

SENATE BILL 558

D3, L2

4r2349
CF HB 183

By: **Carroll County Senators**

Introduced and read first time: January 29, 2014

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2014

CHAPTER _____

1 AN ACT concerning

2 **Carroll County – Local Government Tort Claims Act – Industrial**
3 **Development Authority**

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

11 BY repealing and reenacting, with amendments,
12 Article – Courts and Judicial Proceedings
13 Section 5–301(d) and 5–304
14 Annotated Code of Maryland
15 (2013 Replacement Volume and 2013 Supplement)

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

18 **Article – Courts and Judicial Proceedings**

19 5–301.

20 (d) “Local government” means:

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 (1) A charter county as defined in § 1–101 of the Local Government
2 Article;
- 3 (2) A code county as defined in § 1–101 of the Local Government
4 Article;
- 5 (3) A board of county commissioners;
- 6 (4) Baltimore City;
- 7 (5) A municipality as defined in § 1–101 of the Local Government
8 Article;
- 9 (6) The Maryland–National Capital Park and Planning Commission;
- 10 (7) The Washington Suburban Sanitary Commission;
- 11 (8) The Northeast Maryland Waste Disposal Authority;
- 12 (9) A community college or board of trustees for a community college
13 established or operating under Title 16 of the Education Article, not including
14 Baltimore City Community College;
- 15 (10) A county public library or board of trustees of a county public
16 library established or operating under Title 23, Subtitle 4 of the Education Article;
- 17 (11) The Enoch Pratt Free Library or Board of Trustees of the Enoch
18 Pratt Free Library;
- 19 (12) The Washington County Free Library or the Board of Trustees of
20 the Washington County Free Library;
- 21 (13) A special taxing district;
- 22 (14) A nonprofit community service corporation incorporated under
23 State law that is authorized to collect charges or assessments;
- 24 (15) Housing authorities created under Division II of the Housing and
25 Community Development Article;
- 26 (16) A sanitary district, sanitary commission, metropolitan commission,
27 or other sewer or water authority established or operating under public local law or
28 public general law;
- 29 (17) The Baltimore Metropolitan Council;

- 1 (18) The Howard County Economic Development Authority;
- 2 (19) The Howard County Mental Health Authority;
- 3 (20) A commercial district management authority established by a
4 county or municipal corporation if provided under local law;
- 5 (21) The Baltimore City Police Department;
- 6 (22) A regional library resource center or a cooperative library
7 corporation established under Title 23, Subtitle 2 of the Education Article;
- 8 (23) Lexington Market, Inc., in Baltimore City;
- 9 (24) The Baltimore Public Markets Corporation, in Baltimore City;
- 10 (25) The nonprofit corporation serving as the local public transportation
11 authority for Carroll County pursuant to a contract or memorandum of understanding
12 with Carroll County (Carroll County Senior Overland Service, Inc., t/a Carroll Area
13 Transit System);
- 14 (26) The nonprofit corporation serving as the animal control and
15 licensing authority for Carroll County pursuant to a contract or memorandum of
16 understanding with Carroll County (the Humane Society of Carroll County, Inc.);
- 17 (27) Garrett County Municipalities, Inc., in Garrett County; [and]
- 18 (28) The nonprofit corporation serving as the local public transportation
19 authority for Garrett County pursuant to a contract or memorandum of understanding
20 with Garrett County (Garrett County Community Action Committee, Inc.); AND
- 21 **(29) THE NONPROFIT CORPORATION SERVING AS THE INDUSTRIAL**
22 **DEVELOPMENT AUTHORITY OF CARROLL COUNTY ESTABLISHED UNDER TITLE**
23 **12, SUBTITLE 1 OF THE ECONOMIC DEVELOPMENT ARTICLE.**
- 24 5-304.
- 25 (a) This section does not apply to an action against a nonprofit corporation
26 described in § 5-301(d)(23), (24), (25), (26), [or] (28), OR (29) of this subtitle or its
27 employees.
- 28 (b) (1) Except as provided in subsections (a) and (d) of this section, an
29 action for unliquidated damages may not be brought against a local government or its
30 employees unless the notice of the claim required by this section is given within 180
31 days after the injury.

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

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

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

9 (3) If the defendant local government is:

10 (i) Baltimore City, the notice shall be given to the City
11 Solicitor;

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

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

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

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

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

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 July 1, 2014.