

HOUSE BILL 114

D3

5lr0918

By: **Delegate Conaway**

Introduced and read first time: January 26, 2015

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Tort Claims Act – Limit on Liability**

3 FOR the purpose of increasing the limit on liability of the State and its units under the
4 Maryland Tort Claims Act for injuries to a claimant arising from an incident or
5 occurrence; providing for the application of this Act; and generally relating to the
6 limits on liability of the State and its units under the Maryland Tort Claims Act.

7 BY repealing and reenacting, with amendments,
8 Article – State Government
9 Section 12–104
10 Annotated Code of Maryland
11 (2014 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 – State Government**

15 12–104.

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

20 (2) The liability of the State and its units may not exceed **[\$200,000]**
21 **\$500,000** to a single claimant for injuries arising from a single incident or occurrence.

22 (b) Immunity is not waived under this section as described under § 5–522(a) of
23 the Courts and Judicial Proceedings Article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) (1) The Treasurer may pay from the State Insurance Trust Fund all or part
2 of that portion of a tort claim which exceeds the limitation on liability established under
3 subsection (a)(2) of this section under the following conditions:

4 (i) the tort claim is one for which the State and its units have waived
5 immunity under subsections (a) and (b) of this section;

6 (ii) a judgment or settlement has been entered granting the claimant
7 damages to the full amount established under subsection (a)(2) of this section; and

8 (iii) the Board of Public Works, with the advice and counsel of the
9 Attorney General, has approved the payment.

10 (2) Any payment of part of a settlement or judgment under this subsection
11 does not abrogate the sovereign immunity of the State or any units beyond the waiver
12 provided in subsections (a) and (b) of this section.

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

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2015.