
By: **Carroll County Senators**

Introduced and read first time: February 3, 2005

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2005

CHAPTER_____

1 AN ACT concerning

2 **Carroll County - Local Government Tort Claims Act - Inclusion of Specified**
3 **Nonprofit Entities**

4 FOR the purpose of altering the definition of a "local government" under the Local
5 Government Tort Claims Act to include certain nonprofit corporations in Carroll
6 County; and generally relating to the inclusion of certain nonprofit entities in
7 Carroll County under the Local Government Tort Claims Act.

8 BY repealing and reenacting, with amendments,
9 Article - Courts and Judicial Proceedings
10 Section 5-301
11 Annotated Code of Maryland
12 (2002 Replacement Volume and 2004 Supplement)

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

15 **Article - Courts and Judicial Proceedings**

16 5-301.

17 (a) In this subtitle the following words have the meanings indicated.

18 (b) "Actual malice" means ill will or improper motivation.

19 (c) (1) "Employee" means any person who was employed by a local
20 government at the time of the act or omission giving rise to potential liability against
21 that person.

- 1 (2) "Employee" includes:
- 2 (i) Any employee, either within or without a classified service or
3 merit system;
- 4 (ii) An appointed or elected official; or
- 5 (iii) A volunteer who, at the request of the local government, and
6 under its control and direction, was providing services or performing duties.
- 7 (d) "Local government" means:
- 8 (1) A chartered county established under Article 25A of the Code;
- 9 (2) A code county established under Article 25B of the Code;
- 10 (3) A board of county commissioners established or operating under
11 Article 25 of the Code;
- 12 (4) Baltimore City;
- 13 (5) A municipal corporation established or operating under Article 23A of
14 the Code;
- 15 (6) The Maryland-National Capital Park and Planning Commission;
- 16 (7) The Washington Suburban Sanitary Commission;
- 17 (8) The Northeast Maryland Waste Disposal Authority;
- 18 (9) A community college or board of trustees for a community college
19 established or operating under Title 16 of the Education Article, not including
20 Baltimore City Community College;
- 21 (10) A county public library or board of trustees of a county public library
22 established or operating under Title 23, Subtitle 4 of the Education Article;
- 23 (11) The Enoch Pratt Free Library or Board of Trustees of the Enoch Pratt
24 Free Library;
- 25 (12) The Washington County Free Library or the Board of Trustees of the
26 Washington County Free Library;
- 27 (13) A special taxing district;
- 28 (14) A nonprofit community service corporation incorporated under State
29 law that is authorized to collect charges or assessments;
- 30 (15) Housing authorities created under Article 44A of the Code;

1 (16) A sanitary district, sanitary commission, metropolitan commission,
2 or other sewer or water authority established or operating under public local law or
3 public general law;

4 (17) The Baltimore Metropolitan Council;

5 (18) The Howard County Economic Development Authority;

6 (19) The Howard County Mental Health Authority;

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

9 (21) The Baltimore City Police Department;

10 (22) A regional library resource center or a cooperative library corporation
11 established under Title 23, Subtitle 2 of the Education Article; [and]

12 (23) Lexington Market, Inc., in Baltimore City;

13 (24) THE CARROLL COUNTY SENIOR OVERLAND SERVICE, INC., T/A
14 CARROLL AREA TRANSIT SYSTEM; AND

15 (25) THE HUMANE SOCIETY OF CARROLL COUNTY, INC., WHEN
16 PROVIDING ANIMAL CONTROL SERVICES FOR CARROLL COUNTY UNDER A
17 MEMORANDUM OF UNDERSTANDING WITH THE COUNTY.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 July 1, 2005.