

Article - Business Regulation

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§3-403.

(a) (1) An amusement owner shall obtain insurance against liability for injury to an individual that arises out of the use of an amusement attraction.

(2) The insurance shall be in the amount of at least:

(i) \$350,000 for an amusement ride that operates by mechanical means; or

(ii) \$200,000 for:

1. an amusement ride that operates only by human power or gravity, including a water slide or water flume; or

2. any other amusement attraction.

(b) An amusement owner shall obtain insurance from an insurer or surety that is acceptable to the State Insurance Commissioner.

(c) (1) A county where an amusement attraction is located may buy, on behalf of a not for profit organization, the amount of insurance required under this section for the amusement attraction.

(2) A county that merely buys insurance for an amusement owner is immune from liability under § 5-516 of the Courts and Judicial Proceedings Article.

(d) (1) This subsection applies to a not for profit community service corporation that:

(i) is incorporated under Maryland law;

(ii) is authorized to collect charges or assessments by a covenant running with the land; and

(iii) has gross annual revenues of at least \$15,000,000.

(2) A not for profit community service corporation complies with the insurance requirements of this section for an amusement attraction that the corporation owns and operates if the corporation is self-insured for at least \$1,000,000 against liability for injury that arises out of the use of the amusement attraction:

(i) under regulations that the State Insurance Commissioner adopts; or

(ii) until the State Insurance Commissioner adopts regulations, with the approval of the State Insurance Commissioner, if the corporation is authorized by a covenant running with the land to collect a payment or charge based on the value of real property.

(3) A not for profit community service corporation that elects to self-insure shall submit periodically in writing to the State Insurance Commissioner the conditions of self-insurance.

(4) The conditions of self-insurance must:

(i) be approved by the State Insurance Commissioner; and

(ii) conform with the conditions of comprehensive liability insurance policies available in the private market.

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