

SENATE BILL 711

D3

3lr1543

By: **Senator Madaleno**

Introduced and read first time: February 1, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Local Government Tort Claims Act – Primary Care Coalition of Montgomery**
3 **County**

4 FOR the purpose of altering the definition of “local government” under the Local
5 Government Tort Claims Act to include a certain nonprofit corporation in
6 Montgomery County; providing that a certain notice requirement does not apply
7 to an action against a certain nonprofit corporation in Montgomery County
8 under the Local Government Tort Claims Act; providing for the application of
9 this Act; and generally relating to the inclusion of a certain nonprofit
10 corporation in Montgomery County under the Local Government Tort Claims
11 Act.

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 5–301(d)(27) and (28) and 5–304(a)
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2012 Supplement)

17 BY adding to
18 Article – Courts and Judicial Proceedings
19 Section 5–301(d)(29)
20 Annotated Code of Maryland
21 (2006 Replacement Volume and 2012 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article – Courts and Judicial Proceedings
24 Section 5–303(a) and 5–304(b)
25 Annotated Code of Maryland
26 (2006 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Courts and Judicial Proceedings**

4 5–301.

5 (d) “Local government” means:

6 (27) Garrett County Municipalities, Inc., in Garrett County; [and]

7 (28) The nonprofit corporation serving as the local public transportation
8 authority for Garrett County pursuant to a contract or memorandum of understanding
9 with Garrett County (Garrett County Community Action Committee, Inc.); AND

10 **(29) THE PRIMARY CARE COALITION OF MONTGOMERY COUNTY**
11 **SERVING AS A PRIMARY CARE AGENCY FOR MONTGOMERY COUNTY PURSUANT**
12 **TO A CONTRACT OR MEMORANDUM OF UNDERSTANDING WITH MONTGOMERY**
13 **COUNTY, BUT NOT INCLUDING ANY HOSPITAL AFFILIATED WITH THE PRIMARY**
14 **CARE COALITION OF MONTGOMERY COUNTY.**

15 5–303.

16 (a) (1) Subject to paragraph (2) of this subsection, the liability of a local
17 government may not exceed \$200,000 per an individual claim, and \$500,000 per total
18 claims that arise from the same occurrence for damages resulting from tortious acts or
19 omissions, or liability arising under subsection (b) of this section and indemnification
20 under subsection (c) of this section.

21 (2) The limits on liability provided under paragraph (1) of this
22 subsection do not include interest accrued on a judgment.

23 5–304.

24 (a) This section does not apply to an action against a nonprofit corporation
25 described in § 5–301(d)(23), (24), (25), (26), [or] (28), **OR (29)** of this subtitle or its
26 employees.

27 (b) (1) Except as provided in subsections (a) and (d) of this section, an
28 action for unliquidated damages may not be brought against a local government or its
29 employees unless the notice of the claim required by this section is given within 180
30 days after the injury.

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

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

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2013.