

(1) IF THE IDENTITY AND WHEREABOUTS ARE ESTABLISHED OF THE PERSON THAT IS THE DRIVER OR OWNER, MAY BRING AN ACTION AGAINST THAT PERSON FOR THE AMOUNT OF DAMAGE THE CLAIMANT SUSTAINS; AND

(2) MAY RECOVER THAT AMOUNT OUT OF ANY MONEY PAYABLE WITH RESPECT TO DEATH OR INJURY UNDER ANY POLICY IN FORCE WHEN THE ACCIDENT OCCURRED.

(C) EXCESS RECOVERY BY FUND.

IF THE AMOUNT RECOVERED IN AN ACTION UNDER SUBSECTION (B) OF THIS SECTION IS GREATER THAN THE AMOUNT PAID OUT OF THE FUND, THE FUND:

(1) FIRST, SHALL REIMBURSE ITSELF AS PROVIDED IN § 20-608 OF THIS SUBTITLE; AND

(2) SECOND:

(I) SHALL COLLECT AND PAY THE UNPAID BALANCE TO THE CLAIMANT; OR

(II) SHALL ASSIGN AND TRANSFER TO THE CLAIMANT ANY JUDGMENT, NOTE, OR OTHER RIGHT, INTEREST, OR CAUSE OF ACTION THAT THE FUND HAS AGAINST THE UNINSURED DRIVER OR OWNER.

(D) TIME FOR BRINGING ACTION.

NOTWITHSTANDING ANY OTHER STATUTE OF LIMITATIONS, THE FUND MAY BRING AN ACTION AGAINST THE PERSON THAT IS THE DRIVER OR OWNER WITHIN 6 MONTHS AFTER THE IDENTITY AND WHEREABOUTS OF THAT PERSON ARE ESTABLISHED.

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

In subsections (a), (b), and (d) of this section, the references to a "driver" are substituted for the former references to an "operator". See the General Revisor's Note to this title.

In subsections (b) and (d) of this section, the reference to "the person" is substituted for the reference to "either or both persons" for brevity.

In subsection (d) of this section, the reference to identity "and" whereabouts is substituted for the former reference to identity "or" whereabouts to conform to the terminology of subsection (a)(1) of this section.

Defined terms: "Fund" § 20-101

"Person" §§ 1-101 and 20-101

"Policy" § 1-101