
By: **Delegates K. Kelly and Vallario**
Introduced and read first time: February 10, 1999
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Local Government Tort Claims Act - Interest on Judgment**

3 FOR the purpose of providing that certain monetary limits on the liability of a local
4 government for a judgment resulting from certain tortious acts or omissions do
5 not include interest accrued on the judgment; providing for the application of
6 this Act; and generally relating to the limits on liability of a local government for
7 a judgment resulting from certain tortious acts or omissions under the Local
8 Government Tort Claims Act.

9 BY repealing and reenacting, with amendments,
10 Article - Courts and Judicial Proceedings
11 Section 5-303
12 Annotated Code of Maryland
13 (1998 Replacement Volume)

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

16 **Article - Courts and Judicial Proceedings**

17 5-303.

18 (a) (1) [The]SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
19 liability of a local government may not exceed \$200,000 per an individual claim, and
20 \$500,000 per total claims that arise from the same occurrence for damages resulting
21 from tortious acts or omissions, including liability arising under subsection (b) of this
22 section and indemnification under subsection (c) of this section.

23 (2) THE LIMITS ON LIABILITY PROVIDED UNDER PARAGRAPH (1) OF THIS
24 SUBSECTION DO NOT INCLUDE INTEREST ACCRUED ON A JUDGMENT.

25 (b) (1) Except as provided in subsection (c) of this section, a local
26 government shall be liable for any judgment against its employee for damages
27 resulting from tortious acts or omissions committed by the employee within the scope
28 of employment with the local government.

1 (2) A local government may not assert governmental or sovereign
2 immunity to avoid the duty to defend or indemnify an employee established in this
3 subsection.

4 (c) (1) A local government may not be liable for punitive damages.

5 (2) (i) Subject to subsection (a) of this section and except as provided
6 in subparagraph (ii) of this paragraph, a local government may indemnify an
7 employee for a judgment for punitive damages entered against the employee.

8 (ii) A local government may not indemnify a law enforcement
9 officer for a judgment for punitive damages if the law enforcement officer has been
10 found guilty under Article 27, § 731 of the Code as a result of the act or omission
11 giving rise to the judgment.

12 (3) A local government may not enter into an agreement that requires
13 indemnification for an act or omission of an employee that may result in liability for
14 punitive damages.

15 (d) Notwithstanding the provisions of subsection (b) of this section, this
16 subtitle does not waive any common law or statutory defense or immunity in
17 existence as of June 30, 1987, and possessed by an employee of a local government.

18 (e) A local government may assert on its own behalf any common law or
19 statutory defense or immunity in existence as of June 30, 1987, and possessed by its
20 employee for whose tortious act or omission the claim against the local government is
21 premised and a local government may only be held liable to the extent that a
22 judgment could have been rendered against such an employee under this subtitle.

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

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 1999.