
By: **Delegates Valderrama and Vallario**
Introduced and read first time: February 3, 2000
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Tort Claims - Local Governments - Notice Period**

3 FOR the purpose of expanding the period of time after an injury during which a
4 certain notice of claim is required to be given in order to bring an action under
5 the Local Government Tort Claims Act; providing for the application of this Act;
6 and generally relating to a certain notice of claim required under the Local
7 Government Tort Claims Act.

8 BY repealing and reenacting, with amendments,
9 Article - Courts and Judicial Proceedings
10 Section 5-304
11 Annotated Code of Maryland
12 (1998 Replacement Volume and 1999 Supplement)

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

15 **Article - Courts and Judicial Proceedings**

16 5-304.

17 (a) Except as provided in subsection (c) of this section, an action for
18 unliquidated damages may not be brought against a local government or its
19 employees unless the notice of the claim required by this section is given within [180
20 days] 1 YEAR after the injury.

21 (b) (1) Except in Anne Arundel County, Baltimore County, Harford County,
22 and Prince George's County, the notice shall be given in person or by certified mail,
23 return receipt requested, bearing a postmark from the United States Postal Service,
24 by the claimant or the representative of the claimant, to the county commissioner,
25 county council, or corporate authorities of a defendant local government, or:

26 (i) In Baltimore City, to the City Solicitor;

27 (ii) In Howard County, to the County Executive; and

1 (iii) In Montgomery County, to the County Executive.

2 (2) In Anne Arundel County, Baltimore County, Harford County, and
3 Prince George's County, the notice shall be given in person or by certified mail, return
4 receipt requested, bearing a postmark from the United States Postal Service, by the
5 claimant or the representative of the claimant, to the county solicitor or county
6 attorney.

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

9 (c) Notwithstanding the other provisions of this section, unless the defendant
10 can affirmatively show that its defense has been prejudiced by lack of required notice,
11 upon motion and for good cause shown the court may entertain the suit even though
12 the required notice was not given.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
14 construed only prospectively and may not be applied or interpreted to have any effect
15 on or application to any case filed before the effective date of this Act.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2000.