

Chapter 654

(House Bill 394)

AN ACT concerning

Maryland Tort Claims Act – Denial of Claims – Notice

FOR the purpose of altering the means by which the State Treasurer may send notice of a denial of a claim made under the Maryland Tort Claims Act to authorize notice by e-mail or, if it is the only available means, by regular mail; and generally relating to denial of a claim under the Maryland Tort Claims Act.

BY repealing and reenacting, with amendments,
Article – State Government
Section 12–107
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

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

Article – State Government

12–107.

(a) A claim under this subtitle shall:

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

(2) demand specific damages;

(3) state the name and address of each party;

(4) state the name, address, and telephone number of counsel for the claimant, if any; and

(5) be signed by the claimant, or the legal representative or counsel for the claimant.

(b) The Treasurer may:

(1) consider a claim for money damages under this subtitle or delegate wholly or partly this responsibility to other State personnel; and

(2) contract for any support services that are needed to carry out this responsibility properly.

(c) (1) In this section, “structured settlement” means a plan for the payment of a settlement or judgment to a claimant for damages in periodic installments.

(2) Unless a contract with a private insurer provides otherwise, the Treasurer or designee may compromise and settle a claim for money damages after the Treasurer or designee consults with the Attorney General.

(3) The State may enter into a structured settlement to the extent permitted in § 12–104(a)(2) of this subtitle.

(4) If a structured settlement is entered into, the State and the claimant shall select the investment company by mutual agreement.

(5) The acceptance of a settlement by a claimant is, as to that claimant:

(i) final; and

(ii) a complete release of each claim arising from the same cause of action against:

1. the State;

2. each of its units; and

3. all State personnel.

(d) A claim under this subtitle is denied finally:

(1) if[, by certified mail, return receipt requested, under a postmark of the United States Postal Service,] the Treasurer or designee sends the claimant, or the legal representative or counsel for the claimant written notice of denial **BY:**

(I) E–MAIL; or

(II) REGULAR MAIL, IF REGULAR MAIL IS THE ONLY AVAILABLE MEANS OF NOTIFYING THE CLAIMANT; OR

(2) if the Treasurer or designee fails to give notice of a final decision within 6 months after the filing of the claim.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2023.

Approved by the Governor, May 16, 2023.