

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 145 (Senator Zirkin)  
Judicial Proceedings

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**Civil Actions - Disclosure of Information - Repeal of Certification Requirement**

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This bill requires that upon written request of a plaintiff to a lawsuit, an insurer or a person that has a self-insurance plan must provide the plaintiff with the defendant's last known home and business addresses, if known. The bill repeals statutory provisions requiring a plaintiff to file a certification meeting specified requirements before an insurer or self-insured person is required to provide the defendant's last known home and business addresses to the plaintiff.

The bill applies prospectively to cases filed on or after the bill's October 1, 2015 effective date.

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**Fiscal Summary**

**State Effect:** The bill is procedural in nature and does not materially affect State finances.

**Local Effect:** The bill is procedural in nature and does not materially affect local finances.

**Small Business Effect:** None. Assuming that plaintiffs are more likely to contact corporate headquarters or the legal departments of insurers rather than small business insurance agencies, the bill does not materially affect small businesses.

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**Analysis**

**Current Law:** On written request of a plaintiff to a lawsuit in which the defendant had insurance coverage under an insurance policy or a self-insurance plan at the time the

alleged liability was incurred, an insurer or a person that has a self-insurance plan must provide to the plaintiff the defendant's last known home and business addresses, if known.

The information must be provided only if the plaintiff files a certification that states that the defendant:

- had applicable insurance coverage at the time the alleged liability was incurred; and
- is evading service of process or the whereabouts of the defendant are unknown to the plaintiff.

The plaintiff must file the certification with the court and serve it on the insurer or the person that has the self-insurance plan, as provided in the Maryland Rules.

An insurer or a person that has a self-insurance plan, and their employees and agents, may not be civilly or criminally liable for the disclosure of the applicable information. A defendant who is subject to these statutory provisions is deemed to have consented to the disclosure of the applicable information.

“Person” includes any individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated associations, limited liability partnership, limited liability company, the State, its agencies or political subdivisions, any court, or any other governmental entity.

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### **Additional Information**

**Prior Introductions:** SB 142 of 2011 was substantially similar as introduced. After extensive amendments, SB 142 was enrolled as Chapter 184 of 2011.

**Cross File:** None.

**Information Source(s):** Maryland Insurance Administration, Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - February 10, 2015  
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Analysis by: Amy A. Devadas

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510