

SENATE BILL 356

D3
SB 147/15 – JPR

6lr0440

By: **Senator Zirkin**

Introduced and read first time: January 28, 2016

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 2016

CHAPTER _____

1 AN ACT concerning

2 **Local Government Tort Claims Act and Maryland Tort Claims Act – Statute of**
3 **Limitations and ~~Repeal of Certain~~ Notice Requirements**

4 FOR the purpose of ~~repealing a certain notice requirement for a claim under the Local~~
5 ~~Government Tort Claims Act; repealing a requirement that a claimant submit a~~
6 ~~claim within a certain time to the State Treasurer or a designee of the State~~
7 ~~Treasurer under the Maryland Tort Claims Act;~~ providing that when a certain cause
8 of action accrues in favor of a minor or mental incompetent under the Local
9 Government Tort Claims Act or the Maryland Tort Claims Act, ~~the claimant shall~~
10 ~~file an action~~ an action must be filed within a certain number of years after the
11 disability is removed and a certain notice is not required; providing for the
12 application of this Act; and generally relating to the Local Government Tort Claims
13 Act and the Maryland Tort Claims Act.

14 BY repealing and reenacting, with amendments,
15 Article – Courts and Judicial Proceedings
16 Section 5–304
17 Annotated Code of Maryland
18 (2013 Replacement Volume and 2015 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – State Government
21 Section 12–106
22 Annotated Code of Maryland
23 (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.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Courts and Judicial Proceedings**

4 ~~§~~5–304.

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

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

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

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

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

19 (3) If the defendant local government is:

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

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

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

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

27 **(D) WHEN A CAUSE OF ACTION ACCRUES IN FAVOR OF A MINOR OR MENTAL**
28 **INCOMPETENT:**

29 **(1) THE ACTION SHALL BE BROUGHT WITHIN 3 YEARS AFTER THE**
30 **DISABILITY IS REMOVED; AND**

