

HOUSE BILL 636

D3

6lr1684
CF 6lr3476

By: **Delegates Smith, Conaway, Dumais, Moon, Morales, Proctor, Rosenberg, Sanchez, and Sydnor**

Introduced and read first time: February 4, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Tort Claims Act – Certain Claim Requirement – Exception**

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

8 BY repealing and reenacting, with amendments,
9 Article – State Government
10 Section 12–106
11 Annotated Code of Maryland
12 (2014 Replacement Volume and 2015 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – State Government
15 Section 20–1004
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2015 Supplement)

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

20 **Article – State Government**

21 12–106.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Except as provided in subsection (c) of this section, a claimant may not
2 institute an action under this subtitle unless:

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

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

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

8 (c) (1) If a claimant fails to submit a written claim in accordance with
9 subsection (b)(1) of this section, on motion by a claimant and for good cause shown, the
10 court may entertain an action under this subtitle unless the State can affirmatively show
11 that its defense has been prejudiced by the claimant's failure to submit the claim.

12 (2) **THIS SECTION DOES NOT APPLY TO A COMPLAINT CLAIMING TO BE**
13 **AGGRIEVED BY AN ALLEGED DISCRIMINATORY ACT THAT IS FILED IN ACCORDANCE**
14 **WITH § 20-1004 OF THE STATE GOVERNMENT ARTICLE.**

15 20-1004.

16 (a) Any person claiming to be aggrieved by an alleged discriminatory act may file
17 a complaint with the Commission.

18 (b) The complaint shall:

19 (1) be in writing;

20 (2) state:

21 (i) the name and address of the person or State or local unit alleged
22 to have committed the discriminatory act; and

23 (ii) the particulars of the alleged discriminatory act;

24 (3) contain any other information required by the Commission; and

25 (4) be signed by the complainant under oath.

26 (c) (1) A complaint shall be filed within 6 months after the date on which the
27 alleged discriminatory act occurred.

28 (2) A complaint filed with a federal or local human relations commission
29 within 6 months after the date on which the alleged discriminatory act occurred shall be
30 deemed to have complied with this subsection.

1 (d) The Commission, on its own motion, and by action of at least three
2 commissioners, may issue a complaint in its name in the same manner as if the complaint
3 had been filed by an individual, if:

4 (1) the Commission has received reliable information from an individual
5 that a person has been or is engaged in a discriminatory act; and

6 (2) after a preliminary investigation by the Commission's staff authorized
7 by the chair or vice-chair, the Commission is satisfied that the information warrants the
8 filing of a complaint.

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

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2016.