

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 668
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “County;” insert “providing that a certain notice requirement does not apply to certain actions against certain nonprofit corporations in Carroll County or their employees;”; and in line 10, after “5-301” insert “and 5-304”.

AMENDMENT NO. 2

On page 3, after line 15, insert:

“5-304.

(a) THIS SECTION DOES NOT APPLY TO AN ACTION AGAINST A NONPROFIT CORPORATION DESCRIBED IN § 5-301(D)(24) OR (25) OF THIS SUBTITLE OR ITS EMPLOYEES.

(B) Except as provided in [subsection (c)] SUBSECTIONS (A) AND (D) of this section, an action for unliquidated damages may not be brought against a local government or its employees unless the notice of the claim required by this section is given within 180 days after the injury.

[(b)] (C) (1) Except in Anne Arundel County, Baltimore County, Harford County, and Prince George’s County, the notice shall be given in person or by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, by the claimant or the representative of the claimant, to the county commissioner, county council, or corporate authorities of a defendant local government, or:

(i) In Baltimore City, to the City Solicitor;

(ii) In Howard County, to the County Executive; and

(Over)

(iii) In Montgomery County, to the County Executive.

(2) In Anne Arundel County, Baltimore County, Harford County, and Prince George's County, the notice shall be given in person or by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, by the claimant or the representative of the claimant, to the county solicitor or county attorney.

(3) The notice shall be in writing and shall state the time, place, and cause of the injury.

[(c)] (D) Notwithstanding the other provisions of this section, 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."