

The provisions of former CJ § 5-401(c) that related to units of the State government are retained, in this revision, by the addition of a specific reference to these units in the applicable sections of this subtitle. The provisions of former CJ § 5-401(c) that related to political subdivisions now appear in § 12-103 of this subtitle. These revisions make a definition of the word "State" unnecessary and, thus, avoid possible confusion with the definition of "state" in § 1-101 of this article.

Defined term: "Person" § 1-101

#### 12-102. CONSTRUCTION OF SUBTITLE.

THIS SUBTITLE SHALL BE CONSTRUED BROADLY, TO ENSURE THAT INJURED PARTIES HAVE A REMEDY.

REVISOR'S NOTE: This section is new language derived without substantive change from former CJ § 5-402(a).

The former reference to "the intent of the General Assembly" is deleted since former CJ § 5-402(a) seemed to be more than a mere statement of intent.

#### 12-103. SCOPE OF SUBTITLE.

THIS SUBTITLE DOES NOT:

(1) LIMIT ANY OTHER LAW THAT:

(I) WAIVES THE SOVEREIGN IMMUNITY OF THE STATE OR THE UNITS OF THE STATE GOVERNMENT IN TORT; OR

(II) AUTHORIZES THE STATE OR ITS UNITS TO HAVE INSURANCE FOR TORTIOUS CONDUCT;

(2) WAIVE ANY RIGHT OR DEFENSE OF THE STATE OR ITS UNITS, OFFICIALS, OR EMPLOYEES IN AN ACTION IN A COURT OF THE UNITED STATES OR ANY OTHER STATE, INCLUDING ANY DEFENSE THAT IS AVAILABLE UNDER THE 11TH AMENDMENT TO THE UNITED STATES CONSTITUTION; OR

(3) APPLY TO OR WAIVE ANY IMMUNITY OF A BICOUNTY UNIT, COUNTY, MUNICIPAL CORPORATION, OR OTHER POLITICAL SUBDIVISION OR ANY UNIT, OFFICIAL, OR EMPLOYEE OF ANY OF THOSE AGENCIES OR SUBDIVISIONS.

REVISOR'S NOTE: This section is new language derived without substantive change from former CJ §§ 5-401(c) and 5-402(b) through (d).

In items (1) and (2) of this section, the references to "units" of the State government are added to incorporate the provisions of former CJ § 5-401(c)