

matter of severability and rendered an opinion as to whether the prospective effect of Chapter 784, which was an integral part of the clause was also a nullity without the possibility of carrying out the retroactive intent.

Furthermore, a literal interpretation of the clause purporting to apply the three year statute of limitations to cases prior to July 1, 1968 would lead to the absurd conclusion that the General Assembly was so naive as to enact a bill whose intended effect, extending the statute of limitations prospectively to three years, would expire the same instant it took effect on July 1, 1971.

In order to clarify the intent of Chapter 784 of the Acts of 1971 and to permit only those persons whose causes of action arose after July 1, 1969 who have relied on Chapter 784 in filing their actions, and also to permit only those persons who may yet wish to file within three years after death to maintain their action, this curative Act is enacted as a legislative construction of Chapter 784, now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 2 of Chapter 784, Acts of the General Assembly of 1971 be and it is hereby repealed and reenacted, with amendments, to read as follows:

Chapter 784

2.

The provisions of this Act shall be applied prospectively and retrospectively to have effect upon or application to any cause of action arising [prior] SUBSEQUENT to July 1, 1968.

SECTION 2. AND BE IT FURTHER ENACTED, That any person whose cause of action arose subsequent to July 1, 1969, and who filed a wrongful death action within the terms of Chapter 784 of 1971, as clarified by this Act, and whose cause of action was barred by a court decision holding that Section 2 of Chapter 784 was not effective to extend the statute of limitations to three years, shall have until January 1, 1977 to reinstitute the cause of action under the provisions of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1976.

Approved May 17, 1976.

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