

HOUSE BILL 1130

R2

7lr0145

By: **Chair, Judiciary Committee (By Request - Departmental - Transportation)**

Introduced and read first time: February 16, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transit Administration – Limits of Liability**

3 FOR the purpose of limiting, in tort actions against the Maryland Transit
4 Administration, the liability of the Administration to certain liability limits
5 under certain circumstances; providing for the application of this Act; and
6 generally relating to limiting the liability of the Maryland Transit
7 Administration in certain tort actions.

8 BY repealing and reenacting, with amendments,
9 Article – Transportation
10 Section 7–702
11 Annotated Code of Maryland
12 (2001 Replacement Volume and 2006 Supplement)

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

15 **Article – Transportation**

16 7–702.

17 (a) Subject to the provisions of this section, the Administration is liable for
18 its contracts and torts and for the torts of its officers, agents, and employees in
19 connection with the performance of the duties and functions of the Administration
20 under this title.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) The exclusive remedy for a breach of contract or for a tort committed by
2 the Administration, its officers, agents, or employees is a suit against the
3 Administration. No execution may be levied on any property of this State or of the
4 Administration.

5 **(C) THE LIABILITY OF THE ADMINISTRATION IN A TORT ACTION MAY**
6 **NOT EXCEED \$1,000,000 TO A SINGLE CLAIMANT FOR INJURIES ARISING FROM A**
7 **SINGLE INCIDENT OR OCCURRENCE.**

8 [(c)] **(D)** Subsection [(d)] **(E)** of this section does not apply to a tort claim
9 that is asserted by cross-claim, counterclaim, or third-party claim.

10 [(d)] **(E)** A tort claimant may not institute an action under this section
11 unless:

12 (1) The claimant submits a written notice of claim to the
13 Administrator or the Administrator's designee within 1 year after the injury to person
14 or property that is the basis of the claim;

15 (2) The Administrator or the Administrator's designee denies the
16 claim; and

17 (3) The action is filed within 3 years after the cause of action arises.

18 [(e)] **(F)** A notice of claim under this section shall:

19 (1) Contain a concise statement of facts that sets forth the nature of
20 the claim, including the date and place of the alleged tort;

21 (2) State the name and address of the claimant;

22 (3) State the name, address, and telephone number of counsel for the
23 claimant, if any; and

24 (4) Be signed by the claimant, or the legal representative or counsel
25 for the claimant.

26 [(f)] **(G)** A claim under this section is denied:

1 (1) If the Administrator or the Administrator's designee sends the
2 claimant, or the legal representative or counsel for the claimant, written notice of
3 denial; or

4 (2) If the Administrator or the Administrator's designee fails to give
5 notice of a denial within 6 months after the sending of the notice of claim.

6 [(g)] (H) Notwithstanding any other provision of this section, unless the
7 Administration affirmatively shows that its defense has been prejudiced by the lack of
8 the required notice, a court may allow the action to proceed even if the written notice
9 of claim was not submitted.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
11 construed to apply only prospectively and apply only to actions against the Maryland
12 Transit Administration arising from incidents occurring on or after October 1, 2007.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2007.