SENATE BILL 683

D3, N2   3lr2284

By: **Senator Waldstreicher**
Introduced and read first time: February 6, 2023
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Wrongful Acts by Deceased Individuals – Actions In Rem**

3 FOR the purpose of authorizing an individual who has been harmed by a deceased
4   individual for whom no estate has been opened to bring an action against the
5   deceased individual's insurance policy for personal injury or death arising from a
6   motor vehicle accident; and generally relating to in rem actions against insurance
7   policies of deceased individuals.

8 BY adding to
9   Article – Courts and Judicial Proceedings
10   Section 3–2301 to be under the new subtitle "Subtitle 23. Actions In Rem"
11   Annotated Code of Maryland
12   (2020 Replacement Volume and 2022 Supplement)

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

15   **Article – Courts and Judicial Proceedings**

16   **SUBTITLE 23. ACTIONS IN REM.**

17 **3–2301.**

18   **(A)   IN THIS SECTION, "INSURER" AND "POLICY" HAVE THE MEANINGS**
19 **STATED IN § 1–101 OF THE INSURANCE ARTICLE.**

20   **(B)   AN INDIVIDUAL HARMED BY A WRONGFUL OR NEGLIGENT ACT OF A**
21 **DECEASED INDIVIDUAL FOR WHOM NO ESTATE HAS BEEN OPENED UNDER TITLE 5**
22 **OF THE ESTATES AND TRUSTS ARTICLE MAY FILE AN ACTION IN REM AGAINST A**

1   **POLICY HELD BY THE DECEASED INDIVIDUAL FOR PERSONAL INJURY OR DEATH**
2   **ARISING FROM A MOTOR VEHICLE ACCIDENT.**

3   **(C)   (1)   SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A POLICY**
4   **SHALL BE LIABLE TO THE SAME EXTENT THAT THE POLICY WOULD HAVE BEEN**
5   **LIABLE IF THE DECEASED INDIVIDUAL WERE STILL LIVING.**

6   **(2)   DAMAGES IN AN ACTION BROUGHT UNDER THIS SECTION MAY NOT**
7   **EXCEED THE POLICY LIMIT OF THE APPLICABLE POLICY.**

8   **(D)   FOR THE PURPOSES OF SERVICE OF PROCESS IN AN ACTION UNDER THIS**
9   **SECTION, THE INSURER WHO ISSUED THE APPLICABLE POLICY SHALL BE THE**
10 **RESIDENT AGENT FOR THE POLICY.**

11   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2023.