

## Chapter 303

(Senate Bill 558)

AN ACT concerning

### Carroll County – Local Government Tort Claims Act – Industrial Development Authority

FOR the purpose of altering the definition of a “local government” under the Local Government Tort Claims Act to include a certain nonprofit corporation in Carroll County; providing that a certain notice requirement does not apply to certain actions against a certain nonprofit corporation in Carroll County or its employees; providing for the application of this Act; and generally relating to the inclusion of certain nonprofit entities in Carroll County under the Local Government Tort Claims Act.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 5–301(d) and 5–304  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

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

#### Article – Courts and Judicial Proceedings

5–301.

(d) “Local government” means:

(1) A charter county as defined in § 1–101 of the Local Government Article;

(2) A code county as defined in § 1–101 of the Local Government Article;

(3) A board of county commissioners;

(4) Baltimore City;

(5) A municipality as defined in § 1–101 of the Local Government Article;

- (6) The Maryland–National Capital Park and Planning Commission;
- (7) The Washington Suburban Sanitary Commission;
- (8) The Northeast Maryland Waste Disposal Authority;
- (9) A community college or board of trustees for a community college established or operating under Title 16 of the Education Article, not including Baltimore City Community College;
- (10) A county public library or board of trustees of a county public library established or operating under Title 23, Subtitle 4 of the Education Article;
- (11) The Enoch Pratt Free Library or Board of Trustees of the Enoch Pratt Free Library;
- (12) The Washington County Free Library or the Board of Trustees of the Washington County Free Library;
- (13) A special taxing district;
- (14) A nonprofit community service corporation incorporated under State law that is authorized to collect charges or assessments;
- (15) Housing authorities created under Division II of the Housing and Community Development Article;
- (16) A sanitary district, sanitary commission, metropolitan commission, or other sewer or water authority established or operating under public local law or public general law;
- (17) The Baltimore Metropolitan Council;
- (18) The Howard County Economic Development Authority;
- (19) The Howard County Mental Health Authority;
- (20) A commercial district management authority established by a county or municipal corporation if provided under local law;
- (21) The Baltimore City Police Department;
- (22) A regional library resource center or a cooperative library corporation established under Title 23, Subtitle 2 of the Education Article;
- (23) Lexington Market, Inc., in Baltimore City;

(24) The Baltimore Public Markets Corporation, in Baltimore City;

(25) The nonprofit corporation serving as the local public transportation authority for Carroll County pursuant to a contract or memorandum of understanding with Carroll County (Carroll County Senior Overland Service, Inc., t/a Carroll Area Transit System);

(26) The nonprofit corporation serving as the animal control and licensing authority for Carroll County pursuant to a contract or memorandum of understanding with Carroll County (the Humane Society of Carroll County, Inc.);

(27) Garrett County Municipalities, Inc., in Garrett County; [and]

(28) The nonprofit corporation serving as the local public transportation authority for Garrett County pursuant to a contract or memorandum of understanding with Garrett County (Garrett County Community Action Committee, Inc.); AND

**(29) THE NONPROFIT CORPORATION SERVING AS THE INDUSTRIAL DEVELOPMENT AUTHORITY OF CARROLL COUNTY ESTABLISHED UNDER TITLE 12, SUBTITLE 1 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

5-304.

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

(b) (1) Except as provided in subsections (a) and (d) of this section, an action for unliquidated damages may not be brought against a local government or its employees unless the notice of the claim required by this section is given within 180 days after the injury.

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

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

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

(3) If the defendant local government is:

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

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

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

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

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

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

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, May 5, 2014.**