

GENERAL REVISOR'S NOTE:

Former Art. 78A, § 66(f), which excluded from this title a permit for a development project that was issued or applied for before July 1, 1975, now appears in the Session Laws.

TITLE 12. IMMUNITY AND LIABILITY.

SUBTITLE 1. MARYLAND TORT CLAIMS ACT.

12-101. "STATE PERSONNEL" DEFINED.

IN THIS SUBTITLE, UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, "STATE PERSONNEL" MEANS:

(1) A CLASSIFIED, UNCLASSIFIED, OR CONTRACTUAL EMPLOYEE OF THE STATE WHOSE COMPENSATION IS PAID WHOLLY OR PARTLY FROM STATE FUNDS;

(2) A KEY EMPLOYEE OF THE MARYLAND PORT ADMINISTRATION, AS DESCRIBED IN § 6-204(N) OF THE TRANSPORTATION ARTICLE;

(3) A PERSON WHO, AS A VOLUNTEER, IS PROVIDING A SERVICE TO OR FOR THE STATE; OR

(4) AN INDIVIDUAL WHO, WITH OR WITHOUT COMPENSATION, EXERCISES A PART OF THE SOVEREIGNTY OF THE STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former CJ § 5-401(a) and (d).

The term "State personnel" is substituted, as the defined term, for the former term "State employee", since the definition encompasses individuals who usually are characterized as State officers. However, the substitution of a single defined term preserves the intent of former CJ § 5-401(d) that the enumerated persons -- whether usually classified as State officers or State employees -- be treated identically under this subtitle.

In item (2) of this section, the language "of the Maryland Port Administration, as described in § 6-204(n) of the Transportation Article" is added to modify "key employee", for clarity. This addition is based on the similar reference to a "key employee" in § 12-401(4) of this title.

Former CJ § 5-401(b) and (e), which defined "[m]otor vehicle" and "State property", now appears in § 12-104(a)(4) and (5) of this subtitle.