

HOUSE BILL 394

P3

3lr2144
CF SB 150

By: **Delegate Watson**

Introduced and read first time: January 26, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Tort Claims Act – Denial of Claims – Notice**

3 FOR the purpose of altering the means by which the State Treasurer may send notice of a
4 denial of a claim made under the Maryland Tort Claims Act to authorize notice by
5 e-mail or, if it is the only available means, by regular mail; and generally relating to
6 denial of a claim under the Maryland Tort Claims Act.

7 BY repealing and reenacting, with amendments,
8 Article – State Government
9 Section 12–107
10 Annotated Code of Maryland
11 (2021 Replacement Volume and 2022 Supplement)

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

14 **Article – State Government**

15 12–107.

16 (a) A claim under this subtitle shall:

17 (1) contain a concise statement of facts that sets forth the nature of the
18 claim, including the date and place of the alleged tort;

19 (2) demand specific damages;

20 (3) state the name and address of each party;

21 (4) state the name, address, and telephone number of counsel for the
22 claimant, if any; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (5) be signed by the claimant, or the legal representative or counsel for the
2 claimant.

3 (b) The Treasurer may:

4 (1) consider a claim for money damages under this subtitle or delegate
5 wholly or partly this responsibility to other State personnel; and

6 (2) contract for any support services that are needed to carry out this
7 responsibility properly.

8 (c) (1) In this section, “structured settlement” means a plan for the payment
9 of a settlement or judgment to a claimant for damages in periodic installments.

10 (2) Unless a contract with a private insurer provides otherwise, the
11 Treasurer or designee may compromise and settle a claim for money damages after the
12 Treasurer or designee consults with the Attorney General.

13 (3) The State may enter into a structured settlement to the extent
14 permitted in § 12–104(a)(2) of this subtitle.

15 (4) If a structured settlement is entered into, the State and the claimant
16 shall select the investment company by mutual agreement.

17 (5) The acceptance of a settlement by a claimant is, as to that claimant:

18 (i) final; and

19 (ii) a complete release of each claim arising from the same cause of
20 action against:

21 1. the State;

22 2. each of its units; and

23 3. all State personnel.

24 (d) A claim under this subtitle is denied finally:

25 (1) if[, by certified mail, return receipt requested, under a postmark of the
26 United States Postal Service,] the Treasurer or designee sends the claimant, or the legal
27 representative or counsel for the claimant written notice of denial **BY:**

28 **(I) E-MAIL;** or

1 **(II) REGULAR MAIL, IF REGULAR MAIL IS THE ONLY AVAILABLE**
2 **MEANS OF NOTIFYING THE CLAIMANT; OR**

3 (2) if the Treasurer or designee fails to give notice of a final decision within
4 6 months after the filing of the claim.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
6 1, 2023.