

Section 10-104

Annotated Code of Maryland

(1995 Replacement Volume and 1995 Supplement)

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

**Article - Courts and Judicial Proceedings**

10-104.

(A) THE PROVISIONS OF THIS SECTION APPLY ONLY TO A PROCEEDING IN THE DISTRICT COURT FOR A CLAIM FOR:

(1) DAMAGES FOR PERSONAL INJURY;

(2) MEDICAL, HOSPITAL, OR DISABILITY BENEFITS UNDER ARTICLE 48A, § 539 OF THE CODE;

(3) FIRST PARTY MOTOR VEHICLE MEDICAL PAYMENTS UNDER ARTICLE 48A, § 541 OF THE CODE; AND

(4) FIRST PARTY HEALTH INSURANCE BENEFITS.

~~(A)~~ A

(B) (1) A MEDICAL, DENTAL, OR HOSPITAL WRITING OR RECORD DESCRIBED IN THIS SECTION IS ADMISSIBLE UNDER THIS SECTION IF:

~~(1) THE WRITING OR RECORD IS OFFERED IN THE TRIAL OF A CIVIL ACTION IN THE DISTRICT COURT;~~

~~(2) THE PARTY WHO WISHES TO INTRODUCE THE WRITING OR RECORD GIVES ALL OTHER PARTIES NOTICE OF THE INTENT TO INTRODUCE THE WRITING OR RECORD WITHOUT A PHYSICIAN'S TESTIMONY AT LEAST 20 DAYS BEFORE THE BEGINNING OF THE TRIAL; AND~~

(II) AT LEAST 30 DAYS, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BEFORE THE BEGINNING OF THE TRIAL, THE PARTY WHO INTENDS TO INTRODUCE THE WRITING OR RECORD FILES WITH THE CLERK OF THE DISTRICT COURT AND SERVES ON ALL OTHER PARTIES AS PROVIDED UNDER MARYLAND RULE 1-321:

1. NOTICE OF THE PARTY'S INTENT TO INTRODUCE THE WRITING OR RECORD WITHOUT THE SUPPORT OF A PHYSICIAN'S, DENTIST'S, OR HOSPITAL EMPLOYEE'S TESTIMONY; AND

2. A COPY OF THE WRITING OR RECORD; AND

~~(3) (III) THE WRITING OR RECORD IS OTHERWISE ADMISSIBLE.~~

(2) A PARTY, WHO RECEIVES A NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION AND INTENDS TO INTRODUCE ANOTHER MEDICAL, DENTAL, OR HOSPITAL WRITING OR RECORD WITHOUT A PHYSICIAN'S, DENTIST'S, OR HOSPITAL