

that defined "State" to include its units. Similarly, in item (3) of this section, the words "apply to" are added to incorporate those provisions of former CJ § 5-401(c) that defined "State" to exclude bicounty units and subdivisions. These additions, thus, incorporate, into substantive law, the provisions of the former definition that had substantive effect and also obviate the need for a definition of "State". See revisor's note to § 12-101 of this subtitle.

Also in items (1) and (2) of this section, the former word "intended" is deleted since the provisions that are revised in items (1) and (2) of this section seemed to be more than mere statements of intent.

Also in item (2) of this section, the former phrase "but not limited to" is deleted as unnecessary in light of the use of the defined term "including".

In item (3) of this section, the references to a "political subdivision" and the units, officials, and employees of "those ... subdivisions" are substituted for the reference, in former CJ § 5-402(d), to "other local governmental entity", for clarity. This substitution is based on former CJ § 5-401(c), which defined "State" expressly to exclude "any county ... or other political subdivision of the State".

Defined terms: "County" § 1-101
 "Includes"; "including" § 1-101 "State" § 1-101

12-104. WAIVER OF IMMUNITY.

(A) IN GENERAL.

SUBJECT TO THE EXCLUSIONS AND LIMITATIONS IN THIS SUBTITLE, THE IMMUNITY OF THE STATE, OF ITS UNITS, AND OF STATE PERSONNEL WHO ARE ACTING IN OFFICIAL CAPACITIES IS WAIVED AS TO A TORT ACTION, IN A COURT OF THE STATE, TO RECOVER DAMAGES THAT ARE CAUSED BY:

- (1) THE NEGLIGENCE OF A HEALTH CARE EMPLOYEE OF A STATE INSTITUTION OR STATE FACILITY;
- (2) THE NEGLIGENCE OF A PHYSICIAN, NURSE, DENTIST, OR RELATED HEALTH CARE STAFF MEMBER WHOM THE STATE OR ANY OF ITS UNITS EMPLOYS;
- (3) THE PATENTLY DANGEROUS CONDITION OF A BUILDING, STRUCTURE, OR OTHER PUBLIC IMPROVEMENT THAT THE STATE OR ANY OF ITS UNITS OWNS AND CONTROLS;
- (4) THE NEGLIGENT MAINTENANCE OR OPERATION, BY STATE PERSONNEL, OF ANY SELF-PROPELLED VEHICLE, INCLUDING A VEHICLE THAT OPERATES ON RAIL, THROUGH WATER, OR IN AIR, OR OF AN ATTACHMENT TO THE VEHICLE;