

BY repealing

Article - Estates and Trusts
Section 8-104(e)
Annotated Code of Maryland
(1974 Volume and 1980 Supplement)

BY adding to

Article - Estates and Trusts
Section 8-404(e)
Annotated Code of Maryland
(1974 Volume and 1980 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article - Estates and Trusts

8-104.

[(e) Notwithstanding the other provisions of this section, an action against the estate may be instituted after the expiration of the time designated in this section but within the period of limitations generally applicable to such actions in the event the decedent was covered by an existing liability insurance policy at the time of the occurrence. The existence of insurance coverage is not admissible at the trial of the case and the judgment is limited to the extent of existing insurance if a verdict is rendered against the estate. These provisions permit claims against the Unsatisfied Claim and Judgment Fund of the State, if otherwise proper.]

(E) IF THE DECEDENT WAS COVERED BY A LIABILITY INSURANCE POLICY WHICH AT THE TIME THE ACTION IS INSTITUTED PROVIDES INSURANCE COVERAGE FOR THE OCCURRENCE, THEN, NOTWITHSTANDING THE OTHER PROVISIONS OF THIS SECTION, AN ACTION AGAINST THE ESTATE MAY BE INSTITUTED AFTER THE EXPIRATION OF THE TIME DESIGNATED IN THIS SECTION, BUT WITHIN THE PERIOD OF LIMITATIONS GENERALLY APPLICABLE TO SUCH ACTIONS. THE EXISTENCE OF INSURANCE COVERAGE IS NOT ADMISSIBLE AT THE TRIAL OF THE CASE AND IF A VERDICT IS RENDERED AGAINST THE ESTATE, THE JUDGMENT IS LIMITED TO THE AMOUNT OF INSURANCE ACTUALLY COLLECTIBLE UNDER THE LIABILITY INSURANCE POLICY. THESE PROVISIONS PERMIT CLAIMS AGAINST THE UNSATISFIED CLAIM AND JUDGMENT FUND OF THE STATE, IF OTHERWISE PROPER.

SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act apply only to the estates of decedents dying on or after July 1, 1981.