

HB0041/142713/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 41
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike beginning with “definitions” through “and” and substitute “definition of”; in line 6, strike “community”; in line 12, after “include” insert “certain”; and in line 15, after the semicolon insert “providing for the termination of certain provisions of this Act;”.

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 19 on page 3 through line 13 on page 4, inclusive.

AMENDMENT NO. 3

On page 2 in line 27, on page 3 in lines 5 and 14, on page 6 in lines 19 and 28, on page 7 in lines 8, 17, and 30, and on page 8 in line 6, in each instance, strike “**WAS**” and substitute “**HAS LESS THAN \$25,000 IN ANNUAL GROSS RECEIPTS AND WAS**”.

AMENDMENT NO. 4

On pages 5 and 6, strike in their entirety the lines beginning with line 26 on page 5 through line 3 on page 6, inclusive.

AMENDMENT NO. 5

On page 9, strike in their entirety lines 3 through 12, inclusive.

AMENDMENT NO. 6

On page 9, after line 16, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

(Over)

Article – Courts and Judicial Proceedings

5–406.

(a) (7) “Community association” means a nonprofit association, corporation, or other organization that [registers with the Secretary of State under § 7–108 of the State Government Article and]:

(i) 1. Is composed of at least 25% of the adult residents of a local community that:

A. Consists of at least 40 households; and

B. Is defined by specific geographic boundaries in the bylaws, GOVERNING DOCUMENT, or charter of the organization;

2. At least annually, requires the payment of dues;

3. Promotes social welfare and general civic improvement; and

4. In the case of a corporation, is in good standing;

(ii) 1. Is composed of at least 100 adult residents, but less than 25% of the adult residents of a local community that:

A. Consists of at least 40 households; and

B. Is defined by specific geographic boundaries in the bylaws or charter of the organization;

2. Was organized on or before January 1, 2000, and has been in continuous operation since that date; and

3. Meets the requirements of item (i)2, 3, and 4 of this paragraph; or

(iii) 1. Is composed of more than one of the organizations described in item (i) or item (ii) of this paragraph; and

2. Each of those organizations meets the requirements of item (i) or item (ii) of this paragraph.

(f) (1) This section does not create, and may not be construed as creating, a new cause of action or substantive legal right against an association or organization or an agent of an association or organization.

(2) This section does not affect, and may not be construed as affecting, any immunities from civil liability or defenses established by any other provision of the Code or available at common law, to which an association or organization or an agent of an association or organization may be entitled.

(3) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN AGENT OF AN ASSOCIATION OR ORGANIZATION MAY NOT BE HELD PERSONALLY LIABLE FOR THE OBLIGATIONS OF THE ASSOCIATION OR ORGANIZATION, WHETHER ARISING IN CONTRACT, TORT, OR OTHERWISE, SOLELY BY REASON OF BEING AN AGENT OF THE ASSOCIATION OR ORGANIZATION.

5-407.

(d) (1) This section does not create, and may not be construed as creating, a new cause of action or substantive legal right against a volunteer.

(Over)

(2) This section does not affect, and may not be construed as affecting, any immunities from civil liability or defenses established by any other provision of the Code or available at common law, to which a volunteer may be entitled.

(3) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A VOLUNTEER OF AN ASSOCIATION OR ORGANIZATION MAY NOT BE HELD PERSONALLY LIABLE FOR THE OBLIGATIONS OF THE ASSOCIATION OR ORGANIZATION, WHETHER ARISING IN CONTRACT, TORT, OR OTHERWISE, SOLELY BY REASON OF BEING A VOLUNTEER OF THE ASSOCIATION OR ORGANIZATION.

AMENDMENT NO. 7

On page 9, in line 17, strike “2.” and substitute “3.”; in line 20, strike “3.” and substitute “4.”; and in line 21, after the period insert “Section 1 of this Act shall remain effective for a period of 4 years and, at the end of September 30, 2019, with no further action required by the General Assembly, Section 1 of this Act shall be abrogated and of no further force and effect.”.