

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 1370 (Delegate McHale)
Judiciary

Baltimore City - Local Government Tort Claims Act - Baltimore Public Markets Corporation

This bill provides that Baltimore Public Markets Corporation in Baltimore City meets the definition of local government for the purposes of the Local Government Tort Claims Act. Baltimore Public Markets Corporation and its employees may not raise as a defense a specified statutory limitation on the liability of an agent of an association or organization.

The bill may not be applied to any cause of action arising before the bill's October 1, 2001 effective date.

Fiscal Summary

State Effect: The bill would not directly affect governmental operations or finances.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Current Law: Baltimore Public Markets Corporations is not included in the definition of local government for the purposes of the Local Government Tort Claims Act.

Under the Local Government Tort Claims Act, the liability of a local government for damages resulting from tortious acts or omissions may not exceed \$200,000 per an individual claim, and \$500,000 per total claims that arise from the same occurrence.

Background: Baltimore Public Markets Corporation is a nonprofit organization that operates a number of municipal market facilities in Baltimore City. Baltimore City does not indemnify the Baltimore Public Markets Corporation for tort claims.

Local Fiscal Effect: Because there is currently no statutory limitation on the amount of damages payable in a lawsuit against Baltimore Public Markets Corporation, capping Baltimore Public Markets Corporation's liability exposure at the \$200,000/\$500,000 limits could result in a decrease in expenditures for that organization.

The bill could also have the effect of discouraging lawsuits against Baltimore Public Markets corporation.

Additional Information

Prior Introductions: As introduced, SB 715 of 2000 included "a nonprofit entity incorporated under State law that is authorized to manage and operate a municipal market facility" within the definition of local government for purposes of the Local Government Tort Claims Act. That bill was amended to only refer to Lexington Market, Inc. and was enacted as Chapter 556.

Cross File: SB 861 (Senator Della) – Judicial Proceedings.

Information Source(s): Baltimore City, Department of Legislative Services

Fiscal Note History: First Reader – March 16, 2001
jm/jr

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