

5-406.

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN ACTION MAY NOT BE INSTITUTED PURSUANT TO THIS SUBTITLE UNLESS THE CLAIMANT HAS FIRST PRESENTED THE CLAIM IN WRITING TO THE STATE TREASURER OR HIS DESIGNEE AND THE CLAIM HAS BEEN DENIED IN WRITING SENT TO THE CLAIMANT BY CERTIFIED OR REGISTERED MAIL. THE FAILURE OF THE STATE TO MAKE FINAL DISPOSITION OF A CLAIM WITHIN 6 MONTHS OF RECEIPT SHALL, AT THE OPTION OF THE CLAIMANT, BE DEEMED A FINAL DENIAL OF THE CLAIM FOR PURPOSES OF THIS SECTION.

(2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO NOT APPLY TO CLAIMS ASSERTED UNDER THE MARYLAND RULES OF PROCEDURE BY CROSS-CLAIM OR COUNTERCLAIM.

(3) THE FILING OF A CLAIM TOLLS THE APPLICABLE STATUTE OF LIMITATIONS FOR A PERIOD OF 60 DAYS FOLLOWING A FINAL DENIAL IF THE CLAIM WAS MADE WITHIN THE APPLICABLE PERIOD OF LIMITATIONS.

(B) CLAIMS FILED WITH THE STATE TREASURER AGAINST THE STATE OR A STATE EMPLOYEE MUST CONTAIN:

(1) A CONCISE STATEMENT OF FACTS SETTING FORTH THE NATURE OF THE CLAIM, INCLUDING THE DATE AND PLACE OF THE ALLEGED TORT;

(2) A DEMAND FOR SPECIFIC DAMAGES;

(3) THE NAMES AND ADDRESSES OF ALL PARTIES;

(4) THE ADDRESS AND TELEPHONE NUMBER OF THE CLAIMANT'S ATTORNEY, IF ANY; AND

(5) THE SIGNATURE OF THE CLAIMANT OR HIS ATTORNEY.

5-407.

(A) EXCEPT AS OTHERWISE PROVIDED IN A CONTRACT OF INSURANCE WITH A PRIVATE INSURANCE CARRIER, THE TREASURER MAY CONSIDER, ASCERTAIN, ADJUST, DETERMINE, COMPROMISE, AND SETTLE ANY CLAIM FOR MONEY DAMAGES BROUGHT UNDER THE TERMS OF THIS SUBTITLE, AND MAY DELEGATE THIS AUTHORITY IN WHOLE OR IN PART TO A STATE EMPLOYEE OF HIS DESIGNATION. THE TREASURER MAY CONTRACT FOR ANY SUPPORT SERVICES NECESSARY TO PROPERLY CARRY OUT THIS FUNCTION.

(B) AN AWARD, COMPROMISE, OR SETTLEMENT PROPOSED BY THE TREASURER MAY NOT BE EFFECTED WITHOUT THE PRIOR ADVICE AND CONSULTATION OF THE ATTORNEY GENERAL.

(C) ANY AWARD, COMPROMISE, OR SETTLEMENT MADE PURSUANT TO THIS SECTION SHALL BE PAID THROUGH THE INSURANCE PROGRAM AUTHORIZED UNDER SECTION 27 OF ARTICLE 95 OF THIS CODE.