

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 558

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “County;” insert “providing that a certain notice requirement does not apply to certain actions against a certain nonprofit corporation in Carroll County or its employees;”; and in line 11, after “5-301(d)” insert “and 5-304”.

AMENDMENT NO. 2

On page 3, after line 18, insert:

“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), OR (29) 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) 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.

(Over)

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

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

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

(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."