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

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A BILL ENTITLED

1 AN ACT concerning

2 **Courts - State Tort Claims - Notice of Claim**

3 FOR the purpose of providing that a court may allow a suit under the Maryland Tort  
4 Claims Act to proceed absent a submission of a certain claim under certain  
5 circumstances; providing for the application of this Act; and generally relating to  
6 tort claims under the Maryland Tort Claims Act.

7 BY repealing and reenacting, with amendments,  
8 Article - State Government  
9 Section 12-106  
10 Annotated Code of Maryland  
11 (1999 Replacement Volume)

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 12-106.

16 (a) This section does not apply to a claim that is asserted by cross-claim,  
17 counterclaim, or third-party claim.

18 (b) A claimant may not institute an action under this subtitle unless:

19 (1) the claimant submits a written claim to the Treasurer or a designee  
20 of the Treasurer within 1 year after the injury to person or property that is the basis  
21 of the claim;

22 (2) the Treasurer or designee denies the claim finally; and

23 (3) the action is filed within 3 years after the cause of action arises.

24 (C) NOTWITHSTANDING ANY OTHER PROVISIONS OF SUBSECTION (B) OF THIS  
25 SECTION, UNLESS THE DEFENDANT AFFIRMATIVELY SHOWS THAT ITS DEFENSE HAS  
26 BEEN PREJUDICED BY THE ABSENCE OF THE REQUIRED SUBMISSION OF A WRITTEN

1 CLAIM TO THE TREASURER OR A DESIGNEE OF THE TREASURER, ON A MOTION AND  
2 FOR GOOD CAUSE SHOWN, A COURT MAY ALLOW THE SUIT TO PROCEED EVEN IF THE  
3 WRITTEN CLAIM WAS NOT SUBMITTED.

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

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