

SENATE BILL 406

C4

2lr1121

By: **Senator Zirkin**

Introduced and read first time: February 1, 2012

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Automobile Insurance Fund – Notice of Claim for Damages –**
3 **Time for Filing**

4 FOR the purpose of altering the time period after an accident out of which the cause of
5 action arises within which notice of a claim for damages must be filed with the
6 Maryland Automobile Insurance Fund under certain circumstances; and
7 generally relating to claims for damages under the Maryland Automobile
8 Insurance Fund.

9 BY repealing and reenacting, without amendments,
10 Article – Insurance
11 Section 20–101(a) and (g)
12 Annotated Code of Maryland
13 (2011 Replacement Volume)

14 BY repealing and reenacting, with amendments,
15 Article – Insurance
16 Section 20–603(a)
17 Annotated Code of Maryland
18 (2011 Replacement Volume)

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

21 **Article – Insurance**

22 20–101.

23 (a) In this title the following words have the meanings indicated.

24 (g) “Fund” means the Maryland Automobile Insurance Fund.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 20-603.

2 (a) (1) Except as provided in paragraph (2) of this subsection, notice of a
3 claim for damages must be filed with the Fund within [180 days] **3 YEARS** after the
4 accident out of which the cause of action arises before a person may apply or sue for
5 payment from the Fund under this subtitle.

6 (2) If notice of a claim is not filed within the time required under
7 paragraph (1) of this subsection, a claim or suit may not be filed or maintained unless
8 the claimant provides proof:

9 (i) that the claimant was physically incapable of filing notice
10 within the time required and filed notice within 30 days after becoming physically
11 capable of doing so or, if the claimant did not become capable of filing notice, that a
12 notice was filed for the claimant within a reasonable period;

13 (ii) that the claimant filed notice within 30 days after having
14 received notice that an insurer had disclaimed on a policy and thus removed or
15 withdrew liability insurance coverage for the claim against a defendant; or

16 (iii) that the claimant gave the notice required under paragraph
17 (1) of this subsection within 30 days after receiving notice that the insurer of the
18 defendant was insolvent if:

19 1. the insurer of the defendant is not authorized to
20 transact insurance business in the State; and

21 2. the claimant is not eligible to make a claim against
22 the Property and Casualty Insurance Guaranty Corporation.

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