

# HOUSE BILL 16

D3

8lr0722

(PRE-FILED)

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By: **Delegate Smigiel**

Requested: September 20, 2007

Introduced and read first time: January 9, 2008

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2008

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Local Government Tort Claims Act - Notice**

3 FOR the purpose of altering the time period during which certain notice must be given  
4 to bring an action for unliquidated damages against a local government or its  
5 employees under the Local Government Tort Claims Act; repealing a certain  
6 exception to the requirement of certain notice under the Local Government Tort  
7 Claims Act; providing for the application of this Act; and generally relating to  
8 notice under the Local Government Tort Claims Act.

9 BY repealing and reenacting, with amendments,  
10 Article – Courts and Judicial Proceedings  
11 Section 5-304(b)  
12 Annotated Code of Maryland  
13 (2006 Replacement Volume and 2007 Supplement)

14 BY repealing  
15 Article – Courts and Judicial Proceedings  
16 Section 5-304(d)  
17 Annotated Code of Maryland  
18 (2006 Replacement Volume and 2007 Supplement)

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

21 **Article – Courts and Judicial Proceedings**

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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.



1 5-304.

2 (b) Except as provided in subsections (a) and (d) of this section, an action for  
 3 unliquidated damages may not be brought against a local government or its employees  
 4 unless the notice of the claim required by this section is given within [180 days] **1**  
 5 **YEAR** after the injury.

6 [(d) Notwithstanding the other provisions of this section, unless the  
 7 defendant can affirmatively show that its defense has been prejudiced by lack of  
 8 required notice, upon motion and for good cause shown the court may entertain the  
 9 suit even though the required notice was not given.]

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

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 15 October 1, 2008.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.