

SENATE BILL 935

D3

6lr3476
CF HB 636

By: **Senator Manno**

Introduced and read first time: February 5, 2016

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 30, 2016

CHAPTER _____

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~~ requiring a court to entertain an
6 action under the Maryland Tort Claims Act even if a claimant fails to submit a
7 certain written claim, under certain circumstances; providing for the application of
8 this Act; and generally relating to ~~repealing a certain requirement~~ claim
9 requirements under the Maryland Tort Claims Act.

10 BY repealing and reenacting, with amendments,
11 Article – State Government
12 Section 12–106
13 Annotated Code of Maryland
14 (2014 Replacement Volume and 2015 Supplement)

15 ~~BY repealing and reenacting, without amendments,~~
16 ~~Article – State Government~~
17 ~~Section 20–1004~~
18 ~~Annotated Code of Maryland~~
19 ~~(2014 Replacement Volume and 2015 Supplement)~~

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

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 Article – State Government

2 12–106.

3 (a) This section does not apply to a claim that is asserted by cross-claim,
4 counterclaim, or third-party claim.5 (b) Except as provided in subsection (c) of this section, a claimant may not
6 institute an action under this subtitle unless:7 (1) the claimant submits a written claim to the Treasurer or a designee of
8 the Treasurer within 1 year after the injury to person or property that is the basis of the
9 claim;

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

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

12 (c) ~~(1)~~ If a claimant fails to submit a written claim in accordance with
13 subsection (b)(1) of this section, on motion by a claimant ~~and for good cause shown~~, the
14 court ~~may~~ **SHALL** entertain an action under this subtitle unless the State can affirmatively
15 show that its defense has been prejudiced by the claimant's failure to submit the claim.16 ~~(2) THIS SECTION DOES NOT APPLY TO A COMPLAINT CLAIMING TO BE~~
17 ~~AGGRIEVED BY AN ALLEGED DISCRIMINATORY ACT THAT IS FILED IN ACCORDANCE~~
18 ~~WITH § 20–1004 OF THE STATE GOVERNMENT ARTICLE.~~19 ~~20–1004.~~20 ~~(a) Any person claiming to be aggrieved by an alleged discriminatory act may file~~
21 ~~a complaint with the Commission.~~22 ~~(b) The complaint shall:~~23 ~~(1) be in writing;~~24 ~~(2) state:~~25 ~~(i) the name and address of the person or State or local unit alleged~~
26 ~~to have committed the discriminatory act; and~~27 ~~(ii) the particulars of the alleged discriminatory act;~~28 ~~(3) contain any other information required by the Commission; and~~29 ~~(4) be signed by the complainant under oath.~~

1 ~~(e) (1) A complaint shall be filed within 6 months after the date on which the~~
 2 ~~alleged discriminatory act occurred.~~

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

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

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

11 ~~(2) after a preliminary investigation by the Commission's staff authorized~~
 12 ~~by the chair or vice chair, the Commission is satisfied that the information warrants the~~
 13 ~~filing of a complaint.~~

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

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

Approved:

 Governor.

 President of the Senate.

 Speaker of the House of Delegates.