

HOUSE BILL 357

D3

6lr1469
CF SB 883

By: **Delegate Afzali**

Introduced and read first time: January 27, 2016

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 23, 2016

CHAPTER _____

1 AN ACT concerning

2 **Frederick County – Local Government Tort Claims Act – Notice of Claim**

3 FOR the purpose of requiring notice of a claim against Frederick County under the Local
4 Government Tort Claims Act to be given to the county solicitor or county attorney;
5 and generally relating to notice of a claim under the Local Government Tort Claims
6 Act.

7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 5–304
10 Annotated Code of Maryland
11 (2013 Replacement Volume and 2015 Supplement)

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

14 **Article – Courts and Judicial Proceedings**

15 5–304.

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

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

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

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

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

12 (3) If the defendant local government is:

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

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

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

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

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
26 1, 2016.