

SENATE BILL 80

D3
SB 138/11 – JPR

2lr1067

By: **Senator Zirkin**
Introduced and read first time: January 16, 2012
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Evidence – Vehicle Repair Estimates**

3 FOR the purpose of providing that, on certain testimony by a party or certain other
4 persons, a written vehicle repair estimate prepared by an insurer or its
5 authorized representative is admissible, without the testimony of the preparer
6 of the estimate, as evidence of the authenticity and the fairness and
7 reasonableness of the estimate; making certain provisions concerning the
8 admissibility of paid bills for goods or services applicable to certain written
9 vehicle repair estimates; providing for the application of this Act; and generally
10 relating to the admissibility of certain written vehicle repair estimates as
11 evidence of certain matters in certain civil trials.

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 10–105
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2011 Supplement)

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

19 **Article – Courts and Judicial Proceedings**

20 10–105.

21 (a) The provisions of this section apply to a civil action in:

22 (1) The District Court; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (2) A circuit court if the amount in controversy in the action in the
2 circuit court does not exceed the amount specified in § 4-401 of this article for that
3 type of action.

4 (b) (1) (i) Subject to the provisions of this section, a paid bill for goods
5 or services **OR A WRITTEN VEHICLE REPAIR ESTIMATE PREPARED BY AN INSURER**
6 **OR ITS AUTHORIZED REPRESENTATIVE** is admissible without the testimony of the
7 provider of the goods or services **OR THE PREPARER OF THE VEHICLE REPAIR**
8 **ESTIMATE** as evidence of the authenticity of the bill [for goods or services provided]
9 **OR WRITTEN ESTIMATE** and the fairness and reasonableness of the charges of the
10 provider of the goods or services **OR OF THE VEHICLE REPAIR ESTIMATE**.

11 (ii) A finder of fact may attach whatever weight to a paid bill **OR**
12 **WRITTEN ESTIMATE** that the finder of fact deems appropriate.

13 (2) The bill **OR WRITTEN ESTIMATE** shall be admitted on testimony,
14 by the party or any other person with personal knowledge:

15 (i) Identifying the original bill **OR WRITTEN ESTIMATE** or an
16 authenticated copy; and

17 (ii) 1. Identifying the provider of the goods or services **THAT**
18 **ARE THE SUBJECT OF THE BILL OR THE PREPARER OF THE WRITTEN ESTIMATE;**

19 2. Explaining the circumstances surrounding the receipt
20 of the bill **OR WRITTEN ESTIMATE;**

21 3. Describing the goods or services [provided] **THAT ARE**
22 **THE SUBJECT OF THE BILL OR WRITTEN ESTIMATE; AND**

23 4. Stating that the goods or services were provided **OR**
24 **WOULD BE PROVIDED** in connection with the event giving rise to the action; and

25 5. [Stating] **IN THE CASE OF A BILL, STATING** that the
26 bill was paid.

27 (c) (1) Subsection (b) of this section applies only if, at least 60 days before
28 the beginning of the trial, the party who intends to introduce the bill **OR WRITTEN**
29 **ESTIMATE:**

30 (i) Serves notice of the party's intent to introduce the bill **OR**
31 **WRITTEN ESTIMATE** without the support of the testimony of the provider of the goods
32 or services that [were billed] **ARE THE SUBJECT OF THE BILL OR OF THE**
33 **PREPARER OF THE VEHICLE REPAIR ESTIMATE**, a list that identifies each bill **OR**

1 **WRITTEN ESTIMATE**, and a copy of the bill **OR WRITTEN ESTIMATE** on all other
2 parties as provided under Maryland Rule 1–321; and

3 (ii) Files notice of service and the list that identifies each bill **OR**
4 **WRITTEN ESTIMATE** with the court.

5 (2) The list required under paragraph (1) of this subsection shall
6 include:

7 (i) The name of the provider of the goods and services for each
8 bill **OR THE PREPARER OF THE WRITTEN ESTIMATE**; and

9 (ii) The date of each bill of the provider of the goods and services
10 **AND THE DATE OF EACH WRITTEN ESTIMATE**.

11 (d) Nothing contained in this section may be construed to:

12 (1) Apply to proof of the existence of a medical, dental, or other health
13 condition, the opinion of a health care provider, or the necessity and the providing of
14 medical, dental, or other health care;

15 (2) Limit the provisions of § 10–104 of this subtitle concerning the
16 admissibility of a medical, dental, hospital, or other health care writing or record; or

17 (3) Limit the right of a party to:

18 (i) Request a summons to compel the attendance of a witness;

19 (ii) Examine a witness who appears at trial; or

20 (iii) Engage in discovery as provided under the Maryland Rules.

21 **SECTION 2. AND BE IT FURTHER ENACTED**, That this Act shall be
22 construed to apply only prospectively and may not be applied or interpreted to have
23 any effect on or application to any case filed before the effective date of this Act.

24 **SECTION 3. AND BE IT FURTHER ENACTED**, That this Act shall take effect
25 October 1, 2012.