

# SENATE BILL 743

R2, D3

5lr2729

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By: **Senator Smith**

Introduced and read first time: January 27, 2025

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Maryland Transit Administration – Limitation of Tort Liability**

3 FOR the purpose of limiting the liability of the Maryland Transit Administration as to a  
4 tort action to a certain amount; and generally relating to the liability of the Maryland  
5 Transit Administration.

6 BY repealing and reenacting, with amendments,  
7 Article – Transportation  
8 Section 7–702  
9 Annotated Code of Maryland  
10 (2020 Replacement Volume and 2024 Supplement)

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

13 **Article – Transportation**

14 7–702.

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

18 (b) **(1)** The exclusive remedy for a breach of contract or for a tort committed by  
19 the Administration, its officers, agents, or employees is a suit against the Administration.

20 **(2)** No execution may be levied on any property of this State or of the  
21 Administration.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(C) THE LIABILITY OF THE ADMINISTRATION AS TO A TORT ACTION MAY**  
2 **NOT EXCEED \$400,000 TO A SINGLE CLAIMANT FOR INJURIES ARISING FROM A**  
3 **SINGLE 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.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2025.