

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 1460 (Delegate Shriver)
Environmental Matters

Natural Resources - Public Recreation on Private and Public Land

This bill extends the limitation of a landowner's liability when private land is used for recreational purposes to include bicycling and "other recreational use." It also includes public lands in the liability limitation provisions, and allows public agencies to charge reasonable user fees and still receive liability protection.

Fiscal Summary

State Effect: Potential indeterminate decrease in expenditures; revenues would not be affected.

Local Effect: Potential indeterminate decrease in expenditures; revenues would not be affected.

Small Business Effect: Potential minimal impact on small businesses as discussed below.

Fiscal Analysis

State Effect: It is assumed that the limitation of liability accorded under this bill would preempt the waiver of sovereign immunity under the Tort Claims Act. Persons using State lands for recreational purposes would not be able to sue the State for anything other than actions arising from gross negligence. While this is not expected to necessarily decrease the number of such cases, it would increase the State's likelihood of successfully defending itself against liability actions. However, the amount of savings due to averted settlements and paid claims cannot be determined at this time.

Local Effect: It is assumed that the limitation of liability under this bill would also apply to local recreational lands. Persons using properties owned by local governments for recreational purposes would not be able to sue for anything other than actions arising from gross negligence. While this is not expected to necessarily decrease the number of such cases, it would increase the local government's likelihood of successfully defending itself against liability actions. However, the amount of savings due to averted settlements and paid claims cannot be determined at this time.

Small Business Effect: Small businesses that own land that is used for recreational purposes in accordance with this statute could benefit from the increased liability protection regarding bicycling and other recreational purposes. Businesses that serve the bicycling industry could also benefit from the provisions of this bill, should the liability protection open up additional lands for biking use.

Small businesses engaged in legal services that pursue liability actions could potentially realize less revenues due to the provisions of the bill, while insurance companies that insure lands that could be affected could realize lowered exposure to payouts through lawsuits.

Information Source(s): Department of Natural Resources, Treasurer's Office, Department of Fiscal Services

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