

In subsection (a)(2) of this section, the word "physician" is substituted for the former word "doctor", which apparently was intended to mean an individual who practices medicine as a physician. This substitution reflects the specific reference to a "dentist", who also would be a "doctor".

In subsection (a)(5) of this section, the words "tangible", "real", "personal", and "mixed", which formerly modified the word "property", are deleted as surplusage.

In subsection (d) of this section, the specific reference to limitations on liability under "subsection (c)(3) and (4) of this section" is substituted for the former reference to "limits of liability in subsection (sic) 5-403(b) of the Courts Article". This substitution interprets the former words "limits of liability" as a restriction on the former cross-reference to CJ § 5-403(b), which encompassed both limitations on and exclusions from liability. Thus, the substituted language does not include the exclusions that now appear in subsection (c)(1), (2), (5), and (6) of this section.

As to the State Insurance Program, see Art. 95, §§ 25 through 35 of the Code.

Defined terms: "Includes"; "including" § 1-101
"State personnel" § 12-101

12-105. RESTRICTIONS ON ACTIONS.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO A CLAIM THAT IS ASSERTED BY CROSS-CLAIM OR COUNTERCLAIM.

(B) CLAIM AND DENIAL REQUIRED.

A CLAIMANT MAY NOT INSTITUTE AN ACTION UNDER THIS SUBTITLE UNLESS:

(1) THE CLAIMANT SUBMITS A WRITTEN CLAIM TO THE TREASURER OR A DESIGNEE OF THE TREASURER; AND

(2) THE TREASURER OR DESIGNEE DENIES THE CLAIM FINALLY.

REVISOR'S NOTE: This section is new language derived without substantive change from former CJ § 5-406(a)(2) and the first sentence of (1).