

action filed against the State under the Maryland Tort Claims Act by a party who failed to file a certain claim with the State Treasurer or a designee within a certain required time period, unless the State shows that its defense has been prejudiced; establishing certain limitations on the liability of the State and its units under the Maryland Tort Claims Act; providing for the construction of this Act; providing for the effective date of this Act; and generally relating to ~~certain restrictions on actions under~~ the Maryland Tort Claims Act.

BY repealing and reenacting, with amendments,  
 Article – State Government  
 Section 12-104 and 12-106  
 Annotated Code of Maryland  
 (1984 Volume and 1992 Supplement)

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 5-399.2(a)  
Annotated Code of Maryland  
(1989 Replacement Volume and 1992 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – State Government**

12-106.

(a) This section does not apply to a claim that is asserted by cross-claim or counterclaim.

(b) **[A]** EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, 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 within 180 days after the injury to person or property that is the basis of the claim;

(2) the Treasurer or designee denies the claim finally; and

(3) the action is filed within 1 year after the claim is denied finally or 3 years after the cause of action arises, whichever is later.

(C) ~~NOTWITHSTANDING THE OTHER PROVISIONS OF THIS SECTION, UNLESS THE DEFENDANT CAN AFFIRMATIVELY SHOW THAT ITS DEFENSE HAS BEEN PREJUDICED BY LACK OF REQUIRED NOTICE, UPON MOTION AND FOR GOOD CAUSE SHOWN THE COURT MAY ENTERTAIN THE SUIT AN ACTION UNDER THIS SUBTITLE EVEN THOUGH THE REQUIRED NOTICE WAS NOT GIVEN WRITTEN CLAIM REQUIRED UNDER SUBSECTION (B) OF THIS SECTION WAS NOT SUBMITTED TO THE TREASURER OR THE TREASURER'S DESIGNEE.~~