

# SENATE BILL 955

D3, L6

1lr3069

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By: **Senator Eckardt**

Introduced and read first time: February 18, 2021

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Local Government Tort Claims Act – Cambridge Waterfront Development, Inc.**

3 FOR the purpose of altering the definition of a “local government” under the Local  
4 Government Tort Claims Act to include a certain nonprofit corporation in Dorchester  
5 County; providing that a certain notice requirement does not apply to certain actions  
6 against a certain nonprofit corporation in Dorchester County or its employees;  
7 providing for the application of this Act; and generally relating to the inclusion of  
8 certain nonprofit entities in Dorchester County under the Local Government Tort  
9 Claims Act.

10 BY repealing and reenacting, without amendments,  
11 Article – Courts and Judicial Proceedings  
12 Section 5–301(a)  
13 Annotated Code of Maryland  
14 (2020 Replacement Volume)

15 BY repealing and reenacting, with amendments,  
16 Article – Courts and Judicial Proceedings  
17 Section 5–301(d)(28) and (29) and 5–304  
18 Annotated Code of Maryland  
19 (2020 Replacement Volume)

20 BY adding to  
21 Article – Courts and Judicial Proceedings  
22 Section 5–301(d)(30)  
23 Annotated Code of Maryland  
24 (2020 Replacement Volume)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**Article – Courts and Judicial Proceedings**

5–301.

(a) In this subtitle the following words have the meanings indicated.

(d) “Local government” means:

(28) The nonprofit corporation serving as the local public transportation authority for Garrett County pursuant to a contract or memorandum of understanding with Garrett County (Garrett County Community Action Committee, Inc.); [and]

(29) The nonprofit corporation serving as the industrial development authority of Carroll County established under Title 12, Subtitle 1 of the Economic Development Article; AND

**(30) THE NONPROFIT CORPORATION SERVING AS THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF CAMBRIDGE AND DORCHESTER COUNTY PURSUANT TO A CONTRACT OR MEMORANDUM OF UNDERSTANDING WITH THE CITY OF CAMBRIDGE AND DORCHESTER COUNTY (CAMBRIDGE WATERFRONT DEVELOPMENT, INC.).**

5–304.

(a) This section does not apply to an action:

(1) Against a nonprofit corporation described in § 5–301(d)(23), (24), (25), (26), (28), [or] (29), **OR (30)** of this subtitle or its employees; or

(2) Brought under § 5–117 of this title.

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

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

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

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

- 1           (3) If the defendant local government is:
- 2                   (i) Baltimore City, the notice shall be given to the City Solicitor;
- 3                   (ii) Howard County or Montgomery County, the notice shall be given  
4 to the County Executive; and
- 5                   (iii) Anne Arundel County, Baltimore County, Frederick County,  
6 Harford County, or Prince George's County, the notice shall be given to the county solicitor  
7 or county attorney.
- 8           (4) For any other local government, the notice shall be given to the  
9 corporate authorities of the defendant local government.
- 10          (d) Notwithstanding the other provisions of this section, unless the defendant can  
11 affirmatively show that its defense has been prejudiced by lack of required notice, upon  
12 motion and for good cause shown the court may entertain the suit even though the required  
13 notice was not given.
- 14          (e) This section does not apply if, within 1 year after the injury, the defendant  
15 local government has actual or constructive notice of:
- 16                   (1) The claimant's injury; or
- 17                   (2) The defect or circumstances giving rise to the claimant's injury.
- 18          SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
19 apply only prospectively and may not be applied or interpreted to have any effect on or  
20 application to any cause of action arising before the effective date of this Act.
- 21          SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
22 1, 2021.