

# HOUSE BILL 637

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6lr0324  
CF 6lr3477

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By: **Delegates Smith, Conaway, Dumais, Moon, Morales, Proctor, Rosenberg, Sanchez, and Sydnor**

Introduced and read first time: February 4, 2016

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

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

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

7 BY repealing

8 Article – Courts and Judicial Proceedings

9 Section 5–304

10 Annotated Code of Maryland

11 (2013 Replacement Volume and 2015 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – State Government

14 Section 20–1004

15 Annotated Code of Maryland

16 (2014 Replacement Volume and 2015 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Courts and Judicial Proceedings**

20 5–304.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

12 (3) If the defendant local government is:

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

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

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

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

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

24 **(E) THIS SECTION DOES NOT APPLY TO A COMPLAINT CLAIMING TO BE**  
25 **AGGRIEVED BY AN ALLEGED DISCRIMINATORY ACT THAT IS FILED IN ACCORDANCE**  
26 **WITH § 20-1004 OF THE STATE GOVERNMENT ARTICLE.**

## 27 Article – State Government

28 20-1004.

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

31 (b) The complaint shall:

32 (1) be in writing;

1           (2)    state:

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

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

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

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

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

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

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

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

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

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

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