
By: **Delegate Rosenberg**

Introduced and read first time: February 9, 2001

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions and Procedures - Immunities and Prohibited Actions - Athletic**
3 **Officials**

4 FOR the purpose of altering the defined term "athletic official" as it applies to
5 immunity from civil actions under certain circumstances; and generally relating
6 to immunities of athletic officials from civil actions.

7 BY repealing and reenacting, with amendments,
8 Article - Courts and Judicial Proceedings
9 Section 5-802
10 Annotated Code of Maryland
11 (1998 Replacement Volume and 2000 Supplement)

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

14 **Article - Courts and Judicial Proceedings**

15 5-802.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) "Athletic official" means an individual [who officiates, referees, or
18 umpires an interscholastic, intercollegiate, or any other amateur athletic contest
19 conducted by a nonprofit or governmental body] WHO:

20 (I) SERVES AS A REFEREE, UMPIRE, LINESMAN, OR IN A SIMILAR
21 CAPACITY BUT KNOWN BY ANOTHER TITLE; AND

22 (II) 1. IS DULY REGISTERED BY OR A MEMBER OF A LOCAL,
23 STATE, REGIONAL, OR NATIONAL ORGANIZATION THAT IS ENGAGED IN PROVIDING
24 EDUCATION AND TRAINING TO ATHLETIC OFFICIALS; OR

25 2. IS OFFICIATING AT AN INTERSCHOLASTIC,
26 INTERCOLLEGIATE, OR ANY OTHER AMATEUR ATHLETIC CONTEST CONDUCTED BY A
27 NONPROFIT OR GOVERNMENTAL BODY.

1 (3) (i) "Community recreation program" means an athletic, fitness, or
2 recreation activity:

3 1. Organized for pleasure, recreation, or other nonprofit
4 purposes;

5 2. That has substantially all of its activities conducted for
6 pleasure, recreation, or other nonprofit purposes; and

7 3. That does not have any part of the net earnings benefiting
8 any private shareholder.

9 (ii) "Community recreation program" does not include a public or
10 private educational institution's athletic program.

11 (4) "Compensation" does not include actual and necessary expenses that
12 are incurred by a volunteer in connection with the services provided or duties
13 performed by the volunteer on behalf of a community recreation program, and that
14 are reimbursed to the volunteer or otherwise paid.

15 (5) "Volunteer" means a person who provides services or performs duties
16 as an athletic coach, manager, official, program leader, or assistant for a community
17 recreation program without receiving compensation.

18 (b) Except as provided in subsection (c) of this section, a volunteer is not
19 personally liable for damages in any civil action brought against the volunteer by
20 virtue of the volunteer's act or omission in providing services or performing duties on
21 behalf of a community recreation program.

22 (c) A volunteer is personally liable for damages in any civil action brought
23 against the volunteer in which it is found that:

24 (1) The damages were the result of the volunteer's negligent operation of
25 a motor vehicle;

26 (2) The damages were the result of the volunteer's willful, wanton, or
27 grossly negligent act or omission; or

28 (3) The damages were the result of the volunteer's negligence in
29 permitting an unsupervised competition, practice, or activity.

30 (d) (1) Except as provided in paragraph (2) of this subsection, an athletic
31 official is not personally liable in damages in any civil action brought against the
32 athletic official by a player, a participant, or a spectator by virtue of the athletic
33 official's act or omission arising out of the athletic official's duties and services
34 performed while acting in the capacity of athletic official.

35 (2) An athletic official is personally liable for damages in any civil action
36 brought against the athletic official in which it is found that the damages were the
37 result of the athletic official's willful, wanton, or grossly negligent act or omission.

1 (e) (1) This section does not create, and may not be construed as creating, a
2 new cause of action or substantive legal right against an athletic official or a
3 volunteer.

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2001.