

SENATE BILL 554

D3, P4

8lr3182

By: **Senators Cassilly and Bates**

Introduced and read first time: January 31, 2018

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Tort Claims Act – Immunity – Persons Acting on Behalf of the State**

3 FOR the purpose of altering the definition of “State personnel” to include a person acting
4 on behalf of the State in accordance with State law for the purposes of establishing
5 certain immunity against tort claims; providing for the application of this Act; and
6 generally relating to State personnel and immunity.

7 BY repealing and reenacting, without amendments,
8 Article – Courts and Judicial Proceedings
9 Section 5–522(b)
10 Annotated Code of Maryland
11 (2013 Replacement Volume and 2017 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – State Government
14 Section 12–101(a)(3)
15 Annotated Code of Maryland
16 (2014 Replacement Volume and 2017 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – State Government
19 Section 12–105
20 Annotated Code of Maryland
21 (2014 Replacement Volume and 2017 Supplement)

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

24 **Article – Courts and Judicial Proceedings**

25 5–522.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) State personnel, as defined in § 12–101 of the State Government Article, are
2 immune from suit in courts of the State and from liability in tort for a tortious act or
3 omission that is within the scope of the public duties of the State personnel and is made
4 without malice or gross negligence, and for which the State or its units have waived
5 immunity under Title 12, Subtitle 1 of the State Government Article, even if the damages
6 exceed the limits of that waiver.

7 **Article – State Government**

8 12–101.

9 (a) In this subtitle, unless the context clearly requires otherwise, “State
10 personnel” means:

11 (3) a person who:

12 (i) is a member of a State board, commission, or similar State entity;

13 [or]

14 (ii) 1. is providing a service to or for the State;

15 2. is not paid in whole or in part by the State; and

16 3. satisfies all other requirements for designation as State
17 personnel as may be set forth in regulations adopted by the Treasurer pursuant to Title 10
18 of this article; **OR**

19 **(III) ACTS ON BEHALF OF THE STATE IN ACCORDANCE WITH**
20 **STATE LAW;**

21 12–105.

22 State personnel shall have the immunity from liability described under § 5–522(b) of
23 the Courts and Judicial Proceedings Article.

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

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2018.