

SENATE BILL 321

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SB 565/16 – JPR

9lr2407

By: **Senators Cassilly, Bailey, Eckardt, Gallion, Salling, and West**
Introduced and read first time: January 30, 2019
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Offers of Judgment**

3 FOR the purpose of making certain provisions of law relating to an offer of judgment in an
4 action for a medical injury applicable to all civil actions; altering a certain definition;
5 providing for the application of this Act; and generally relating to offers of judgment
6 in civil actions.

7 BY renumbering

8 Article – Courts and Judicial Proceedings

9 Section 3–2A–08A

10 to be Section 11–113

11 Annotated Code of Maryland

12 (2013 Replacement Volume and 2018 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Courts and Judicial Proceedings

15 Section 11–113

16 Annotated Code of Maryland

17 (2013 Replacement Volume and 2018 Supplement)

18 (As enacted by Section 1 of this Act)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That Section(s) 3–2A–08A of Article – Courts and Judicial Proceedings of the Annotated
21 Code of Maryland be renumbered to be Section(s) 11–113.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
23 as follows:

24 **Article – Courts and Judicial Proceedings**

25 11–113.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) In this section, “costs” means the costs described under Maryland Rule
2 2–603.

3 (2) “COSTS” INCLUDES:

4 (I) COSTS AND FEES OF THE CLERK;

5 (II) COSTS AND FEES OF THE SHERIFF OR A PRIVATE PROCESS
6 SERVER;

7 (III) COSTS AND FEES OF THE COURT REPORTER FOR OBTAINING
8 ALL OR PART OF THE STENOGRAPHIC TRANSCRIPT NECESSARY FOR USE IN THE
9 CASE;

10 (IV) COSTS AND FEES FOR PRINTING;

11 (V) COSTS AND FEES FOR WITNESSES;

12 (VI) COSTS AND FEES FOR EXEMPLIFICATION AND COPIES OF
13 PAPERS NECESSARY FOR USE IN THE CASE;

14 (VII) COMPENSATION OF COURT-APPOINTED EXPERTS; AND

15 (VIII) COMPENSATION OF INTERPRETERS AND SALARIES, FEES,
16 EXPENSES, AND COSTS OF SPECIAL INTERPRETATION SERVICES.

17 (b) This section does not apply to cases dismissed following a settlement.

18 (c) (1) At any time not less than 45 days before the trial begins, a party to [an
19 action for a medical injury] **A CIVIL ACTION** may serve on the adverse party an offer of
20 judgment to be taken for the amount of money specified in the offer, with costs then accrued.

21 (2) When the liability of one party to another has been determined by
22 verdict or order or judgment, but the amount or extent of the liability remains to be
23 determined by further proceedings, a party adjudged liable or a party in whose favor
24 liability was determined may make an offer of judgment not less than 45 days before the
25 commencement of hearings to determine the amount or extent of liability.

26 (d) (1) If within 15 days after the service of the offer of judgment, the adverse
27 party serves written notice that the offer is accepted, either party may then file with the
28 court the offer and notice of acceptance together with an affidavit of service notifying the
29 other parties of the filing of the offer and acceptance.

30 (2) If the court receives the filings specified in paragraph (1) of this

1 subsection, the court shall enter judgment.

2 (e) (1) If an adverse party does not accept an offer of judgment within the time
3 specified in subsection (d)(1) of this section, the offer shall be deemed withdrawn and
4 evidence of the offer is not admissible except in a proceeding to determine costs.

5 (2) An offer of judgment that is not accepted does not preclude a party from
6 making a subsequent offer of judgment in the time specified in this section.

7 (f) If the judgment finally obtained is not more favorable to the adverse party
8 than the offer, the adverse party who received the offer shall pay the costs of the party
9 making the offer incurred after the making of the offer.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to
11 apply only prospectively and may not be applied or interpreted to have any effect on or
12 application to any cause of action arising before the effective date of this Act.

13 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2019.