

SB0686/163729/1

BY: Senator Ready

AMENDMENTS TO SENATE BILL 686
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, strike “under certain circumstances”; after line 15, insert:

“BY repealing and reenacting, with amendments,
Article - Courts and Judicial Proceedings
Section 5-303(a) and 5-518(b) and (c)
Annotated Code of Maryland
(2020 Replacement Volume and 2022 Supplement)
(As enacted by Section 1 of this Act)”;

after line 20, insert:

“BY repealing and reenacting, with amendments,
Article - Education
Section 4-105(b)(1) and (c)(1)
Annotated Code of Maryland
(2022 Replacement Volume)
(As enacted by Section 1 of this Act)”;

and after line 25, insert:

“BY repealing and reenacting, with amendments,
Article - State Government
Section 12-104(a)(2)(iii)
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)
(As enacted by Section 1 of this Act)”.

AMENDMENT NO. 2

On page 8, after line 36, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

5–303.

(a) (1) Except as provided in paragraphs [(2), (3), and (4)] (2) AND (3) of this subsection, the liability of a local government may not exceed \$400,000 per an individual claim, and \$800,000 per total claims that arise from the same occurrence for damages resulting from tortious acts or omissions, or liability arising under subsection (b) of this section and indemnification under subsection (c) of this section.

(2) The limits on liability provided under paragraph (1) of this subsection do not include interest accrued on a judgment.

(3) If the liability of a local government arises from intentional tortious acts or omissions or a violation of a constitutional right committed by a law enforcement officer, the following limits on liability apply:

(i) Subject to item (ii) of this paragraph, the combined award for 9 both economic and noneconomic damages may not exceed a total of \$890,000 for all claims arising out of the same incident or occurrence, regardless of the number of claimants or beneficiaries who share in the award; and

(ii) In a wrongful death action in which there are two or more claimants or beneficiaries, an award for noneconomic damages may not exceed 150% of the limitation established under item (i) of this paragraph, regardless of the number of claimants or beneficiaries who share in the award.

[(4) If the liability of a local government arises from a claim of sexual abuse, as defined in § 5–117 of this title, the liability may not exceed \$890,000 to a single claimant for injuries arising from an incident or occurrence.]

5–518.

(b) A county board of education, described under Title 4, Subtitle 1 of the Education Article, may raise the defense of sovereign immunity to[

(1) Any] ANY amount claimed above the limit of its insurance policy[;
or

(2) If] OR, IF self-insured or a member of a pool described under § 4–105(c)(1)(ii) of the Education Article[;

(i) Except as provided in item (ii) of this item,] , any amount above \$400,000[; or

(ii) If the liability of the county board of education arises from a claim of sexual abuse, as defined in § 5–117 of this title, any amount above \$890,000 to a single claimant for claims arising from an incident or occurrence].

(c) [(1) Except as provided in paragraph (2) of this subsection, a] A county board of education may not raise the defense of sovereign immunity to any claim of \$400,000 or less.

[(2) If liability of a county board of education arises under a claim of sexual abuse, as defined in § 5–117 of this title, the liability may not exceed \$890,000 to a single claimant for injuries arising from an incident or occurrence.]

Article – Education

4–105.

(b) (1) The State Board shall establish standards for these insurance policies, including a minimum liability coverage of not less than[;

(i) \$890,000 for each occurrence for claims of sexual abuse made under § 5–117 of the Courts Article; and

(ii)] \$400,000 for each occurrence [for all other claims].

(c) (1) A county board complies with this section if it:

(Over)

(i) Is individually self-insured for at least [\$890,000] \$400,000 for each occurrence under the rules and regulations adopted by the State Insurance Commissioner; or

(ii) Pools with other public entities for the purpose of self-insuring property or casualty risks under Title 19, Subtitle 6 of the Insurance Article.

Article – State Government

12-104.

(a) (2) (iii) If liability of the State or its units arises under a claim of sexual abuse, as defined in § 5-117 of the Courts Article, the liability may not exceed [\$890,000] \$400,000 to a single claimant for injuries arising from an incident or occurrence.”.

On page 9, in lines 1, 5, 8, and 13, strike “2.”, “3.”, “4.”, and “5.”, respectively, and substitute “3.”, “4.”, “5.”, and “7.”, respectively; in line 5, after “That” insert “Section 1 of”; after line 12, insert:

“SECTION 6. AND BE IT FURTHER ENACTED, That:

(a) Section 2 of this Act shall take effect contingent on a decision by the Supreme Court of Maryland that any provision of Section 1 of this Act or the application thereof to any person or circumstance is unconstitutional.

(b) Within 5 days after a decision by the Supreme Court of Maryland described under subsection (a) of this section, the Attorney General shall notify the Department of Legislative Services of the decision.

(c) If notice of a decision by the Supreme Court of Maryland described under subsection (a) of this section is received on or before December 31, 2028, Section 2 of this Act shall take effect on the date the notice is received by the Department of Legislative Services in accordance with subsection (b) of this section.

(d) If notice of a decision by the Supreme Court of Maryland described under subsection (a) of this section is not received by the Department of Legislative Services on or before December 31, 2028, Section 2 of this Act, with no further action required by the General Assembly, shall be null and void.”;

and in line 13, after “That” insert “, except as provided in Section 6 of this Act.”.