

HOUSE BILL 636

D3

(6lr1684)

ENROLLED BILL

— *Judiciary/Judicial Proceedings* —

Introduced by **Delegates Smith, Conaway, Dumais, Moon, Morales, Proctor, Rosenberg, Sanchez, and Sydnor**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Maryland Tort Claims Act – Certain Claim Requirement – Exception**

3 FOR the purpose of providing a certain exception to a requirement that a claimant submit
4 a claim within a certain time to the State Treasurer or a designee of the State
5 Treasurer under the Maryland Tort Claims Act; providing for the application of this
6 Act; and generally relating to repealing a certain requirement for certain claims
7 under the Maryland Tort Claims Act.

8 BY repealing and reenacting, with amendments,
9 Article – State Government
10 Section 12–106
11 Annotated Code of Maryland
12 (2014 Replacement Volume and 2015 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



~~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 – State Government

12–106.

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

(b) 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

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

(c) **(1)** If a claimant fails to submit a written claim in accordance with subsection (b)(1) of this section, on motion by a claimant and for good cause shown, the court may entertain an action under this subtitle unless the State can affirmatively show that its defense has been prejudiced by the claimant's failure to submit the claim.

(2) ~~THIS SECTION SUBSECTION (B)(1) AND (2) OF THIS SECTION DOES NOT APPLY TO A COMPLAINT CLAIMING TO BE AGGRIEVED BY:~~

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

~~**(H) 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 TO PERSON OR PROPERTY THAT IS THE BASIS OF THE CLAIM, THE STATE HAS ACTUAL OR CONSTRUCTIVE NOTICE OF:**~~

1 (I) THE CLAIMANT'S INJURY; OR

2 (II) THE DEFECT OR CIRCUMSTANCES GIVING RISE TO THE
3 CLAIMANT'S INJURY.

4 ~~20-1004.~~

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

7 ~~(b) The complaint shall:~~

8 ~~(1) be in writing;~~

9 ~~(2) state:~~

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

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

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

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

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

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

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.