

HOUSE BILL 1271

D3

4lr2502
CF 4lr3207

By: **Delegates Rosenberg, Carter, and Oaks**

Introduced and read first time: February 7, 2014

Assigned to: Environmental Matters and Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Local Government Tort Claims Act – Injury From Lead–Based Paint –**
3 **Application of Notice Requirement**

4 FOR the purpose of providing that a certain notice requirement under the Local
5 Government Tort Claims Act does not apply to a claim of injury from exposure
6 to lead–based paint occurring on or after a certain date; and generally relating
7 to the application of a certain notice requirement under the Local Government
8 Tort Claims Act to a certain claim of injury from exposure to lead–based paint.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 5–304
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2013 Supplement)

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

16 **Article – Courts and Judicial Proceedings**

17 5–304.

18 (a) This section does not apply to [an]:

19 **(1) AN** action against a nonprofit corporation described in §
20 5–301(d)(23), (24), (25), (26), or (28) of this subtitle or its employees; **OR**

21 **(2) A CLAIM FOR AN INJURY FROM EXPOSURE TO LEAD–BASED**
22 **PAINT THAT OCCURRED ON OR AFTER JANUARY 1, 1988.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

7 (c) (1) The notice required under this section shall be given in person or
8 by certified mail, return receipt requested, bearing a postmark from the United States
9 Postal Service, by the claimant or the representative of the claimant.

10 (2) Except as otherwise provided, if the defendant local government is
11 a county, the notice required under this section shall be given to the county
12 commissioners or county council of the defendant local government.

13 (3) If the defendant local government is:

14 (i) Baltimore City, the notice shall be given to the City
15 Solicitor;

16 (ii) Howard County or Montgomery County, the notice shall be
17 given to the County Executive; and

18 (iii) Anne Arundel County, Baltimore County, Harford County,
19 or Prince George's County, the notice shall be given to the county solicitor or county
20 attorney.

21 (4) For any other local government, the notice shall be given to the
22 corporate authorities of the defendant local government.

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2014.