

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 302 (Senator Della)
Judicial Proceedings

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

This bill expands the definition of “local government” for purposes of the Local Government Tort Claims Act (LGTCAs) to include the Baltimore Public Markets Corporation (BPMC) in Baltimore City.

The bill may not be applied to any cause of action arising before the bill’s October 1, 2004 effective date.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: Potential minimal. The bill could have the effect of discouraging lawsuits against BPMC.

Analysis

Current Law: LGTCAs defines local government to include counties, municipal corporations, and Baltimore City, and various agencies and authorities of local governments, such as community colleges, county public libraries, special taxing districts, nonprofit community service corporations, sanitary districts, housing authorities, and commercial district management authorities. The definition does not include BPMC.

LGTCGA limits the liability of a local government to \$200,000 per individual claim and \$500,000 per total claims that arise from the same occurrence for damages from tortious acts or omissions (including intentional and constitutional torts). It further provides that the local government is liable for tortious acts or omissions of its employees acting within the scope of employment. It thus prevents local governments from asserting a common law claim of governmental immunity from liability for such acts of its employees.

The Maryland Associations, Organizations, and Agents Act limits the liability of nonprofit organizations that carry insurance meeting specified minimums. It provides that agents (directors, officers, trustees, employees, and volunteers) of those nonprofit organizations may not be held personally liable as long as the acts are made without malice or gross negligence. Liability is limited to the applicable limit of insurance coverage for acts or omissions made in the course of duties by the nonprofit entity or its agents.

Background: BPMC is a nonprofit organization that operates a number of municipal market facilities in Baltimore City. It is funded in part by Baltimore City. Baltimore City does not indemnify BPMC for tort claims.

Additional Information

Prior Introductions: SB 21 of 2003, SB 360 of 2002, and SB 861 of 2001 all received an unfavorable report from the Senate Judicial Proceedings Committee. SB 861 was cross filed as HB 1370 of 2001. HB 1370 received an unfavorable report from the House Judiciary Committee.

Cross File: None.

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

Fiscal Note History: First Reader - February 29, 2004
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