

SENATE BILL 32

R2

11r0043

(PRE-FILED)

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)**

Requested: September 23, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transit Administration – Limitation of Liability**

3 FOR the purpose of limiting, in tort actions against the Maryland Transit Administration,
4 the liability of the Administration to certain liability limits under certain
5 circumstances; providing for the application of this Act; and generally relating to
6 limiting the liability of the Maryland Transit Administration in tort actions.

7 BY repealing and reenacting, with amendments,
8 Article – Transportation
9 Section 7–702
10 Annotated Code of Maryland
11 (2020 Replacement Volume)

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

14 **Article – Transportation**

15 7–702.

16 (a) Subject to the provisions of this section, the Administration is liable for its
17 contracts and torts and for the torts of its officers, agents, and employees in connection with
18 the performance of the duties and functions of the Administration under this title.

19 (b) The exclusive remedy for a breach of contract or for a tort committed by the
20 Administration, its officers, agents, or employees is a suit against the Administration. No
21 execution may be levied on any property of this State or of the Administration.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(C) THE LIABILITY OF THE ADMINISTRATION IN A TORT ACTION MAY NOT**
2 **EXCEED \$800,000 TO A SINGLE CLAIMANT FOR INJURIES ARISING FROM A SINGLE**
3 **INCIDENT OR OCCURRENCE.**

4 ~~[(c)]~~ **(D)** Subsection ~~[(d)]~~ **(E)** of this section does not apply to a tort claim that is
5 asserted by cross-claim, counterclaim, or third-party claim.

6 ~~[(d)]~~ **(E)** A tort claimant may not institute an action under this section unless:

7 (1) The claimant submits a written notice of claim to the Administrator or
8 the Administrator's designee within 1 year after the injury to person or property that is the
9 basis of the claim;

10 (2) The Administrator or the Administrator's designee denies the claim;
11 and

12 (3) The action is filed within 3 years after the cause of action arises.

13 ~~[(e)]~~ **(F)** A notice of claim under this section shall:

14 (1) Contain a concise statement of facts that sets forth the nature of the
15 claim, including the date and place of the alleged tort;

16 (2) State the name and address of the claimant;

17 (3) State the name, address, and telephone number of counsel for the
18 claimant, if any; and

19 (4) Be signed by the claimant, or the legal representative or counsel for the
20 claimant.

21 ~~[(f)]~~ **(G)** A claim under this section is denied:

22 (1) If the Administrator or the Administrator's designee sends the
23 claimant, or the legal representative or counsel for the claimant, written notice of denial;
24 or

25 (2) If the Administrator or the Administrator's designee fails to give notice
26 of a denial within 6 months after the sending of the notice of claim.

27 ~~[(g)]~~ **(H)** Notwithstanding any other provision of this section, unless the
28 Administration affirmatively shows that its defense has been prejudiced by the lack of the
29 required notice, a court may allow the action to proceed even if the written notice of claim
30 was not submitted.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to

1 apply only prospectively and may not be applied or interpreted to have any effect on or
2 application to any cause of action arising before the effective date of this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2021.