

SENATE BILL 568

C4

3lr0663

By: **Senator Zirkin**

Introduced and read first time: February 1, 2013

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Automobile Insurance Fund – Uninsured Motorist Benefits –**
3 **Procedural Requirements for Filing Claims**

4 FOR the purpose of prohibiting the Executive Director of the Maryland Automobile
5 Insurance Fund from adopting by regulation a procedural requirement that
6 denies uninsured motorist benefits to a claimant who is an individual under a
7 certain age solely because a family member with whom the claimant lives on a
8 regular basis owns an uninsured motor vehicle registered in the State; making a
9 conforming change; and generally relating to claims for uninsured motorist
10 benefits.

11 BY repealing and reenacting, with amendments,
12 Article – Insurance
13 Section 20–604(a)
14 Annotated Code of Maryland
15 (2011 Replacement Volume and 2012 Supplement)

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

18 **Article – Insurance**

19 20–604.

20 (a) (1) **(I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**
21 **[The] THE** Executive Director shall adopt regulations and the Court of Appeals shall
22 adopt rules that set forth procedural requirements for claims and actions against the
23 Fund filed under this subtitle.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) THE EXECUTIVE DIRECTOR MAY NOT ADOPT BY**
2 **REGULATION A PROCEDURAL REQUIREMENT THAT DENIES UNINSURED**
3 **MOTORIST BENEFITS TO A CLAIMANT WHO IS AN INDIVIDUAL UNDER THE AGE**
4 **OF 16 YEARS SOLELY BECAUSE A FAMILY MEMBER WITH WHOM THE CLAIMANT**
5 **LIVES ON A REGULAR BASIS OWNS AN UNINSURED MOTOR VEHICLE REGISTERED**
6 **IN THE STATE.**

7 (2) Before the Fund becomes liable under this subtitle, a claimant
8 must comply with each procedural requirement for claims and actions against the
9 Fund.

10 (3) On behalf of the Fund, the Executive Director or designee of the
11 Executive Director may stipulate that the procedural requirements have been met and
12 consent to the claimant bringing an action against the Fund.

13 (4) A stipulation or consent does not waive any defense that the Fund
14 may have with respect to the case.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2013.