

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 27, 2007

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Local Government Tort Claims Act – Baltimore Public**
3 **Markets Corporation and Lexington Market, Inc.**

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; providing that a certain notice
9 requirement does not apply to a certain action for unliquidated damages; and
10 generally relating to the Local Government Tort Claims Act and the Baltimore
11 Public Markets Corporation and Lexington Market, Inc., in Baltimore City.

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 5–301(d) ~~and 5–303(f)~~, 5–303(f), and 5–304(a)
15 Annotated Code of Maryland
16 (2006 Replacement Volume)

17 BY repealing and reenacting, without amendments,
18 Article – Courts and Judicial Proceedings
19 Section 5–304(b)

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 Annotated Code of Maryland
2 (2006 Replacement Volume)

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

5 **Article – Courts and Judicial Proceedings**

6 5–301.

7 (d) “Local government” means:

8 (1) A chartered county established under Article 25A of the Code;

9 (2) A code county established under Article 25B of the Code;

10 (3) A board of county commissioners established or operating under
11 Article 25 of the Code;

12 (4) Baltimore City;

13 (5) A municipal corporation established or operating under Article 23A
14 of the Code;

15 (6) The Maryland–National Capital Park and Planning Commission;

16 (7) The Washington Suburban Sanitary Commission;

17 (8) The Northeast Maryland Waste Disposal Authority;

18 (9) A community college or board of trustees for a community college
19 established or operating under Title 16 of the Education Article, not including
20 Baltimore City Community College;

21 (10) A county public library or board of trustees of a county public
22 library established or operating under Title 23, Subtitle 4 of the Education Article;

23 (11) The Enoch Pratt Free Library or Board of Trustees of the Enoch
24 Pratt Free Library;

25 (12) The Washington County Free Library or the Board of Trustees of
26 the Washington County Free Library;

1 (13) A special taxing district;

2 (14) A nonprofit community service corporation incorporated under
3 State law that is authorized to collect charges or assessments;

4 (15) Housing authorities created under Division II of the Housing and
5 Community Development Article;

6 (16) A sanitary district, sanitary commission, metropolitan commission,
7 or other sewer or water authority established or operating under public local law or
8 public general law;

9 (17) The Baltimore Metropolitan Council;

10 (18) The Howard County Economic Development Authority;

11 (19) The Howard County Mental Health Authority;

12 (20) A commercial district management authority established by a
13 county or municipal corporation if provided under local law;

14 (21) The Baltimore City Police Department;

15 (22) A regional library resource center or a cooperative library
16 corporation established under Title 23, Subtitle 2 of the Education Article;

17 (23) Lexington Market, Inc., in Baltimore City;

18 **(24) THE BALTIMORE PUBLIC MARKETS CORPORATION, IN**
19 **BALTIMORE CITY;**

20 [(24)] **(25)** The nonprofit corporation serving as the local public
21 transportation authority for Carroll County pursuant to a contract or memorandum of
22 understanding with Carroll County (Carroll County Senior Overland Service, Inc., t/a
23 Carroll Area Transit System); and

24 [(25)] **(26)** The nonprofit corporation serving as the animal control and
25 licensing authority for Carroll County pursuant to a contract or memorandum of
26 understanding with Carroll County (the Humane Society of Carroll County, Inc.).

27 5-303.

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

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

6 5-304.

7 (a) This section does not apply to an action against a nonprofit corporation
8 described in [§ 5-301(d)(24) or (25)] § 5-301(D)(23), (24), (25), OR (26) of this
9 subtitle or its employees.

10 (b) Except as provided in subsections (a) and (d) of this section, an action for
11 unliquidated damages may not be brought against a local government or its employees
12 unless the notice of the claim required by this section is given within 180 days after
13 the injury.

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.