

# HOUSE BILL 357

D3

6lr1469

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By: **Delegate Afzali**

Introduced and read first time: January 27, 2016

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County – Local Government Tort Claims Act – Notice of Claim**

3 FOR the purpose of requiring notice of a claim against Frederick County under the Local  
4 Government Tort Claims Act to be given to the county solicitor or county attorney;  
5 and generally relating to notice of a claim under the Local Government Tort Claims  
6 Act.

7 BY repealing and reenacting, with amendments,  
8 Article – Courts and Judicial Proceedings  
9 Section 5–304  
10 Annotated Code of Maryland  
11 (2013 Replacement Volume and 2015 Supplement)

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

14 **Article – Courts and Judicial Proceedings**

15 5–304.

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

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

7 (3) If the defendant local government is:

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

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

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

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
21 1, 2016.