

bringing a civil action against the "county or municipal corporation of the State in which" the riot occurred. Similarly, the former reference to property "therein" is deleted.

Also in subsection (b) of this section, the former reference to "any articles of" personal property is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a "tumult" is deleted as unnecessary in light of the reference to a "riot".

Defined term: "County" § 1-101

14-1002. CONDITIONS OF LIABILITY.

(A) NOTICE AND ABILITY TO PREVENT DAMAGE.

A COUNTY OR MUNICIPAL CORPORATION IS NOT LIABLE UNDER § 14-1001 OF THIS SUBTITLE FOR THEFT, DAMAGE, OR DESTRUCTION THAT OCCURS IN A RIOT UNLESS THE AUTHORITIES OF THE COUNTY OR MUNICIPAL CORPORATION:

(1) HAD GOOD REASON TO BELIEVE THAT THE RIOT WAS ABOUT TO TAKE PLACE OR, HAVING TAKEN PLACE, HAD NOTICE OF THE RIOT IN TIME TO PREVENT THE THEFT, DAMAGE, OR DESTRUCTION; AND

(2) HAD THE ABILITY, EITHER BY USE OF THE COUNTY'S OR MUNICIPAL CORPORATION'S POLICE OR WITH THE AID OF THE RESIDENTS OF THE COUNTY OR MUNICIPAL CORPORATION, TO PREVENT THE THEFT, DAMAGE, OR DESTRUCTION.

(B) USE OF REASONABLE DILIGENCE.

A PERSON MAY NOT RECOVER DAMAGES FROM A COUNTY OR MUNICIPAL CORPORATION UNDER § 14-1001 OF THIS SUBTITLE IF IT IS SATISFACTORILY PROVED THAT THE AUTHORITIES OF THE COUNTY OR MUNICIPAL CORPORATION, AND THE RESIDENTS OF THE COUNTY OR MUNICIPAL CORPORATION WHEN CALLED ON BY THE AUTHORITIES, USED REASONABLE DILIGENCE AND ALL THE POWERS ENTRUSTED TO THEM TO PREVENT OR SUPPRESS THE RIOT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 82, § 3 and, except as it related to a limitations period for actions, § 2.

In the introductory language of subsection (a) of this section, the reference to a "municipal corporation" is substituted for the former reference to an "incorporated town or city" to conform to Md. Constitution, Art. XI-E. Correspondingly, in subsections (a)(2) and (b) of this section, the references to a "municipal corporation" are substituted for the former references to an "incorporated town or city".

Also in the introductory language of subsection (a) of this section, the reference to a county or municipal corporation "not [being] liable under § 14-1001 of this subtitle for theft, damage, or destruction that occurs in a riot" is substituted for the former reference to "[n]o such liability [being] incurred" by a county or municipal corporation, for clarity.