



PSSAM

Public School Superintendents' Association
OF MARYLAND

BILL: HB 162
TITLE: Courts - Prohibited Liability Agreements - Recreational Facilities
DATE: February 21, 2024
POSITION: Favorable
COMMITTEE: House Judiciary Committee
CONTACT: Mary Pat Fannon, Executive Director, PSSAM

The Public School Superintendents' Association of Maryland (PSSAM), on behalf of all twenty-four public school superintendents, **supports HB 162.**

This bill establishes that any provision in a contract or agreement relating to the use of a “recreational facility” that purports to limit the recreational facility’s liability or release the recreational facility from, or indemnify or hold harmless the recreational facility against, liability for injury caused by or resulting from the negligence or other wrongful act of the recreational facility or its agents or employees is against public policy and is void and unenforceable. Under the bill, a “recreational facility” is a commercial recreational facility, a commercial athletic facility, or an amusement attraction. While gymnasiums and swimming pools are specifically included as recreational facilities under the bill, a unit of State or local government that leases land or facilities to a recreational facility is specifically excluded from the definition of a “recreational facility.” The bill’s provisions may not be interpreted to affect, extend, or limit the liability of a governmental entity for a tort or other claim subject to the Maryland Tort Claims Act (MTCA – Title 12, Subtitle 1 of the State Government Article) or the Local Government Tort Claims Act (LGTCA – Title 5, Subtitle 3 of the Courts and Judicial Proceedings Article).

PSSAM strongly supports the reasonable limits imposed by this legislation and agrees that contracts with school systems should not allow for clauses that absolve recreational facility operators and their staff from safety liabilities. Access to recreational spaces are important for students, including those held off-site due to campus limitations. However, despite the value and need to use external facilities, it is inappropriate to reduce any safety liability on operators in these contracts.

For these reasons, PSSAM requests a **favorable** report for HB 162.