

# SENATE BILL 832

R2  
HB 1130/07 – JUD

9lr2715

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By: **Senators Carter and West**  
Introduced and read first time: February 4, 2019  
Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transit Administration – Limits of Liability**

3 FOR the purpose of limiting, in tort actions against the Maryland Transit Administration,  
4 the liability of the Administration to certain liability limits under certain  
5 circumstances; providing for the application of this Act; and generally relating to  
6 limiting the liability of the Maryland Transit Administration in certain tort actions.

7 BY repealing and reenacting, with amendments,  
8 Article – Transportation  
9 Section 7–702  
10 Annotated Code of Maryland  
11 (2015 Replacement Volume and 2018 Supplement)

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

14 **Article – Transportation**

15 7–702.

16 (a) Subject to the provisions of this section, the Administration is liable for its  
17 contracts and torts and for the torts of its officers, agents, and employees in connection with  
18 the performance of the duties and functions of the Administration under this title.

19 (b) The exclusive remedy for a breach of contract or for a tort committed by the  
20 Administration, its officers, agents, or employees is a suit against the Administration. No  
21 execution may be levied on any property of this State or of the Administration.

22 (C) **THE LIABILITY OF THE ADMINISTRATION IN A TORT ACTION MAY NOT**  
23 **EXCEED \$1,000,000 TO A SINGLE CLAIMANT FOR INJURIES ARISING FROM A SINGLE**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **INCIDENT OR OCCURRENCE.**

2 **[(c)] (D)** Subsection **[(d)] (E)** of this section does not apply to a tort claim that is  
3 asserted by cross-claim, counterclaim, or third-party claim.

4 **[(d)] (E)** A tort claimant may not institute an action under this section unless:

5 (1) The claimant submits a written notice of claim to the Administrator or  
6 the Administrator's designee within 1 year after the injury to person or property that is the  
7 basis of the claim;

8 (2) The Administrator or the Administrator's designee denies the claim;  
9 and

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

11 **[(e)] (F)** A notice of claim under this section shall:

12 (1) Contain a concise statement of facts that sets forth the nature of the  
13 claim, including the date and place of the alleged tort;

14 (2) State the name and address of the claimant;

15 (3) State the name, address, and telephone number of counsel for the  
16 claimant, if any; and

17 (4) Be signed by the claimant, or the legal representative or counsel for the  
18 claimant.

19 **[(f)] (G)** A claim under this section is denied:

20 (1) If the Administrator or the Administrator's designee sends the  
21 claimant, or the legal representative or counsel for the claimant, written notice of denial;  
22 or

23 (2) If the Administrator or the Administrator's designee fails to give notice  
24 of a denial within 6 months after the sending of the notice of claim.

25 **[(g)] (H)** Notwithstanding any other provision of this section, unless the  
26 Administration affirmatively shows that its defense has been prejudiced by the lack of the  
27 required notice, a court may allow the action to proceed even if the written notice of claim  
28 was not submitted.

29 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall be construed to  
30 apply only prospectively and may not be applied or interpreted to have any effect on or  
31 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, 2019.