

(2) WORKERS' COMPENSATION BENEFITS MAY NOT BE REDUCED BECAUSE OF THE REDUCED PAYMENT FROM THE FUND.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 243-I.

In subsection (b)(1)(i) and (ii)3 of this section, the former references to "real or personal" property are deleted as surplusage.

- Defined terms: "Fund" § 20-101
- "Insurer" § 1-101
- "Person" §§ 1-101 and 20-101
- "Policy" § 1-101

20-603. NOTICE OF CLAIM.

(A) TIME FOR FILING; EXCEPTIONS.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, NOTICE OF A CLAIM FOR DAMAGES MUST BE FILED WITH THE FUND WITHIN 180 DAYS AFTER THE ACCIDENT OUT OF WHICH THE CAUSE OF ACTION ARISES BEFORE A PERSON MAY APPLY OR SUE FOR PAYMENT FROM THE FUND UNDER THIS SUBTITLE.

(2) IF NOTICE OF A CLAIM IS NOT FILED WITHIN THE TIME REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, A CLAIM OR SUIT MAY NOT BE FILED OR MAINTAINED UNLESS THE CLAIMANT PROVIDES PROOF:

(I) THAT THE CLAIMANT WAS PHYSICALLY INCAPABLE OF FILING NOTICE WITHIN THE TIME REQUIRED AND FILED NOTICE WITHIN 30 DAYS AFTER BECOMING PHYSICALLY CAPABLE OF DOING SO OR, IF THE CLAIMANT DID NOT BECOME CAPABLE OF FILING NOTICE, THAT A NOTICE WAS FILED FOR THE CLAIMANT WITHIN A REASONABLE PERIOD;

(II) THAT THE CLAIMANT FILED NOTICE WITHIN 30 DAYS AFTER HAVING RECEIVED NOTICE THAT AN INSURER HAD DISCLAIMED ON A POLICY AND THUS REMOVED OR WITHDREW LIABILITY INSURANCE COVERAGE FOR THE CLAIM AGAINST A DEFENDANT; OR

(III) THAT THE CLAIMANT GAVE THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION WITHIN 30 DAYS AFTER RECEIVING NOTICE THAT THE INSURER OF THE DEFENDANT WAS INSOLVENT IF:

- 1. THE INSURER OF THE DEFENDANT IS NOT AUTHORIZED TO TRANSACT INSURANCE BUSINESS IN THE STATE; AND
- 2. THE CLAIMANT IS NOT ELIGIBLE TO MAKE A CLAIM AGAINST THE PROPERTY AND CASUALTY INSURANCE GUARANTY CORPORATION.

(B) CONTENTS.

THE NOTICE OF A CLAIM SHALL CONTAIN: