

SENATE BILL 689

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4lr2598

By: **Senator Zirkin**

Introduced and read first time: January 31, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Local Government Tort Claims Act and Maryland Tort Claims Act – Repeal of**
3 **Certain Notice Requirements**

4 FOR the purpose of repealing a certain notice requirement for a claim under the Local
5 Government Tort Claims Act; repealing a requirement that a claimant submit a
6 claim within a certain time to the State Treasurer or a designee of the State
7 Treasurer under the Maryland Tort Claims Act; providing for the application of
8 this Act; and generally relating to repealing certain requirements under the
9 Local Government Tort Claims Act and the Maryland Tort Claims Act.

10 BY repealing

11 Article – Courts and Judicial Proceedings

12 Section 5–304

13 Annotated Code of Maryland

14 (2013 Replacement Volume and 2013 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article – State Government

17 Section 12–106

18 Annotated Code of Maryland

19 (2009 Replacement Volume and 2013 Supplement)

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

22 **Article – Courts and Judicial Proceedings**

23 **[5–304.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

15 (3) If the defendant local government is:

16 (i) Baltimore City, the notice shall be given to the City
17 Solicitor;

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

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

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

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

29 Article – State Government

30 12–106.

31 [(a) This section does not apply to a claim that is asserted by cross–claim,
32 counterclaim, or third–party claim.

33 (b)] A claimant may not institute an action under this subtitle unless[:

1 (1) the claimant submits a written claim to the Treasurer or a
2 designee of the Treasurer within 1 year after the injury to person or property that is
3 the basis of the claim;

4 (2) the Treasurer or designee denies the claim finally; and

5 (3)] the action is filed within 3 years after the cause of action arises.

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

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2014.