

# SENATE BILL 146

D3

5lr1191

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By: **Senator Zirkin**

Introduced and read first time: January 29, 2015

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Prelitigation Discovery – Insurance Coverage – Prerequisites for Disclosure**

3 FOR the purpose of repealing certain requirements that certain claimants provide a certain  
4 insurer with certain information relating to health care treatment and economic  
5 damages before the insurer is required to disclose to the claimants certain coverage  
6 limits in a certain insurance agreement; repealing a requirement that the amount of  
7 health care bills and loss of income documented by a certain claimant meet a certain  
8 minimum threshold before a certain insurer is required to disclose to the claimant  
9 certain coverage limits; and generally relating to the disclosure of certain coverage  
10 limits in certain insurance agreements.

11 BY repealing and reenacting, without amendments,  
12 Article – Courts and Judicial Proceedings  
13 Section 10–1102  
14 Annotated Code of Maryland  
15 (2013 Replacement Volume and 2014 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Courts and Judicial Proceedings  
18 Section 10–1103 and 10–1104  
19 Annotated Code of Maryland  
20 (2013 Replacement Volume and 2014 Supplement)

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

23 **Article – Courts and Judicial Proceedings**

24 10–1102.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 After a claimant files a written tort claim concerning a vehicle accident and provides  
2 the documentation described in § 10–1103 or § 10–1104 of this subtitle to an insurer, the  
3 claimant may obtain from the insurer documentation of the applicable limits of coverage in  
4 any insurance agreement under which the insurer may be liable to:

5 (1) Satisfy all or part of the claim; or

6 (2) Indemnify or reimburse for payments made to satisfy the claim.

7 10–1103.

8 (a) This section does not apply to a claim described under § 10–1104 of this  
9 subtitle.

10 (b) A claimant may obtain the documentation described in § 10–1102 of this  
11 subtitle if the claimant provides in writing to the insurer:

12 (1) The date of the vehicle accident;

13 (2) The name and last known address of the alleged tortfeasor;

14 (3) A copy of the vehicle accident report, if available; **AND**

15 (4) The insurer's claim number, if available[;

16 (5) The claimant's health care bills and documentation of the claimant's  
17 loss of income, if any, resulting from the vehicle accident; and

18 (6) The records of health care treatment for the claimant's injuries caused  
19 by the vehicle accident.

20 (c) If the amount of the health care bills and loss of income documented by the  
21 claimant under this section is at least \$12,500, the insurer shall disclose in writing the  
22 applicable limits of coverage in each written agreement under which the insurer may be  
23 liable].

24 10–1104.

25 (a) This section applies to a claim by the estate of an individual or a beneficiary  
26 of the individual resulting from the death of the individual in a vehicle accident.

27 (b) A claimant may obtain the documentation described in § 10–1102 of this  
28 subtitle if the claimant provides in writing to the insurer:

29 (1) The date of the vehicle accident;

30 (2) The name and last known address of the alleged tortfeasor;

- 1           (3)    A copy of the vehicle accident report, if available;
- 2           (4)    The insurer's claim number, if available;
- 3           (5)    A copy of the decedent's death certificate issued in the State or another  
4 jurisdiction;
- 5           (6)    A copy of the letters of administration issued to appoint the personal  
6 representative of the decedent's estate in the State or a substantially similar document  
7 issued by another jurisdiction;
- 8           (7)    The name of each beneficiary of the decedent, if known; **AND**
- 9           (8)    The relationship to the decedent of each known beneficiary of the  
10 decedent[;
- 11          (9)    The amount of economic damages, if any, claimed by each known  
12 beneficiary of the decedent, including any amount claimed based on future loss of earnings  
13 of the decedent;
- 14          (10)   The health care bills for health care treatment, if any, of the decedent  
15 resulting from the vehicle accident;
- 16          (11)   The records of health care treatment for injuries to the decedent caused  
17 by the vehicle accident; and
- 18          (12)   Documentation of the decedent's past loss of income, if any, resulting  
19 from the vehicle accident].
- 20          SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2015.