

In item (1) of this section, the former references to "award" and "compromise" are deleted as unnecessary in light of the broad word "settlement".

12-109. SHORT TITLE.

THIS SUBTITLE MAY BE CITED AS THE "MARYLAND TORT CLAIMS ACT".

REVISOR'S NOTE: This section is new language added to allow citation of this subtitle. This addition is based on the subtitle heading of former CJ §§ 5-401 through 5-408, as enacted by Ch. 298, Acts of 1981.

SUBTITLE 2. ACTIONS IN CONTRACT.

12-201. SCOPE OF SUBTITLE.

THIS SUBTITLE APPLIES ONLY TO A CONTRACT:

(1) AS DEFINED IN ARTICLE 21, § 1-101 OF THE CODE;
AND

(2) NOT EXCLUDED BY ARTICLE 21, § 1-202 OF THE CODE.

REVISOR'S NOTE: This section is new language added to limit the scope of this subtitle. This addition is necessary since, in light of the revision of former Art. 21, §§ 7-101 through 7-104 in this subtitle, the referenced present Art. 21, §§ 1-101 and 1-202 no longer apply.

~~12-201~~ 12-202. DEFENSE BARRED.

(A) IN GENERAL.

EXCEPT AS OTHERWISE EXPRESSLY PROVIDED BY A LAW OF THE STATE, THE STATE, ITS OFFICERS, AND ITS UNITS MAY NOT RAISE THE DEFENSE OF SOVEREIGN IMMUNITY IN A CONTRACT ACTION, IN A COURT OF THE STATE, BASED ON A WRITTEN CONTRACT THAT AN OFFICIAL OR EMPLOYEE EXECUTED FOR THE STATE OR 1 OF ITS UNITS WHILE THE OFFICIAL OR EMPLOYEE WAS ACTING WITHIN THE SCOPE OF THE AUTHORITY OF THE OFFICIAL OR EMPLOYEE.

(B) EXCLUSIONS.

IN AN ACTION UNDER THIS SUBTITLE, THE STATE AND ITS OFFICERS AND UNITS ARE NOT LIABLE FOR PUNITIVE DAMAGES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 21, §§ 7-101 and 7-102.

~~12-202~~ 12-203. CLAIMS BARRED.

A CLAIM UNDER THIS SUBTITLE IS BARRED UNLESS THE CLAIMANT FILES SUIT WITHIN 1 YEAR AFTER THE LATER OF: