

SB0705/868374/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 705
(Bill as Printed for Third Reading)

AMENDMENT NO. 1

On page 1, in line 7, after the semicolon insert “providing that the combined total of certain damages and certain attorney’s fees and expenses awarded under certain provisions of this Act may not exceed certain limits on liability; providing that certain limits on liability under the Local Government Tort Claims Act and the Maryland Tort Claims Act include any attorney’s fees and expenses awarded under certain provisions of this Act;”; after line 18, insert:

“BY repealing and reenacting, with amendments,
Article - Courts and Judicial Proceedings
Section 5-303(a)
Annotated Code of Maryland
(2013 Replacement Volume and 2016 Supplement)”;

and in line 21, after “Section” insert “12-104(a) and”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 22 and 23; and in lines 24, 27, and 29, strike “**(6)**”, “**(7)**”, and “**(8)**”, respectively, and substitute “**(5)**”, “**(6)**”, and “**(7)**”, respectively.

On page 3, in lines 1, 3, 5, 7, 9, and 13, strike “**(9)**”, “**(10)**”, “**(11)**”, “**(12)**”, “**(13)**”, and “**(15)**”, respectively, and substitute “**(8)**”, “**(9)**”, “**(10)**”, “**(11)**”, “**(12)**”, and “**(13)**”, respectively; in line 10, after the semicolon insert “**OR**”; and strike in their entirety lines 11 and 12.

AMENDMENT NO. 3

(Over)

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On page 3, in line 22, before “FOR” insert “**(A)**”; after line 24, insert:

“(B) THE COMBINED TOTAL OF ANY DAMAGES AND ANY ATTORNEY’S FEES AND EXPENSES AWARDED TO A PREVAILING PLAINTIFF UNDER THIS SUBTITLE MAY NOT EXCEED:

(1) IF AWARDED AGAINST A LOCAL GOVERNMENT AS DEFINED IN § 5-301 OF THIS ARTICLE, THE LIMITS ON LIABILITY ESTABLISHED UNDER § 5-303 OF THIS ARTICLE; OR

(2) IF AWARDED AGAINST THE STATE, THE LIMIT ON LIABILITY ESTABLISHED UNDER § 12-104 OF THE STATE GOVERNMENT ARTICLE.

5-303.

(a) (1) Subject to paragraph (2) 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]:

(I) INCLUDE ANY ATTORNEY’S FEES AND EXPENSES AWARDED UNDER § 3-2101 OF THIS ARTICLE; AND

(II) DO not include interest accrued on a judgment.”;

and after line 25, insert:

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“12-104.

(a) (1) Subject to the exclusions and limitations in this subtitle and notwithstanding any other provision of law, the immunity of the State and of its units is waived as to a tort action, in a court of the State, to the extent provided under paragraph (2) of this subsection.

(2) The liability of the State and its units may not exceed \$400,000 to a single claimant for injuries arising from a single incident or occurrence.

(3) THE LIMIT ON LIABILITY PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION INCLUDES ANY ATTORNEY’S FEES AND EXPENSES AWARDED UNDER § 3-2101 OF THE COURTS ARTICLE.