

# HOUSE BILL 114

D3

5lr0918

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By: **Delegate Conway**

Introduced and read first time: January 26, 2015

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2015

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Tort Claims Act – Limit on Liability**

3 FOR the purpose of increasing the limit on liability of the State and its units under the  
4 Maryland Tort Claims Act for injuries to a claimant arising from an incident or  
5 occurrence; providing for the application of this Act; and generally relating to the  
6 limits on liability of the State and its units under the Maryland Tort Claims Act.

7 BY repealing and reenacting, with amendments,

8 Article – State Government

9 Section 12–104

10 Annotated Code of Maryland

11 (2014 Replacement Volume)

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

14 **Article – State Government**

15 12–104.

16 (a) (1) Subject to the exclusions and limitations in this subtitle and  
17 notwithstanding any other provision of law, the immunity of the State and of its units is  
18 waived as to a tort action, in a court of the State, to the extent provided under paragraph  
19 (2) of this subsection.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2) The liability of the State and its units may not exceed ~~[\$200,000]~~  
2 ~~\$500,000~~ \$300,000 to a single claimant for injuries arising from a single incident or  
3 occurrence.

4 (b) Immunity is not waived under this section as described under § 5-522(a) of  
5 the Courts and Judicial Proceedings Article.

6 (c) (1) The Treasurer may pay from the State Insurance Trust Fund all or part  
7 of that portion of a tort claim which exceeds the limitation on liability established under  
8 subsection (a)(2) of this section under the following conditions:

9 (i) the tort claim is one for which the State and its units have waived  
10 immunity under subsections (a) and (b) of this section;

11 (ii) a judgment or settlement has been entered granting the claimant  
12 damages to the full amount established under subsection (a)(2) of this section; and

13 (iii) the Board of Public Works, with the advice and counsel of the  
14 Attorney General, has approved the payment.

15 (2) Any payment of part of a settlement or judgment under this subsection  
16 does not abrogate the sovereign immunity of the State or any units beyond the waiver  
17 provided in subsections (a) and (b) of this section.

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

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2015.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.