

motor vehicle in a certain action has the burden of proof; providing that the burden of proof shall be deemed satisfied when the person introduces certain records or documents; requiring the finder of fact to find a motor vehicle to be uninsured if the person asserting the uninsured status of the motor vehicle satisfies the burden of proof, unless an adverse party establishes certain coverage by a preponderance of the evidence; providing for the application of this Act; and generally relating to uninsured motor vehicles.

BY adding to

Article - Courts and Judicial Proceedings

Section 10-921

Annotated Code of Maryland

(2002 Replacement Volume and 2004 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

10-921.

(A) IN AN ACTION AGAINST AN INSURER OR THE MARYLAND AUTOMOBILE INSURANCE FUND UNDER A POLICY PROVIDING UNINSURED MOTOR VEHICLE LIABILITY COVERAGE, THE PERSON ASSERTING THE UNINSURED STATUS OF A MOTOR VEHICLE SHALL HAVE THE BURDEN TO PROVE THAT STATUS.

(B) FOR A MOTOR VEHICLE REGISTERED IN THE STATE ON THE DATE OF THE OCCURRENCE OUT OF WHICH THE CAUSE OF ACTION AROSE, THE BURDEN OF PROOF SHALL BE DEEMED SATISFIED WHEN THE PERSON ASSERTING THE UNINSURED STATUS OF THE MOTOR VEHICLE INTRODUCES:

(1) A CERTIFIED COPY OF THE OFFICIAL RECORD OF THE MOTOR VEHICLE ADMINISTRATION FOR THAT MOTOR VEHICLE INDICATING THE ABSENCE OF A RECORD THAT THE MOTOR VEHICLE WAS COVERED BY THE SECURITY REQUIRED BY § 17-104 OF THE TRANSPORTATION ARTICLE ON THE DATE OF THE OCCURRENCE OUT OF WHICH THE CAUSE OF ACTION AROSE; OR

(2) A DENIAL OF COVERAGE BASED ON THE ABSENCE OF AN IN-FORCE POLICY OF INSURANCE COVERING THE VEHICLE ON THE DATE OF THE OCCURRENCE OUT OF WHICH THE CAUSE OF ACTION AROSE BY THE INSURER THAT HAS BEEN IDENTIFIED AS THE INSURER OF THE MOTOR VEHICLE ~~BY~~:

(I) BY THE MOTOR VEHICLE ADMINISTRATION; ~~OR~~

(II) IN WRITING, IF ANY, BY THE DRIVER OR OWNER OF THE MOTOR VEHICLE; AND

(III) IN A REPORT, IF ANY, PREPARED BY AN OFFICER OF A FEDERAL, STATE, COUNTY, OR MUNICIPAL LAW ENFORCEMENT AGENCY WHO INVESTIGATED THE OCCURRENCE OUT OF WHICH THE CAUSE OF ACTION AROSE.

(C) FOR A MOTOR VEHICLE REGISTERED OUTSIDE THE STATE ON THE DATE