

SENATE BILL 302

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SB 21/03 - JPR

2004 Regular Session  
4lr0733

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By: **Senator Della**

Introduced and read first time: February 2, 2004

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Local Government Tort Claims Act - Baltimore Public**  
3 **Markets Corporation**

4 FOR the purpose of including the Baltimore Public Markets Corporation, in  
5 Baltimore City, in the definition of local government for the purposes of the  
6 Local Government Tort Claims Act; providing that Baltimore Public Markets  
7 Corporation may not raise a certain defense; providing for the application of this  
8 Act; and generally relating to the Local Government Tort Claims Act and the  
9 Baltimore Public Markets Corporation, in Baltimore City.

10 BY repealing and reenacting, with amendments,  
11 Article - Courts and Judicial Proceedings  
12 Section 5-301(d) and 5-303(f)  
13 Annotated Code of Maryland  
14 (2002 Replacement Volume and 2003 Supplement)

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

17 **Article - Courts and Judicial Proceedings**

18 5-301.

19 (d) "Local government" means:

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

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

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

24 (4) Baltimore City;

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

- 1 (6) The Maryland-National Capital Park and Planning Commission;
- 2 (7) The Washington Suburban Sanitary Commission;
- 3 (8) The Northeast Maryland Waste Disposal Authority;
- 4 (9) A community college or board of trustees for a community college  
5 established or operating under Title 16 of the Education Article, not including  
6 Baltimore City Community College;
- 7 (10) A county public library or board of trustees of a county public library  
8 established or operating under Title 23, Subtitle 4 of the Education Article;
- 9 (11) The Enoch Pratt Free Library or Board of Trustees of the Enoch Pratt  
10 Free Library;
- 11 (12) The Washington County Free Library or the Board of Trustees of the  
12 Washington County Free Library;
- 13 (13) A special taxing district;
- 14 (14) A nonprofit community service corporation incorporated under State  
15 law that is authorized to collect charges or assessments;
- 16 (15) Housing authorities created under Article 44A of the Code;
- 17 (16) A sanitary district, sanitary commission, metropolitan commission,  
18 or other sewer or water authority established or operating under public local law or  
19 public general law;
- 20 (17) The Baltimore Metropolitan Council;
- 21 (18) The Howard County Economic Development Authority;
- 22 (19) The Howard County Mental Health Authority;
- 23 (20) A commercial district management authority established by a county  
24 or municipal corporation if provided under local law;
- 25 (21) The Baltimore City Police Department;
- 26 (22) A regional library resource center or a cooperative library corporation  
27 established under Title 23, Subtitle 2 of the Education Article; [and]
- 28 (23) Lexington Market, Inc., in Baltimore City; AND
- 29 (24) THE BALTIMORE PUBLIC MARKETS CORPORATION, IN BALTIMORE  
30 CITY.

1 5-303.

2 (f) (1) Lexington Market, Inc., in Baltimore City, and its employees, may  
3 not raise as a defense a limitation on liability described under § 5-406 of this title.

4 (2) BALTIMORE PUBLIC MARKETS CORPORATION, IN BALTIMORE CITY,  
5 AND ITS EMPLOYEES, MAY NOT RAISE AS A DEFENSE A LIMITATION ON LIABILITY  
6 DESCRIBED UNDER § 5-406 OF THIS TITLE.

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

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
12 effect October 1, 2004.