

HOUSE BILL 490

Unofficial Copy  
E4

2002 Regular Session  
2r1502  
CF 2r2544

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By: **Delegate Kelly**

Introduced and read first time: January 30, 2002

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Firearms Safety Training Course - Maryland Tort Claims Act - Applicability**

3 FOR the purpose of altering the definition of "State Personnel" under the Maryland  
4 Tort Claims Act to include certain individuals and organizations who provide a  
5 certain firearms safety training course; and generally relating to firearms safety  
6 training courses and the Maryland Tort Claims Act.

7 BY repealing and reenacting, without amendments,  
8 Article 41 - Governor - Executive and Administrative Departments  
9 Section 4-201(d-1)  
10 Annotated Code of Maryland  
11 (1997 Replacement Volume and 2001 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article - State Government  
14 Section 12-101  
15 Annotated Code of Maryland  
16 (1999 Replacement Volume and 2001 Supplement)

17 BY repealing and reenacting, without amendments,  
18 Article - State Government  
19 Section 12-104(a)  
20 Annotated Code of Maryland  
21 (1999 Replacement Volume and 2001 Supplement)

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

24 **Article 41 - Governor - Executive and Administrative Departments**

25 4-201.

26 (d-1) (1) The Commission shall, subject to paragraph (2) of this subsection,  
27 adopt regulations by January 1, 2001 for a certified firearms safety training course

1 required for an applicant for a regulated firearms purchase, rental, or transfer made  
2 on or after January 1, 2002.

3 (2) The required certified firearms safety training course shall:

4 (i) Be offered by the Commission and:

5 1. Be offered free of charge or fee;

6 2. Be no more than 2 hours in length;

7 3. Be conducted or offered at least once each week in all  
8 geographic areas of the State and be available after regular business hours;

9 4. Be open to any individual required by law to complete the  
10 firearms safety training course, within 2 weeks of the request of the individual;

11 5. May not require any skills or knowledge testing in the use  
12 of a regulated firearm in order to successfully complete the course; and

13 6. Shall only require attendance throughout the duration of  
14 the course in order to successfully complete the course; or

15 (ii) Contain a handgun safety component and be conducted by an  
16 individual or organization certified by:

17 1. The Police Training Commission;

18 2. The Department of Natural Resources;

19 3. The Department of State Police; or

20 4. Any reputable organization having as one of its objectives  
21 the promotion of competency and safety in handling handguns whose course has been  
22 determined by the Commission to meet the regulations adopted by the Commission.

23 **Article - State Government**

24 12-101.

25 (a) In this subtitle, unless the context clearly requires otherwise, "State  
26 personnel" means:

27 (1) a State employee or official who is paid in whole or in part by the  
28 Central Payroll Bureau in the Office of the Comptroller of the Treasury;

29 (2) an employee or official of the:

30 (i) Maryland Transportation Authority;

31 (ii) Injured Workers' Insurance Fund;

- 1 (iii) Maryland Stadium Authority;
- 2 (iv) Maryland Environmental Service;
- 3 (v) overseas programs of the University College of the University  
4 System of Maryland;
- 5 (vi) Maryland Economic Development Corporation;
- 6 (vii) Maryland Technology Development Corporation; and
- 7 (viii) Maryland African American Museum Corporation;
- 8 (3) a person who:
- 9 (i) is a member of a State board, commission, or similar State  
10 entity; or
- 11 (ii) 1. is providing a service to or for the State;
- 12 2. is not paid in whole or in part by the State; and
- 13 3. satisfies all other requirements for designation as State  
14 personnel as may be set forth in regulations adopted by the Treasurer pursuant to  
15 Title 10 of this article;
- 16 (4) an individual who, without compensation, exercises a part of the  
17 sovereignty of the State;
- 18 (5) a student enrolled in a State educational institution:
- 19 (i) who is providing services to third parties in the course of  
20 participation in an approved clinical training or academic program;
- 21 (ii) who, as determined by the Treasurer, is required to have  
22 liability insurance covering claims arising from services to third parties performed by  
23 the student in the course of the approved clinical training or academic program;
- 24 (iii) who, as determined by the Treasurer, cannot obtain commercial  
25 liability insurance at an affordable cost; and
- 26 (iv) who, as determined by the Treasurer, may be required to  
27 contribute to an insurance program for claims arising from services to third parties  
28 performed by the student in the course of the approved clinical training or academic  
29 program;
- 30 (6) a sheriff or deputy sheriff of a county or Baltimore City;
- 31 (7) an employee of a county who is assigned to a local department of  
32 social services, including a Montgomery County employee who carries out State  
33 programs administered under Article 88A, § 13A(b) of the Code;

1 (8) a State's Attorney of a county or Baltimore City, or an employee of an  
2 office of a State's Attorney;

3 (9) a member of a board of license commissioners of a county or  
4 Baltimore City appointed under the provisions of Article 2B of the Code, or an  
5 employee of a board of license commissioners;

6 (10) a member of a board of supervisors of elections of a county or  
7 Baltimore City, or an employee of a board of supervisors of elections;

8 (11) a judge of a circuit court of a county or Baltimore City, or an employee  
9 of a circuit court;

10 (12) a judge of an orphans' court of a county or Baltimore City, or an  
11 employee of an orphans' court;

12 (13) to the extent of a nonprofit organization's activities as a third party  
13 payee, and to the extent the nonprofit organization has no other insurance for this  
14 purpose, a nonprofit organization that has been approved by the Department of  
15 Human Resources or its designee to serve as a third party payee for purposes of  
16 providing temporary cash assistance, transitional assistance, or child-specific  
17 benefits to Family Investment Program recipients; [or]

18 (14) a student, faculty, or staff member of an institution of higher  
19 education who is providing a service under the Family Investment Program in  
20 accordance with the provisions of Article 88A, § 47 or § 53 of the Code; OR

21 (15) AN INDIVIDUAL OR ORGANIZATION WHO:

22 (I) IS CERTIFIED TO PROVIDE A FIREARMS SAFETY TRAINING  
23 COURSE IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 41, § 4-201(D-1) OF THE  
24 CODE BY:

25 1. THE POLICE TRAINING COMMISSION;

26 2. THE DEPARTMENT OF NATURAL RESOURCES; OR

27 3. THE DEPARTMENT OF STATE POLICE; AND

28 (II) IS PROVIDING A FIREARMS SAFETY TRAINING COURSE IN  
29 ACCORDANCE WITH THE PROVISIONS OF ARTICLE 41, § 4-201(D-1) OF THE CODE.

30 (b) In this subtitle, a unit of the State government includes the Montgomery  
31 County government to the extent that Montgomery County administers a State  
32 program under Article 88A, § 13A(b) of the Code.

33 12-104.

34 (a) (1) Subject to the exclusions and limitations in this subtitle and  
35 notwithstanding any other provision of law, the immunity of the State and of its units

1 is waived as to a tort action, in a court of the State, to the extent provided under  
2 paragraph (2) of this subsection.

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

5       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
6 effect October 1, 2002.