

## Article - Transportation

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§7-702.

(a) Subject to the provisions of this section, the Administration is liable for its contracts and torts and for the torts of its officers, agents, and employees in connection with the performance of the duties and functions of the Administration under this title.

(b) The exclusive remedy for a breach of contract or for a tort committed by the Administration, its officers, agents, or employees is a suit against the Administration. No execution may be levied on any property of this State or of the Administration.

(c) Subsection (d) of this section does not apply to a tort claim that is asserted by cross-claim, counterclaim, or third-party claim.

(d) A tort claimant may not institute an action under this section unless:

(1) The claimant submits a written notice of claim to the Administrator or the Administrator's designee within 1 year after the injury to person or property that is the basis of the claim;

(2) The Administrator or the Administrator's designee denies the claim;  
and

(3) The action is filed within 3 years after the cause of action arises.

(e) A notice of claim under this section shall:

(1) Contain a concise statement of facts that sets forth the nature of the claim, including the date and place of the alleged tort;

(2) State the name and address of the claimant;

(3) State the name, address, and telephone number of counsel for the claimant, if any; and

(4) Be signed by the claimant, or the legal representative or counsel for the claimant.

(f) A claim under this section is denied:

(1) If the Administrator or the Administrator's designee sends the claimant, or the legal representative or counsel for the claimant, written notice of denial; or

(2) If the Administrator or the Administrator's designee fails to give notice of a denial within 6 months after the sending of the notice of claim.

(g) Notwithstanding any other provision of this section, unless the Administration affirmatively shows that its defense has been prejudiced by the lack of the required notice, a court may allow the action to proceed even if the written notice of claim was not submitted.

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