

# HOUSE BILL 971

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By: **Delegates Waldstreicher, Barve, and Holmes**

Introduced and read first time: February 10, 2016

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Statute of Limitations for Specialties – Exception for Residential Leases Signed**  
3 **Under Seal**

4 FOR the purpose of altering the time period within which a civil action on a residential  
5 lease that has been signed under seal must be filed; providing for the application of  
6 this Act; requiring a cause of action to collect the unpaid balance due on a residential  
7 lease that was signed under seal that arose before a certain date to be filed within a  
8 certain period of time; and generally relating to the statute of limitations for  
9 residential leases signed under seal.

10 BY repealing and reenacting, with amendments,  
11 Article – Courts and Judicial Proceedings  
12 Section 5–102  
13 Annotated Code of Maryland  
14 (2013 Replacement Volume and 2015 Supplement)

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

17 **Article – Courts and Judicial Proceedings**

18 5–102.

19 (a) An action on one of the following specialties shall be filed within 12 years after  
20 the cause of action accrues, or within 12 years from the date of the death of the last to die  
21 of the principal debtor or creditor, whichever is sooner:

22 (1) Promissory note or other instrument under seal;

23 (2) Bond except a public officer's bond;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (3) Judgment;
- 2 (4) Recognizance;
- 3 (5) Contract under seal; or
- 4 (6) Any other specialty.

5 (b) A payment of principal or interest on a specialty suspends the operation of  
6 this section as to the specialty for three years after the date of payment.

7 (c) This section does not apply to:

8 (1) A specialty taken for the use of the State; [or]

9 (2) A deed of trust, mortgage, or promissory note that has been signed  
10 under seal and secures or is secured by owner-occupied residential property, as defined in  
11 § 7-105.1 of the Real Property Article; **OR**

12 **(3) A RESIDENTIAL LEASE THAT HAS BEEN SIGNED UNDER SEAL.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That, except as provided in Section  
14 3 of this Act, this Act shall be construed to apply only prospectively to any cause of action  
15 that arises on or after the effective date of this Act.

16 SECTION 3. AND BE IT FURTHER ENACTED, That any cause of action to collect  
17 the unpaid balance due on a residential lease that was signed under seal that arose before  
18 October 1, 2016, and would not be barred under § 5-102 of the Courts and Judicial  
19 Proceedings Article before October 1, 2016, shall be filed within 12 years after the date the  
20 cause of action accrued or before October 1, 2019, whichever occurs first.

21 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2016.