

(D) FINAL DENIALS.

A CLAIM UNDER THIS SUBTITLE IS DENIED FINALLY:

(1) IF, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, UNDER A POSTMARK OF THE UNITED STATES POSTAL SERVICE, THE TREASURER OR DESIGNEE SENDS THE CLAIMANT WRITTEN NOTICE OF DENIAL; OR

(2) AT THE OPTION OF THE CLAIMANT, IF THE TREASURER OR DESIGNEE FAILS TO GIVE THE CLAIMANT NOTICE OF A FINAL DECISION WITHIN 6 MONTHS AFTER THE FILING OF THE CLAIM.

REVISOR'S NOTE: This section is new language derived without substantive change from former CJ § 5-407(a), (b), and (d) and § 5-406(b) and the second and third sentences of (a)(1).

In subsection (a)(4) of this section, the reference to the "name" of counsel is added for clarity.

In subsection (b)(1) of this section, the disjunctive "or" is substituted for the former word "and", to clarify that the Treasurer either must consider the claim or require a designee to consider the claim. This revision is based on the consequences of inaction, as indicated in subsection (d)(2) of this section.

Former CJ § 5-407(c), which provided for payments of settlements and awards through the State Insurance Program, is deleted as unnecessary in light of Art. 95, §§ 27(d) and 32 of the Code.

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

12-107. ACTIONS.

(A) STATUTE OF LIMITATIONS.

IF A CLAIM UNDER THIS SUBTITLE IS FILED WITHIN THE APPLICABLE PERIOD OF LIMITATIONS, THE FILING TOLLS THE STATUTE OF LIMITATIONS UNTIL 60 DAYS AFTER A FINAL DENIAL OF THE CLAIM.

(B) JOINDER OF STATE.

(1) THE STATE SHALL BE JOINED AS A PARTY IN AN ACTION AGAINST STATE PERSONNEL THAT ALLEGES DAMAGES AS A RESULT OF A TORTIOUS ACT OR OMISSION WITHIN THE SCOPE OF THE PUBLIC DUTIES OF THE STATE PERSONNEL.

(2) THE ISSUE OF WHETHER THE ALLEGED ACT OR OMISSION WAS WITHIN THE SCOPE OF THOSE DUTIES MAY BE TRIED SEPARATELY.