

CHAPTER 634

(Senate Bill 974)

AN ACT concerning

Local Government Tort Claims Act – Notice of Claim

FOR the purpose of clarifying certain provisions of law governing the notice of a claim required to be given to a defendant local government under the Local Government Tort Claims Act; repealing redundant language; making stylistic changes; and generally relating to notice of a claim under the Local Government Tort Claims Act.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–304
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Article – Courts and Judicial Proceedings

5–304.

(a) This section does not apply to an action against a nonprofit corporation described in § 5–301(d)(23), (24), (25), (26), or (28) of this subtitle or its employees.

(b) (1) Except as provided in 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.

(2) **THE NOTICE SHALL BE IN WRITING AND SHALL STATE THE TIME, PLACE, AND CAUSE OF THE INJURY.**

(c) (1) [Except in Anne Arundel County, Baltimore County, Harford County, and Prince George’s County, the] **THE notice REQUIRED UNDER THIS SECTION** 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:].

(2) EXCEPT AS OTHERWISE PROVIDED, IF THE DEFENDANT LOCAL GOVERNMENT IS A COUNTY, THE NOTICE REQUIRED UNDER THIS SECTION SHALL BE GIVEN TO THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OF THE DEFENDANT LOCAL GOVERNMENT.

(3) IF THE DEFENDANT LOCAL GOVERNMENT IS:

(i) [In] Baltimore City, **THE NOTICE SHALL BE GIVEN** to the City Solicitor;

(ii) [In] Howard County **OR MONTGOMERY COUNTY, THE NOTICE SHALL BE GIVEN** to the County Executive; and

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

(2) In] Anne Arundel County, Baltimore County, Harford County, [and] **OR** 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.]

(4) FOR ANY OTHER LOCAL GOVERNMENT, THE NOTICE SHALL BE GIVEN TO THE CORPORATE AUTHORITIES OF THE DEFENDANT LOCAL GOVERNMENT.

(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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 19, 2009.