

HOUSE BILL 1035

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EMERGENCY BILL

71r1248

By: **Delegates Rudolph, Conway, and McKee**

Introduced and read first time: February 9, 2007

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2007

CHAPTER _____

1 AN ACT concerning

2 **Maryland Tort Claims Act – ~~Employee or Official of the Maryland~~**
3 **~~Agricultural and Resource-Based Industry Development Corporation State~~**
4 **Personnel – Definition and Claims**

5 FOR the purpose of expanding the definition of State personnel under the Maryland
6 Tort Claims Act to include an employee or official of the Maryland Agricultural
7 and Resource-Based Industry Development Corporation; providing that certain
8 restrictions do not apply to actions instituted against certain units of the State
9 or their employees or officials; making this Act an emergency measure;
10 providing for the application of this Act; and generally relating to the Maryland
11 Tort Claims Act.

12 BY repealing and reenacting, with amendments,
13 Article – State Government
14 Section 12-101(a)(2) and 12-106
15 Annotated Code of Maryland
16 (2004 Replacement Volume and 2006 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – State Government

12–101.

(a) In this subtitle, unless the context clearly requires otherwise, “State personnel” means:

(2) an employee or official of the:

(i) Maryland Transportation Authority;

(ii) Injured Workers’ Insurance Fund;

(iii) Maryland Stadium Authority;

(iv) Maryland Environmental Service;

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

(vi) Maryland Economic Development Corporation;

(vii) Maryland Technology Development Corporation;

(viii) Maryland African American Museum Corporation; and

(ix) Maryland Automobile Insurance Fund;

(x) MARYLAND AGRICULTURAL AND RESOURCE–BASED INDUSTRY DEVELOPMENT CORPORATION;

12–106.

(a) This section does not apply to a claim that is asserted by cross–claim, counterclaim, or third–party claim.

(b) [A] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A claimant may not institute an action under this subtitle unless:

(1) the claimant submits a written claim to the Treasurer or a designee of the Treasurer within 1 year after the injury to person or property that is the basis of the claim;

- 1 (2) the Treasurer or designee denies the claim finally; and
- 2 (3) the action is filed within 3 years after the cause of action arises.

3 **(C) THE REQUIREMENTS OF SUBSECTION (B)(1) AND (2) OF THIS**
 4 **SECTION DO NOT APPLY TO AN ACTION AGAINST A UNIT OF THE STATE OR ITS**
 5 **EMPLOYEE OR OFFICIAL DESCRIBED IN § 12-101(A)(2)(VI), (VII), (VIII), OR (X)**
 6 **OF THIS SUBTITLE.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
 8 construed to apply only prospectively and may not be applied or interpreted to have
 9 any effect on or application to any cause of action arising before the effective date of
 10 this Act.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
 12 measure, is necessary for the immediate preservation of the public health or safety,
 13 has been passed by a yea and nay vote supported by three-fifths of all the members
 14 elected to each of the two Houses of the General Assembly, and shall take effect from
 15 the date it is enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.