
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 **Maryland Tort Claims Act - Limit on Liability**

3 FOR the purpose of increasing the limit on the liability of the State and its units for
4 injuries of a claimant arising from an incident or occurrence; providing for the
5 application of this Act; and generally relating to the limit on the liability of the
6 State and its units under the Maryland Tort Claims Act.

7 BY repealing and reenacting, with amendments,
8 Article - State Government
9 Section 12-104
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1998 Supplement)

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

14 **Article - State Government**

15 12-104.

16 (a) (1) Subject to the exclusions and limitations in this subtitle and
17 notwithstanding any other provision of law, the immunity of the State and of its units
18 is waived as to a tort action, in a court of the State, to the extent provided under
19 paragraph (2) of this subsection.

20 (2) The liability of the State and its units may not exceed [\$100,000]
21 \$200,000 to a single claimant for injuries arising from a single incident or occurrence.

22 (b) Immunity is not waived under this section as described under § 5-522(a) of
23 the Courts and Judicial Proceedings Article.

24 (c) (1) The Treasurer may pay from the State Insurance Trust Fund all or
25 part of that portion of a tort claim which exceeds the limitation on liability
26 established under subsection (a)(2) of this section under the following conditions:

1 (i) the tort claim is one for which the State and its units have
2 waived immunity under subsections (a) and (b) of this section;

3 (ii) a judgment or settlement has been entered granting the
4 claimant damages to the full amount established under subsection (a)(2) of this
5 section; and

6 (iii) the Board of Public Works, with the advice and counsel of the
7 Attorney General, has approved the payment.

8 (2) Any payment of part of a settlement or judgment under this
9 subsection does not abrogate the sovereign immunity of the State or any units beyond
10 the waiver provided in subsections (a) and (b) of this section.

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

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