

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Chairman, Judicial Proceedings Committee (By Request -
Departmental - Automobile Insurance Fund)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **State Personnel - Maryland Tort Claims Act - Employees and Officials of**
3 **Maryland Automobile Insurance Fund**

4 FOR the purpose of ~~clarifying that employees of the Maryland Automobile Insurance~~
5 ~~Fund are State personnel~~ altering the definition of "State personnel" for
6 purposes of the Maryland Tort Claims Act to specifically include employees and
7 officials of the Maryland Automobile Insurance Fund; *providing for the*
8 *construction of this Act*; and ~~altering a certain definition~~ generally relating to
9 the Maryland Tort Claims Act.

10 BY repealing and reenacting, with amendments,
11 Article - State Government
12 Section 12-101
13 Annotated Code of Maryland
14 (2004 Replacement Volume)

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

3 **Article - State Government**

4 12-101.

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

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

9 (2) an employee or official of the:

10 (i) Maryland Transportation Authority;

11 (ii) Injured Workers' Insurance Fund;

12 (iii) Maryland Stadium Authority;

13 (iv) Maryland Environmental Service;

14 (v) overseas programs of the University College of the University
15 System of Maryland;

16 (vi) Maryland Economic Development Corporation;

17 (vii) Maryland Technology Development Corporation; [and]

18 (viii) Maryland African American Museum Corporation; AND

19 (IX) MARYLAND AUTOMOBILE INSURANCE FUND;

20 (3) a person who:

21 (i) is a member of a State board, commission, or similar State
22 entity; or

23 (ii) 1. is providing a service to or for the State;

24 2. is not paid in whole or in part by the State; and

25 3. satisfies all other requirements for designation as State
26 personnel as may be set forth in regulations adopted by the Treasurer pursuant to
27 Title 10 of this article;

28 (4) an individual who, without compensation, exercises a part of the
29 sovereignty of the State;

30 (5) a student enrolled in a State educational institution:

1 (i) who is providing services to third parties in the course of
2 participation in an approved clinical training or academic program;

3 (ii) who, as determined by the Treasurer, is required to have
4 liability insurance covering claims arising from services to third parties performed by
5 the student in the course of the approved clinical training or academic program;

6 (iii) who, as determined by the Treasurer, cannot obtain commercial
7 liability insurance at an affordable cost; and

8 (iv) who, as determined by the Treasurer, may be required to
9 contribute to an insurance program for claims arising from services to third parties
10 performed by the student in the course of the approved clinical training or academic
11 program;

12 (6) a sheriff or deputy sheriff of a county or Baltimore City;

13 (7) an employee of a county who is assigned to a local department of
14 social services, including a Montgomery County employee who carries out State
15 programs administered under Article 88A, § 13A(b) of the Code;

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

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

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

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

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

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

33 (14) a student, faculty, or staff member of an institution of higher
34 education who is providing a service under the Family Investment Program in
35 accordance with the provisions of Article 88A, § 47 or § 53 of the Code.

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not affect,
5 and may not be construed as affecting, any provision of Title 20 of the Insurance
6 Article.

7 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
8 effect June 1, 2005.