The maximum amount payable from the Fund, exclusive of interest and  
19 costs, for claims filed under this subtitle arising from one accident is:

20 (1) [~~\$20,000~~] **\$30,000** on account of injury to or death of one  
21 individual;

22 (2) subject to the limit specified in item (1) of this subsection,  
23 [~~\$40,000~~] **\$60,000** on account of injury to or death of more than one individual; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   (3)     \$15,000 for damages to property.

2                   (b)     (1)     The following deductions shall be made from the smaller of the  
3 applicable maximum amount under subsection (a) of this section and the amount of  
4 the judgment:

5                                 (i)     \$250 from a judgment or part of a judgment for damages to  
6 property; and

7                                 (ii)    the total amount that the claimant has received or is likely  
8 to receive:

9   1.     from any source toward payment of the settlement or  
10 judgment;

11                                        2.     toward payment of a judgment against a person  
12 against whom the claimant has a cause of action, arising out of the same accident, for  
13 damages for bodily injury or death or damage to property;

14                                        3.     under a policy affording indemnity for damage to or  
15 destruction of property of the applicant; and

16                                        4.     by reason of the accident out of which the claim arises  
17 under any workers' compensation law.

18                   (2)     For the purposes of this subtitle, medical, hospital, funeral, or  
19 other benefits paid or payable for the applicant under the Maryland Workers'  
20 Compensation Act shall be considered to be received or receivable by the claimant.

21                   (c)     The Fund may recover any amount paid out of the Fund that exceeds the  
22 amount authorized under this subtitle by bringing an action against the person that  
23 received the excess payment.

24                   (d)     (1)     Notwithstanding any workers' compensation law or similar law to  
25 the contrary, whenever the amount of a payment by the Fund has been reduced by the  
26 amount of benefits paid or to be paid in accordance with a workers' compensation law  
27 or similar law, the employer of an injured person or decedent and the insurer of that  
28 employer is not entitled to a lien on payment from the Fund.

29                                 (2)     Workers' compensation benefits may not be reduced because of the  
30 reduced payment from the Fund.

31                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 2012.