

THROUGH THE INSURED HAS BREACHED THE POLICY BY FAILING TO COOPERATE WITH THE INSURER OR BY NOT GIVING REQUISITE NOTICE TO THE INSURER, SUCH DISCLAIMER SHALL BE EFFECTIVE ONLY IF THE INSURER ESTABLISHES, BY A PREPONDERANCE OF AFFIRMATIVE EVIDENCE THAT SUCH LACK OF COOPERATION OR NOTICE HAS RESULTED IN ACTUAL PREJUDICE TO THE INSURER.

SEC. 2. *And be it further enacted*, That this Act shall take effect June 1, 1964.

Approved April 7, 1964.

CHAPTER 186

(House Bill 96)

AN ACT to add new Sections 78, 79 and 80 to Article 100 of the Annotated Code of Maryland (1957 Edition), title "Work, Labor and Employment," to follow immediately after Section 77 thereof, and to be under the new subtitle "Discrimination," defining as ~~an un-~~ **A HARMFUL** employment practice certain discrimination in employment because of the age of any individual, making this law apply generally to employers and employment agencies, and relating generally to age in relation to employment in this State.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That new Sections 78, 79 and 80 be and they are hereby added to Article 100 of the Annotated Code of Maryland (1957 Edition), title "Work, Labor and Employment," to follow immediately after Section 77 thereof, and to be under the new subtitle "Discrimination," and to read as follows:

DISCRIMINATION

78.

(a) *It is harmful employment practice:*

(b) *For an employer, because of the age of any person, to refuse to hire or employ or to bar or discharge the person from employment, or to discriminate against the person in compensation or in terms, conditions or privileges of employment, because of his age, UNLESS BASED UPON A BONA FIDE OCCUPATIONAL QUALIFICATION.*

(c) *For an employer or employment agency to print or circulate, or cause to be printed or circulated, any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which directly or indirectly, expresses any limitation, specification, or discrimination as to age, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification.*