

on certain findings; providing for the jurisdiction in cases involving transfers of structured settlement payment rights; requiring a certain transferee to ~~provide certain information to a court and certain parties~~ file with a court and serve on certain parties a certain notice and application; providing certain immunity to a structured settlement obligor or annuity issuer when a payee makes a transfer of structured settlement payment rights in ~~violation of this subtitle~~; accordance with this Act; prohibiting waiver of the provisions of this Act; defining certain terms; providing for the application and construction of this Act; and generally relating to the transfer of structured settlement payment rights.

BY adding to

Article – Courts and Judicial Proceedings

Section 5-1101 through 5-1105, inclusive, to be under the new subtitle “Subtitle

11. Structured Settlements”

Annotated Code of Maryland

(1998 Replacement Volume and 1999 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

SUBTITLE 11. STRUCTURED SETTLEMENTS.

5-1101.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “DISCOUNTED PRESENT VALUE” MEANS THE FAIR PRESENT VALUE OF FUTURE PAYMENTS, AS DETERMINED BY DISCOUNTING PAYMENTS TO THE PRESENT USING THE MOST RECENTLY PUBLISHED APPLICABLE FEDERAL RATE FOR DETERMINING THE PRESENT VALUE OF AN ANNUITY, AS ISSUED BY THE UNITED STATES INTERNAL REVENUE SERVICE.

(C) “INDEPENDENT PROFESSIONAL ADVICE” MEANS ADVICE OF AN ATTORNEY, CERTIFIED PUBLIC ACCOUNTANT, ACTUARY, OR OTHER LICENSED PROFESSIONAL ADVISER:

(1) WHO IS ENGAGED BY A PAYEE TO RENDER ADVICE CONCERNING THE LEGAL, TAX, AND FINANCIAL IMPLICATIONS OF A TRANSFER OF STRUCTURED SETTLEMENT PAYMENT RIGHTS;

(2) WHO IS NOT AFFILIATED WITH OR COMPENSATED BY THE TRANSFEREE OF THE TRANSFER; AND

(3) WHOSE COMPENSATION IS NOT AFFECTED BY WHETHER A TRANSFER OCCURS.

(D) “INTERESTED PARTIES” MEANS THE PAYEE, EACH BENEFICIARY DESIGNATED UNDER THE ANNUITY CONTRACT TO RECEIVE PAYMENTS FOLLOWING