

HOUSE BILL 199

D3, L6

(PRE-FILED)

2lr1033
CF SB 18

By: **Dorchester County Delegation**

Requested: October 29, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Local Government Tort Claims Act – Cambridge Waterfront Development, Inc.**

3 FOR the purpose of altering the definition of “local government” under the Local
4 Government Tort Claims Act to include the Cambridge Waterfront Development,
5 Inc., in Dorchester County; providing that a requirement to provide notice of a claim
6 does not apply to unliquidated damages actions against the Cambridge Waterfront
7 Development, Inc., or its employees; and generally relating to the Local Government
8 Tort Claims Act.

9 BY repealing and reenacting, without amendments,
10 Article – Courts and Judicial Proceedings
11 Section 5–301(a)
12 Annotated Code of Maryland
13 (2020 Replacement Volume and 2021 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Courts and Judicial Proceedings
16 Section 5–301(d)(28) and (29) and 5–304
17 Annotated Code of Maryland
18 (2020 Replacement Volume and 2021 Supplement)

19 BY adding to
20 Article – Courts and Judicial Proceedings
21 Section 5–301(d)(30)
22 Annotated Code of Maryland
23 (2020 Replacement Volume and 2021 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Courts and Judicial Proceedings

1
2 5–301.

3 (a) In this subtitle the following words have the meanings indicated.

4 (d) “Local government” means:

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

8 (29) The nonprofit corporation serving as the industrial development
9 authority of Carroll County established under Title 12, Subtitle 1 of the Economic
10 Development Article; **AND**

11 **(30) THE NONPROFIT CORPORATION SERVING AS THE ECONOMIC**
12 **DEVELOPMENT AUTHORITY OF THE CITY OF CAMBRIDGE AND DORCHESTER**
13 **COUNTY PURSUANT TO A CONTRACT OR MEMORANDUM OF UNDERSTANDING WITH**
14 **THE CITY OF CAMBRIDGE AND DORCHESTER COUNTY (CAMBRIDGE WATERFRONT**
15 **DEVELOPMENT, INC.).**

16 5–304.

17 (a) This section does not apply to an action:

18 (1) Against a nonprofit corporation described in § 5–301(d)(23), (24), (25),
19 (26), (28), [or] (29), **OR (30)** of this subtitle or its employees; or

20 (2) Brought under § 5–117 of this title.

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

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

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

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

- 1 (3) If the defendant local government is:
 - 2 (i) Baltimore City, the notice shall be given to the City Solicitor;
 - 3 (ii) Howard County or Montgomery County, the notice shall be given
4 to the County Executive; and
 - 5 (iii) Anne Arundel County, Baltimore County, Frederick County,
6 Harford County, or Prince George’s County, the notice shall be given to the county solicitor
7 or county attorney.
- 8 (4) For any other local government, the notice shall be given to the
9 corporate authorities of the defendant local government.

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

14 (e) This section does not apply if, within 1 year after the injury, the defendant
15 local government has actual or constructive notice of:

- 16 (1) The claimant’s injury; or
- 17 (2) The defect or circumstances giving rise to the claimant’s injury.

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

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2022.