

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 115A of Article 66½ of the Annotated Code of Maryland (1963 Supplement), title "Motor Vehicles," subtitle "Civil Liability," be and it is hereby repealed.

SEC. 2. *And be it further enacted,* That new Section 167A be and it is hereby added to the said Article of the Code (1957 Edition), subtitle "Unsatisfied Claim and Judgment Fund," to follow immediately after Section 167 thereof, and that Section 173 of the said Article and subtitle of the Code, be and it is hereby repealed and re-enacted, with amendments, all to read as follows:

167A.

Any qualified person, who, after June 1, 1964, suffers damages resulting from bodily injury or death caused by an operator or owner whose whereabouts cannot be ascertained, and who has instituted a cause of action against the operator or owner, or both, in respect to such death or bodily injury for a sum in excess of one hundred dollars (\$100), exclusive of interests and costs, or the personal representative of such person, may, upon notice to the Commissioner and the Board, apply to a court of competent jurisdiction for an order permitting him to bring an action therefor against the Commissioner when the court is satisfied upon hearing of the application, that

(1) the applicant has complied with the requirements of Section 154.

(2) the applicant was not at the time of the accident, operating or riding in any uninsured motor vehicle owned by him, nor is he the personal representative of a person who was so operating or riding in such a vehicle.

(3) the applicant has instituted a cause of action against the operator or owner, or both, of such vehicle whose whereabouts cannot be ascertained in order to effect service under the Maryland Rules and service of process in such cause of action has twice been returned non est.

(4) all reasonable efforts have been made to ascertain the whereabouts of the operator or owners, or both, of such vehicle in order to obtain personal service under the Maryland Rules and he cannot be located, and the applicant will be required to show affirmatively, to the court's satisfaction, that such efforts have been made.

(5) THAT THE INJURY OR DAMAGE FOR WHICH THE APPLICANT HAS INSTITUTED THE CAUSE OF ACTION AROSE OUT OF THE OWNERSHIP, MAINTENANCE OR USE OF AN UNINSURED MOTOR VEHICLE OR THAT IT IS IMPOSSIBLE TO ASCERTAIN, AFTER ALL REASONABLE EFFORTS HAVE BEEN MADE, WHETHER THE MOTOR VEHICLE WAS INSURED OR UNINSURED.

173.

When judgment has been obtained against the Commissioner in an action brought under this subtitle, the Commissioner shall, upon payment from the fund of the amount of the judgment to the extent