

Section 243H and 243J

Annotated Code of Maryland

(1986 Replacement Volume and 1989 Supplement)

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

Article 48A – Insurance Code

243H.

(a) The following types of claims may be made against the Fund under this section subject to the provisions of this subtitle, and to the extent that the claim is not covered by a policy of motor vehicle liability insurance:

(1) Claims for the death of or personal injury to a qualified person or for damage to property in excess of \$100, arising out of the ownership, maintenance or use of a motor vehicle in this State where the identity of the motor vehicle and of the operator and owner thereof cannot be ascertained or it is established that the motor vehicle, at the time the accident occurred, was in the possession of some person other than the owner without the owner's consent and that the identity of the person cannot be ascertained; provided that:

(i) The claimant was not, at the time of the accident, operating or riding in an uninsured motor vehicle owned by him or a member of his family residing in his household and is not the personal representative of the person so operating or riding in such a vehicle;

(ii) The claimant was not at the time of the accident operating a motor vehicle in violation of an order of suspension, cancellation, or revocation with respect to a certificate of registration or an operator's license and is not the personal representative or a member of the family residing in the household of the person so operating;

(iii) The claimant has a cause of action against the operator or owner of the motor vehicle or against the operator who was operating the motor vehicle without the consent of the owner of the motor vehicle; and

(iv) All reasonable efforts have been made to ascertain the identity of the motor vehicle and of the owner and operator thereof and either the identity of the motor vehicle and the owner and operator thereof cannot be established, or the identity of the operator who was operating the motor vehicle without the owner's consent cannot be established.

(2) Claims for the death of or personal injury to a qualified person or for damage to property in excess of \$100, arising out of the ownership, maintenance or use of a motor vehicle in this State and caused by an operator or owner whose whereabouts cannot be ascertained, provided that:

(i) The claimant was not, at the time of the accident, operating or riding in an uninsured motor vehicle owned by him or a member of his family residing