

BY repealing and reenacting, with amendments,

Article 48A – Insurance Code

Section 243H(b)

Annotated Code of Maryland

(1986 Replacement Volume and 1990 Supplement)

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

**Article 48A – Insurance Code**

243H.

(b) (1) The executive director shall, with respect to the Fund, and the Court of Appeals shall, with respect to the courts, promulgate rules setting forth procedural requirements with respect to claims and actions against the Fund filed pursuant to this section. As a condition precedent to any liability on the part of the Fund under this section, a claimant shall comply with all such rules. The executive director or his designee on behalf of the Fund may stipulate that the procedural requirements of such rules have been met and consent to the claimant bringing an action against the Fund. No stipulation or consent shall be deemed a waiver of any defense which the Fund may have with respect to the case.

(2) The Fund may, at any time, without filing a petition for payment or other court approval, settle, compromise and pay claims and actions brought and judgments obtained under this section. The executive director shall adopt rules setting forth the procedure for the settlements or payments. Interest shall accrue from the date of judgment as provided for in Section 11-107 of the Courts and Judicial Proceedings Article.

(3) When the Fund has negotiated with the plaintiff or claimant and obtained an offer of settlement that the Fund finds reasonable, the Fund shall notify the defendant or uninsured party of the offer in the manner provided by the applicable rules adopted by the Fund. If the defendant or uninsured party approves the offer, the plaintiff or claimant shall proceed to settlement as provided by the rules adopted by the Fund and the Court of Appeals. If the defendant or uninsured party rejects the offer, the Fund shall cause a notice to be served on the defendant or uninsured party BY SHERIFF, PRIVATE PROCESS SERVER, OR ANY OTHER MANNER PERMITTED BY LAW. NOTICE SHALL ALSO BE DEEMED SUFFICIENT IF sent by certified mail, [return receipt requested,] bearing a postmark from the United States Postal Service, to [his] THE DEFENDANT'S OR UNINSURED'S last known address [which] OR THE LAST ADDRESS OF RECORD ON FILE WITH THE MOTOR VEHICLE ADMINISTRATION OF THIS STATE OR THE STATE WHERE THE DEFENDANT OR UNINSURED WAS LAST KNOWN TO RESIDE. THE NOTICE shall state:

(i) That the Fund shall withdraw from the claim or action without further notice at the expiration of 30 days from the date of the notice;