

HOUSE BILL 729

D3

1lr2273

By: **Delegate Simmons**

Introduced and read first time: February 10, 2011

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2011

CHAPTER _____

1 AN ACT concerning

2 **Civil Actions – Class Action Waiver in a Written Agreement –**
3 **Unenforceability**

4 FOR the purpose of providing that a written agreement made ~~between two parties~~
5 before a dispute arises between the parties to the agreement may not waive or
6 have the practical effect of waiving the rights of ~~one~~ a party to the agreement to
7 resolve the dispute by obtaining relief as a representative of or as a member of a
8 class of similarly situated persons; establishing that such a waiver in a written
9 agreement is not enforceable; providing for the application of this Act; and
10 generally relating to a class action waiver in a written agreement.

11 BY adding to

12 Article – Courts and Judicial Proceedings

13 Section 6–411

14 Annotated Code of Maryland

15 (2006 Replacement Volume and 2010 Supplement)

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

18 **Article – Courts and Judicial Proceedings**

19 **6–411.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) A WRITTEN AGREEMENT MADE BEFORE A DISPUTE ARISES MAY NOT
2 WAIVE OR HAVE THE PRACTICAL EFFECT OF WAIVING THE RIGHTS OF A PARTY
3 TO THAT AGREEMENT TO RESOLVE THE DISPUTE BY OBTAINING RELIEF AS A
4 REPRESENTATIVE OR AS A MEMBER OF A CLASS OF SIMILARLY SITUATED
5 PERSONS.

6 (B) ANY WAIVER DESCRIBED IN SUBSECTION (A) OF THIS SECTION MAY
7 NOT BE ENFORCED.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
9 construed to apply retroactively and shall be applied to and interpreted to affect any
10 written agreement in existence on or after the effective date of this Act.

11 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
12 effect October 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.