

CHAPTER 565

(House Bill 472)

AN ACT concerning

Maryland Tort Claims Act – Limitations Period

FOR the purpose of altering the limitations period for instituting an action under the Maryland Tort Claims Act; and providing for the application of this Act.

BY repealing and reenacting, with amendments,

Article – State Government

Section 12-106

Annotated Code of Maryland

(1993 Replacement Volume and 1993 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 12-107(d)

Annotated Code of Maryland

(1993 Replacement Volume and 1993 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 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].

12-107.

(d) 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, or the legal representative or counsel for the claimant written notice of denial; or