

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE

House Bill 424 (Delegates Valderrama and Vallario)

Judiciary

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Tort Claims - Local Governments - Notice Period

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This bill provides that an action for unliquidated damages may not be brought against a local government or its employees unless the notice of the claim required under the Local Government Tort Claims Act is given within one year after the injury.

The bill may not be applied to any case filed before the bill's October 1, 2000, effective date.

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Fiscal Summary

**State Effect:** None.

**Local Effect:** Potentially significant increase in expenditures for local governments as discussed herein.

**Small Business Effect:** Potential minimal.

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Analysis

**Current Law:** The Local Government Tort Claims Act provides that an action for unliquidated damages may not be brought against a local government or its employees unless notice of the claim is sent to a specified government official within 180 days (six months) after the injury. The notice must be in writing and must state the time, place, and cause of the injury. Unless the defendant can affirmatively show that its defense has been prejudiced by lack of required notice, upon motion and for good cause shown the court may entertain the suit even though the required notice was not given.

**Local Fiscal Effect:** The bill is expected to result in significant increases in local government tort claim payments and liability insurance premiums. Baltimore City advises that many lawsuits against the city are successfully defended on the basis that the claim was

filed past the current 180-day deadline. Prince George's County estimates that county expenditures could increase by \$100,000 to \$300,000 annually as a result of the bill. Based on information supplied by Montgomery County, it is estimated that Montgomery County expenditures could increase by approximately \$220,000 annually as a result of the bill.

It is expected that any increase in the workload of the circuit courts resulting from this bill could be handled with existing budgeted resources.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), State Treasurer's Office, Baltimore City, Montgomery, Prince George's and Somerset counties, Department of Legislative Services

**Fiscal Note History:** First Reader - February 15, 2000  
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