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

Introduced and read first time: January 18, 2005

Rules suspended

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 3, 2005

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; and ~~altering a certain~~
8 definition generally relating to the Maryland Tort Claims Act.

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

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

16 **Article - State Government**

17 12-101.

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

- 1 (1) a State employee or official who is paid in whole or in part by the
2 Central Payroll Bureau in the Office of the Comptroller of the Treasury;
- 3 (2) an employee or official of the:
- 4 (i) Maryland Transportation Authority;
- 5 (ii) Injured Workers' Insurance Fund;
- 6 (iii) Maryland Stadium Authority;
- 7 (iv) Maryland Environmental Service;
- 8 (v) overseas programs of the University College of the University
9 System of Maryland;
- 10 (vi) Maryland Economic Development Corporation;
- 11 (vii) Maryland Technology Development Corporation; [and]
- 12 (viii) Maryland African American Museum Corporation; AND
- 13 (IX) MARYLAND AUTOMOBILE INSURANCE FUND;
- 14 (3) a person who:
- 15 (i) is a member of a State board, commission, or similar State
16 entity; or
- 17 (ii) 1. is providing a service to or for the State;
- 18 2. is not paid in whole or in part by the State; and
- 19 3. satisfies all other requirements for designation as State
20 personnel as may be set forth in regulations adopted by the Treasurer pursuant to
21 Title 10 of this article;
- 22 (4) an individual who, without compensation, exercises a part of the
23 sovereignty of the State;
- 24 (5) a student enrolled in a State educational institution:
- 25 (i) who is providing services to third parties in the course of
26 participation in an approved clinical training or academic program;
- 27 (ii) who, as determined by the Treasurer, is required to have
28 liability insurance covering claims arising from services to third parties performed by
29 the student in the course of the approved clinical training or academic program;
- 30 (iii) who, as determined by the Treasurer, cannot obtain commercial
31 liability insurance at an affordable cost; and

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

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

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

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

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

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

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

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

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

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

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
33 effect June 1, 2005.

