

Department of Legislative Services  
Maryland General Assembly  
1999 Session

FISCAL NOTE

House Bill 1156 (Delegate Shriver)

Environmental Matters

---

**Natural Resources - Public Recreation on Private and Public Land - Liability**

---

Under current law, private owners of land who allow others to use their land for recreational purposes incur no liability for personal injury or property damage arising out of the recreational use except when the landowner willfully or maliciously fails to warn of danger or charges for the use of the land. This bill extends the liability limitation to land owned by the State or any of its political subdivisions. In addition, the bill adds bicycling to the definition of “recreational purpose,” refines the definition of “charge,” and provides that “land” includes an unpaved road, way, path, or trail.

The State or a political subdivision may waive the liability limitation as to particular land owned by or leased to the State or political subdivision by designating by regulation the land as “protected recreation land.” When the State or a political subdivision determines that a particular recreational improvement on land owned by or leased to the State or political subdivision involves an activity that is inherently dangerous, the improvement may be designated by regulation as a “hazardous recreational facility.” A lawsuit may not be maintained for damages incurred by participants or spectators on land designated as a hazardous recreational facility.

The bill also provides that a lawsuit may not be maintained for damages against the owner of a trail or a person involved in the design, development, or maintenance of a trail incurred by trail users from the condition, design, development, or maintenance of a trail.

---

**Fiscal Summary**

**State Effect:** Potential indeterminate expenditure decrease. No effect on revenues.

**Local Effect:** Potential indeterminate expenditure decrease. No effect on revenues.

**Small Business Effect:** Potential minimal.

---

## Fiscal Analysis

**State Expenditures:** As a result of the bill, the State's obligation to compensate people who sustain physical injury or property loss on State lands under the Maryland Tort Claims Act could decrease. The amount of any such decrease cannot be determined at this time. The Governor's proposed fiscal 2000 budget includes an allowance of \$7.1 million for tort claims under the provisions of the Maryland Tort Claims Act.

**Local Expenditures:** As a result of the bill, local governments' obligations to compensate people who sustain physical injury or property loss on local government lands under the Local Government Tort Claims Act could decrease. The amount of any such decrease cannot be determined at this time.

**Small Business Effect:** The liability of small businesses that own land would be limited in more situations due to the expansion of the definition of "recreational use" to include bicycling. To the extent that landowners decide to lower their liability coverage as a result of this bill, insurance brokers could receive lower fees. In addition, small law firms that represent plaintiffs in personal injury cases could experience revenue decreases due to the expansion of the liability limitation.

---

**Information Source(s):** Department of Natural Resources, State Treasurer's Office, Judiciary (Administrative Office of the Courts), Prince George's County, Washington County, Department of Legislative Services

**Fiscal Note History:** First Reader - March 16, 1999

ncs/jr

---

Analysis by: Mike Sanelli

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510