

SENATE BILL 742

C4

7lr1774

By: **Senator Zirkin**

Introduced and read first time: February 3, 2017

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Automobile Insurance Fund – Notice of Claim for Damages – Repeal**

3 FOR the purpose of repealing the requirement that notice of a claim for damages must be
4 filed with the Maryland Automobile Insurance Fund within a certain period of time
5 before a person may apply or sue for payment from the Fund under certain provisions
6 of law; repealing certain provisions of law that prohibit filing or maintaining a
7 certain claim or suit if notice of a claim is not filed within a certain period of time,
8 unless the claimant provides proof that the claimant took certain actions; repealing
9 the requirement that notice of a claim must contain certain information; providing
10 for the application of this Act; and generally relating to notices of claims for damages
11 filed with the Maryland Automobile Insurance Fund.

12 BY repealing and reenacting, without amendments,
13 Article – Insurance
14 Section 20–101(a) and (g)
15 Annotated Code of Maryland
16 (2011 Replacement Volume and 2016 Supplement)

17 BY repealing
18 Article – Insurance
19 Section 20–603
20 Annotated Code of Maryland
21 (2011 Replacement Volume and 2016 Supplement)

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

24 **Article – Insurance**

25 20–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (g) "Fund" means the Maryland Automobile Insurance Fund.

3 [20-603.

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

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

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

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

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

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

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

25 (b) The notice of a claim shall contain:

26 (1) evidence that the claimant:

27 (i) has fulfilled all requirements to file a claim; and

28 (ii) is not eligible for uninsured motorist coverage benefits from a
29 policy issued to the claimant or a family member who resides in the claimant's household;

30 (2) certification by the claimant's employer of all lost wages incurred up to
31 the filing of notice of a claim;

- 1 (3) evidence of all medical expenses incurred up to the filing of notice of a
2 claim;
- 3 (4) all reports of medical treatment and consultation for injuries sustained;
- 4 (5) evidence of all other damages claimed up to the filing of the notice of
5 claim;
- 6 (6) all available police or other accident reports; and
- 7 (7) additional information that the Executive Director requires by
8 regulation.

9 (c) To the extent practicable, information required in notice of a claim shall be
10 submitted in one filing.]

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
12 apply only prospectively and may not be applied or interpreted to have any effect on or
13 application to any notice of a claim for damages filed with the Maryland Automobile
14 Insurance Fund based on an accident that occurred before the effective date of this Act.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2017.