

(e) *The assurance fund is not under any circumstances liable for compensation for loss or damage:*

1. *Occasioned by the plaintiff's breach of any trust, whether expressed, implied, or constructive;*

2. *By reason of the improper use of the seal of the corporation to deal with the property or interest involved or to execute or take the benefit of the instrument recorded; or*

3. *By reason of the recording of an instrument executed by a person under legal disability, unless the fact of the disability is disclosed on the instrument.*

(f) *If, in an action against the Department, judgment is given in favor of the Department, or the plaintiff discontinues the action, the plaintiff is liable to pay the full costs of defending the action, and the full costs in the name of the Department by the like process of execution as in ordinary civil cases.*

SEC. 2. *And be it further enacted, That this Act shall take effect July 1, 1971.*

Approved May 6, 1971.

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CHAPTER 399

(House Bill 408)

AN ACT to repeal and re-enact, with amendments, Section 11-104 of Article 66½ of the Annotated Code of Maryland (1970 Replacement Volume), title "Vehicle Laws," subtitle "Subtitle 11. Rules of the Road," subheading "Part 1. Obedience to and Effect of Traffic Laws," to exclude Worcester County from the law which prohibits persons from riding animals or driving animal-drawn vehicles upon certain dual lane highways or controlled-access highways.

SECTION 1. *Be it enacted by the General Assembly of Maryland, That Section 11-104 of Article 66½ of the Annotated Code of Maryland (1970 Replacement Volume), title "Vehicle Laws," subtitle "Subtitle 11. Rules of the Road," subheading "Part 1. Obedience to and Effect of Traffic Laws," be and it is hereby repealed and re-enacted, with amendments, to read as follows:*

11-104.

(a) Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and subject to all of the duties applicable to the driver of a vehicle by Subtitle 11, except those provisions of this subtitle which by their very nature can have no application.

(b) No person shall ride an animal or drive any animal-drawn vehicle upon any dual lane highway where the posted maximum speed