

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Senators Lawlah, Forehand, Haines, and McFadden (Joint Committee on the Management of Public Funds)**

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 **Maryland Tort Claims Act - Structured Settlements**

3 FOR the purpose of altering the definition of "structured settlement" in provisions of
4 law authorizing the State to enter into structured settlements; requiring a
5 certain investment company to be selected by the State and a claimant by mutual
6 agreement; and generally relating to structured settlements and claims under
7 the Maryland Tort Claims Act.

8 BY repealing and reenacting, with amendments,
9 Article - State Government
10 Section 12-107
11 Annotated Code of Maryland
12 (2004 Replacement Volume)

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

1 **Article - State Government**

2 12-107.

3 (a) A claim under this subtitle shall:

4 (1) contain a concise statement of facts that sets forth the nature of the
5 claim, including the date and place of the alleged tort;

6 (2) demand specific damages;

7 (3) state the name and address of each party;

8 (4) state the name, address, and telephone number of counsel for the
9 claimant, if any; and10 (5) be signed by the claimant, or the legal representative or counsel for
11 the claimant.

12 (b) The Treasurer may:

13 (1) consider a claim for money damages under this subtitle or delegate
14 wholly or partly this responsibility to other State personnel; and15 (2) contract for any support services that are needed to carry out this
16 responsibility properly.17 (c) (1) In this section, "structured settlement" means a plan for the payment
18 of a SETTLEMENT OR judgment to a claimant for damages in periodic installments.19 (2) Unless a contract with a private insurer provides otherwise, the
20 Treasurer or designee may compromise and settle a claim for money damages after
21 the Treasurer or designee consults with the Attorney General.22 (3) The State may enter into a structured settlement to the extent
23 permitted in § 12-104(a)(2) of this subtitle.24 (4) If a structured settlement is entered into, the *STATE AND THE*
25 claimant shall select the investment company *BY MUTUAL AGREEMENT*.

26 (5) The acceptance of a settlement by a claimant is, as to that claimant:

27 (i) final; and

28 (ii) a complete release of each claim arising from the same cause of
29 action against:

30 1. the State;

31 2. each of its units; and

