

CF 7r1749

By: Delegates Conway, Edwards, McClenahan, Vallario, Bozman, W. Baker, Hutchins, Slade, M. Burns, Getty, Cadden, Montague, and Taylor

Introduced and read first time: February 17, 1997

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 1997

CHAPTER ____

1 AN ACT concerning

2 **Maryland Tort Claims Act - Scope - ~~County Funded State Offices~~**

3 FOR the purpose of altering the definition of "State personnel" under the Maryland Tort
4 Claims Act to include certain ~~county funded State offices for purposes of providing~~
5 ~~certain protections under the Act to the State offices~~ officials and employees;
6 providing for the application of this Act; and generally relating to the scope of the
7 Maryland Tort Claims Act ~~as to county funded State offices.~~

8 BY repealing and reenacting, with amendments,
9 Article - State Government
10 Section 12-101(a)
11 Annotated Code of Maryland
12 (1995 Replacement Volume and 1996 Supplement)

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

15 **Article - State Government**

16 12-101.

17 (a) In this subtitle, unless the context clearly requires otherwise, "State
18 personnel" means:

19 (1) a State employee or official who is paid in whole or in part by the
20 Central Payroll Bureau in the Office of the Comptroller of the Treasury;

21 (2) an employee or official of the:

2

- 1 (i) Maryland Transportation Authority;
- 2 (ii) Injured Workers' Insurance Fund;
- 3 (iii) Maryland Stadium Authority;
- 4 (iv) Maryland Environmental Service;
- 5 (v) overseas programs of the University College of the University of
- 6 Maryland System; and
- 7 (vi) Maryland Economic Development Corporation;

8 (3) a person who:

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

10 or

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

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

13 3. satisfies all other requirements for designation as State

14 personnel as may be set forth in regulations adopted by the Treasurer pursuant to Title 10

15 of this article;

16 (4) an individual who, without compensation, exercises a part of the

17 sovereignty of the State;

18 (5) a student enrolled in a State educational institution:

19 (i) who is providing services to third parties in the course of

20 participation in an approved clinical training or academic program;

21 (ii) who, as determined by the Treasurer, is required to have liability

22 insurance covering claims arising from services to third parties performed by the student

23 in the course of the approved clinical training or academic program;

24 (iii) who, as determined by the Treasurer, cannot obtain commercial

25 liability insurance at an affordable cost; and

26 (iv) who, as determined by the Treasurer, may be required to

27 contribute to an insurance program for claims arising from services to third parties

28 performed by the student in the course of the approved clinical training or academic

29 program;

30 (6) a sheriff or deputy sheriff of a county or Baltimore City; [or]

31 (7) an employee of a county who is assigned to a local department of social

32 services, including a Montgomery County employee who carries out State programs

33 administered under Article 88A, § 13A(b) of the Code;

34 (8) A STATE'S ATTORNEY OF A COUNTY OR BALTIMORE CITY, OR AN

35 EMPLOYEE OF AN OFFICE OF A STATE'S ATTORNEY;

3

1 (9) A MEMBER OF A BOARD OF LICENSE COMMISSIONERS OF A COUNTY
2 OR BALTIMORE CITY APPOINTED UNDER THE PROVISIONS OF ARTICLE 2B OF THE
3 CODE, OR AN EMPLOYEE OF A BOARD OF LICENSE COMMISSIONERS;

4 (10) A MEMBER OF A BOARD OF SUPERVISORS OF ELECTIONS OF A
5 COUNTY OR BALTIMORE CITY, OR AN EMPLOYEE OF A BOARD OF SUPERVISORS OF
6 ELECTIONS;

7 (11) A JUDGE OF A CIRCUIT COURT OF A COUNTY OR BALTIMORE CITY,
8 OR AN EMPLOYEE OF A CIRCUIT COURT; OR

9 (12) A JUDGE OF AN ORPHANS' COURT OF A COUNTY OR BALTIMORE
10 CITY, OR AN EMPLOYEE OF AN ORPHANS' COURT.

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

14 SECTION ~~2~~ 3, AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 1997.