

(C) SUBSECTION (D) OF THIS SECTION DOES NOT APPLY TO A TORT CLAIM THAT IS ASSERTED BY CROSS-CLAIM, COUNTERCLAIM, OR THIRD-PARTY CLAIM.

~~(C)~~ (D) A TORT CLAIMANT MAY NOT INSTITUTE AN ACTION UNDER THIS SECTION UNLESS:

(1) THE CLAIMANT SUBMITS A WRITTEN NOTICE OF CLAIM TO THE ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE WITHIN 1 YEAR AFTER THE INJURY TO PERSON OR PROPERTY THAT IS THE BASIS OF THE CLAIM;

(2) THE ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE DENIES THE CLAIM ~~FINALLY~~; AND

(3) THE ACTION IS FILED WITHIN 3 YEARS AFTER THE CAUSE OF ACTION ARISES.

~~(D)~~ (E) A ~~TORT~~ NOTICE OF CLAIM UNDER THIS SECTION SHALL:

(1) CONTAIN A CONCISE STATEMENT OF FACTS THAT SETS FORTH THE NATURE OF THE CLAIM, INCLUDING THE DATE AND PLACE OF THE ALLEGED TORT;

(2) ~~DEMAND SPECIFIC DAMAGES;~~

~~(3) STATE THE NAME AND ADDRESS OF EACH PARTY THE CLAIMANT;~~

(4) (3) STATE THE NAME, ADDRESS, AND TELEPHONE NUMBER OF COUNSEL FOR THE CLAIMANT, IF ANY; AND

~~(5)~~ (4) BE SIGNED BY THE CLAIMANT, OR THE LEGAL REPRESENTATIVE OR COUNSEL FOR THE CLAIMANT.

~~(E)~~ (F) A CLAIM UNDER THIS SECTION IS DENIED ~~FINALLY~~:

(1) ~~IF, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, UNDER A POSTMARK OF THE UNITED STATES POSTAL SERVICE, THE ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE SENDS THE CLAIMANT, OR THE LEGAL REPRESENTATIVE OR COUNSEL FOR THE CLAIMANT, WRITTEN NOTICE OF DENIAL; OR~~

(2) IF THE ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE FAILS TO GIVE NOTICE OF A ~~FINAL DECISION~~ DENIAL WITHIN 6 MONTHS AFTER THE ~~FILING OF THE~~ SENDING OF THE NOTICE OF CLAIM.

(G) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, UNLESS THE ADMINISTRATION AFFIRMATIVELY SHOWS THAT ITS DEFENSE HAS BEEN PREJUDICED BY THE LACK OF THE REQUIRED NOTICE, A COURT MAY ALLOW THE ACTION TO PROCEED EVEN IF THE WRITTEN NOTICE OF CLAIM WAS NOT SUBMITTED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.