

Chapter 624

**(House Bill 637)**

AN ACT concerning

**Local Government Tort Claims Act – Notice Requirement – Exception**

FOR the purpose of providing a certain exception to a certain notice requirement for a claim under the Local Government Tort Claims Act; providing for the application of this Act; and generally relating to a certain notice requirement for a claim under the Local Government Tort Claims Act.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 5–304  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

~~BY repealing and reenacting, without amendments,  
Article – State Government  
Section 20–1004  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 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**

5–304.

(a) This section does not apply to an action against a nonprofit corporation described in § 5–301(d)(23), (24), (25), (26), (28), or (29) of this subtitle or its employees.

(b) (1) Except as provided in subsections (a) and (d) of this section, an action for unliquidated damages may not be brought against a local government or its employees unless the notice of the claim required by this section is given within 1 year after the injury.

(2) The notice shall be in writing and shall state the time, place, and cause of the injury.

(c) (1) The notice required under this section shall be given in person or by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, by the claimant or the representative of the claimant.

(2) Except as otherwise provided, if the defendant local government is a county, the notice required under this section shall be given to the county commissioners or county council of the defendant local government.

(3) If the defendant local government is:

(i) Baltimore City, the notice shall be given to the City Solicitor;

(ii) Howard County or Montgomery County, the notice shall be given to the County Executive; and

(iii) Anne Arundel County, Baltimore County, Harford County, or Prince George’s County, the notice shall be given to the county solicitor or county attorney.

(4) For any other local government, the notice shall be given to the corporate authorities of the defendant local government.

(d) Notwithstanding the other provisions of this section, unless the defendant can affirmatively show that its defense has been prejudiced by lack of required notice, upon motion and for good cause shown the court may entertain the suit even though the required notice was not given.

**(E) THIS SECTION DOES NOT APPLY TO A COMPLAINT CLAIMING TO BE AGGRIEVED BY:**

~~(1) A CLAIM CONCERNING AN ALLEGED DISCRIMINATORY ACT THAT IS FILED IN ACCORDANCE WITH § 20-1004 OF THE STATE GOVERNMENT ARTICLE; OR~~

~~(2) A CLAIM FILED IN ACCORDANCE WITH ANY OTHER PROVISION OF LAW THAT PROHIBITS DISCRIMINATION OR RETALIATION AND REQUIRES THE CLAIMANT TO FILE AN ADMINISTRATIVE CHARGE OR COMPLAINT BEFORE FILING A CIVIL ACTION IF, WITHIN 1 YEAR AFTER THE INJURY, THE DEFENDANT LOCAL GOVERNMENT HAS ACTUAL OR CONSTRUCTIVE NOTICE OF:~~

~~(1) THE CLAIMANT’S INJURY; OR~~

~~(2) THE DEFECT OR CIRCUMSTANCES GIVING RISE TO THE CLAIMANT’S INJURY.~~

~~Article State Government~~

~~20-1004.~~

~~(a) Any person claiming to be aggrieved by an alleged discriminatory act may file a complaint with the Commission.~~

~~(b) The complaint shall:~~

~~(1) be in writing;~~

~~(2) state:~~

~~(i) the name and address of the person or State or local unit alleged to have committed the discriminatory act; and~~

~~(ii) the particulars of the alleged discriminatory act;~~

~~(3) contain any other information required by the Commission; and~~

~~(4) be signed by the complainant under oath.~~

~~(c) (1) A complaint shall be filed within 6 months after the date on which the alleged discriminatory act occurred.~~

~~(2) A complaint filed with a federal or local human relations commission within 6 months after the date on which the alleged discriminatory act occurred shall be deemed to have complied with this subsection.~~

~~(d) The Commission, on its own motion, and by action of at least three commissioners, may issue a complaint in its name in the same manner as if the complaint had been filed by an individual, if:~~

~~(1) the Commission has received reliable information from an individual that a person has been or is engaged in a discriminatory act; and~~

~~(2) after a preliminary investigation by the Commission's staff authorized by the chair or vice chair, the Commission is satisfied that the information warrants the filing of a complaint.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.