

HB0114/758373/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 114
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Act –” insert “Claim Requirement and”; in line 5, after “occurrence;” insert “requiring a court to entertain a suit under the Maryland Tort Claims Act under certain circumstances, even if a certain claim was not submitted; authorizing a court to entertain a suit under the Maryland Tort Claims Act under certain circumstances, even if a certain claim was not submitted;”; and in line 9, after “12-104” insert “and 12-106”.

AMENDMENT NO. 2

On page 2, in line 2, strike “\$300,000” and substitute “\$500,000”.

AMENDMENT NO. 3

On page 2, after line 17, insert:

“12-106.

(a) This section does not apply to a claim that is asserted by cross-claim, counterclaim, or third-party claim.

(b) [A] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A claimant may not institute an action under this subtitle unless:

(1) the claimant submits a written claim to the Treasurer or a designee of the Treasurer within 1 year after the injury to person or property that is the basis of the claim;

(2) the Treasurer or designee denies the claim finally; and

(Over)

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

(C) IF A CLAIMANT FAILS TO SUBMIT A WRITTEN CLAIM IN ACCORDANCE WITH SUBSECTION (B)(1) OF THIS SECTION:

(1) ON MOTION BY THE CLAIMANT, THE COURT SHALL ENTERTAIN AN ACTION UNDER THIS SUBTITLE UNLESS THE STATE CAN AFFIRMATIVELY SHOW THAT ITS DEFENSE HAS BEEN PREJUDICED BY THE CLAIMANT'S FAILURE TO COMPLY WITH SUBSECTION (B)(1) OF THIS SECTION; AND

(2) ON MOTION BY THE CLAIMANT AND FOR GOOD CAUSE SHOWN, THE COURT MAY ENTERTAIN AN ACTION UNDER THIS SUBTITLE REGARDLESS OF WHETHER THE STATE CAN AFFIRMATIVELY SHOW THAT ITS DEFENSE HAS BEEN PREJUDICED BY THE CLAIMANT'S FAILURE TO COMPLY WITH SUBSECTION (B)(1) OF THIS SECTION."