

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Estates and Trusts

8-104.

(e) (1) 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.

(2) The existence of insurance coverage is not admissible at the trial of the case and if a verdict is rendered against the estate[, the]:

(I) THE judgment is NOT limited to the amount of insurance COVERAGE FOR THE OCCURRENCE; AND

(II) THE AMOUNT OF THE JUDGMENT THAT IS ~~COLLECTIBLE~~ RECOVERABLE FROM THE ESTATE IS LIMITED TO THE AMOUNT OF THE DECEDENT'S LIABILITY INSURANCE ~~actually-collectible--under the-liability-insurance~~ policy.

(3) These provisions permit claims against the Unsatisfied Claim and Judgment Fund of the State, if otherwise proper.

(4) THE PROVISIONS OF THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT THE RIGHTS OF A PLAINTIFF TO:

(I) PROCEED AGAINST THE PLAINTIFF'S INSURANCE CARRIER; OR

(II) OTHERWISE MAKE A CLAIM UNDER ANY APPLICABLE FIRST PARTY INSURANCE POLICY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed only prospectively and may not be applied or interpreted to have any effect upon or application to any verdict rendered against an estate before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1989.

Approved May 25, 1989.