

HOUSE BILL 725

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2000 Regular Session
0lr2566
CF 0lr2565

By: **Delegate Marriott (Baltimore City Administration)**

Introduced and read first time: February 10, 2000

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2000

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City - Local Government Tort Claims Act - Nonprofit**
3 **Corporations Operating Municipal Market Facilities Lexington Market, Inc.**

4 FOR the purpose of providing that ~~a nonprofit corporation authorized to operate a~~
5 ~~municipal market facility~~ Lexington Market, Inc., in Baltimore City, meets the
6 definition of local government for the purposes of the Local Government Tort
7 Claims Act; providing that Lexington Market, Inc., in Baltimore City, may not
8 raise a certain defense; providing for the application of this Act; and generally
9 relating to the Local Government Tort Claims Act and nonprofit corporations
10 authorized to operate municipal market facilities Lexington Market, Inc., in
11 Baltimore City.

12 BY repealing and reenacting, with amendments,
13 Article - Courts and Judicial Proceedings
14 Section 5-301(d)
15 Annotated Code of Maryland
16 (1998 Replacement Volume and 1999 Supplement)

17 BY adding to
18 Article - Courts and Judicial Proceedings
19 Section 5-303(f)
20 Annotated Code of Maryland
21 (1998 Replacement Volume and 1999 Supplement)

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

1 **Article - Courts and Judicial Proceedings**

2 5-301.

3 (d) "Local government" means:

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

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

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

8 (4) Baltimore City;

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

11 (6) The Maryland-National Capital Park and Planning Commission;

12 (7) The Washington Suburban Sanitary Commission;

13 (8) The Northeast Maryland Waste Disposal Authority;

14 (9) A community college or board of trustees for a community college
15 established or operating under Title 16 of the Education Article, not including
16 Baltimore City Community College;17 (10) A county public library or board of trustees of a county public library
18 established or operating under Title 23, Subtitle 4 of the Education Article;19 (11) The Enoch Pratt Free Library or Board of Trustees of the Enoch Pratt
20 Free Library;21 (12) The Washington County Free Library or the Board of Trustees of the
22 Washington County Free Library;

23 (13) A special taxing district;

24 (14) A nonprofit community service corporation incorporated under
25 [Maryland] STATE law that is authorized to collect charges or assessments;

26 (15) Housing authorities created under Article 44A of the Code;

27 (16) A sanitary district, sanitary commission, metropolitan commission,
28 or other sewer or water authority established or operating under public local law or
29 public general law;

30 (17) The Baltimore Metropolitan Council;

31 (18) The Howard County Economic Development Authority;

1 (19) The Howard County Mental Health Authority;

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

4 (21) The Baltimore City Police Department; [and]

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

7 (23) ~~A NONPROFIT ENTITY INCORPORATED UNDER STATE LAW THAT IS~~
8 ~~AUTHORIZED TO MANAGE AND OPERATE A MUNICIPAL MARKET FACILITY~~
9 LEXINGTON MARKET, INC., IN BALTIMORE CITY.

10 5-303.

11 (F) LEXINGTON MARKET, INC., IN BALTIMORE CITY, AND ITS EMPLOYEES, MAY
12 NOT RAISE AS A DEFENSE A LIMITATION ON LIABILITY DESCRIBED UNDER § 5-406 OF
13 THIS TITLE.

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

17 SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take
18 effect October 1, 2000.