

HOUSE BILL 165

D3, L2
HB 362/06 – JUD

71r1312

By: **Delegates Rosenberg, Anderson, and Carter**
Introduced and read first time: January 25, 2007
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Local Government Tort Claims Act – Baltimore Public**
3 **Markets Corporation**

4 FOR the purpose of including the Baltimore Public Markets Corporation, in Baltimore
5 City, in the definition of “local government” for the purposes of the Local
6 Government Tort Claims Act; providing that Baltimore Public Markets
7 Corporation and its employees may not raise as a defense a certain limitation on
8 liability; providing for the application of this Act; and generally relating to the
9 Local Government Tort Claims Act and the Baltimore Public Markets
10 Corporation, in Baltimore City.

11 BY repealing and reenacting, with amendments,
12 Article – Courts and Judicial Proceedings
13 Section 5–301(d) and 5–303(f)
14 Annotated Code of Maryland
15 (2006 Replacement Volume)

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

18 **Article – Courts and Judicial Proceedings**

19 5–301.

20 (d) “Local government” means:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (1) A chartered county established under Article 25A of the Code;
- 2 (2) A code county established under Article 25B of the Code;
- 3 (3) A board of county commissioners established or operating under
4 Article 25 of the Code;
- 5 (4) Baltimore City;
- 6 (5) A municipal corporation established or operating under Article 23A
7 of the Code;
- 8 (6) The Maryland–National Capital Park and Planning Commission;
- 9 (7) The Washington Suburban Sanitary Commission;
- 10 (8) The Northeast Maryland Waste Disposal Authority;
- 11 (9) A community college or board of trustees for a community college
12 established or operating under Title 16 of the Education Article, not including
13 Baltimore City Community College;
- 14 (10) A county public library or board of trustees of a county public
15 library established or operating under Title 23, Subtitle 4 of the Education Article;
- 16 (11) The Enoch Pratt Free Library or Board of Trustees of the Enoch
17 Pratt Free Library;
- 18 (12) The Washington County Free Library or the Board of Trustees of
19 the Washington County Free Library;
- 20 (13) A special taxing district;
- 21 (14) A nonprofit community service corporation incorporated under
22 State law that is authorized to collect charges or assessments;
- 23 (15) Housing authorities created under Division II of the Housing and
24 Community Development Article;
- 25 (16) A sanitary district, sanitary commission, metropolitan commission,
26 or other sewer or water authority established or operating under public local law or
27 public general law;

- 1 (17) The Baltimore Metropolitan Council;
- 2 (18) The Howard County Economic Development Authority;
- 3 (19) The Howard County Mental Health Authority;
- 4 (20) A commercial district management authority established by a
5 county or municipal corporation if provided under local law;
- 6 (21) The Baltimore City Police Department;
- 7 (22) A regional library resource center or a cooperative library
8 corporation established under Title 23, Subtitle 2 of the Education Article;
- 9 (23) Lexington Market, Inc., in Baltimore City;

10 **(24) THE BALTIMORE PUBLIC MARKETS CORPORATION, IN**
11 **BALTIMORE CITY;**

12 ~~[(24)]~~**(25)** The nonprofit corporation serving as the local public
13 transportation authority for Carroll County pursuant to a contract or memorandum of
14 understanding with Carroll County (Carroll County Senior Overland Service, Inc., t/a
15 Carroll Area Transit System); and

16 ~~[(25)]~~**(26)** The nonprofit corporation serving as the animal control and
17 licensing authority for Carroll County pursuant to a contract or memorandum of
18 understanding with Carroll County (the Humane Society of Carroll County, Inc.).

19 5-303.

20 (f) **(1)** Lexington Market, Inc., in Baltimore City, and its employees, may
21 not raise as a defense a limitation on liability described under § 5-406 of this title.

22 **(2) BALTIMORE PUBLIC MARKETS CORPORATION, IN**
23 **BALTIMORE CITY, AND ITS EMPLOYEES, MAY NOT RAISE AS A DEFENSE A**
24 **LIMITATION ON LIABILITY DESCRIBED UNDER § 5-406 OF THIS TITLE.**

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

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2007.