
By: **Delegates Rosenberg, Anderson, Carter, Doory, Marriott, and Pugh**
Introduced and read first time: January 26, 2006
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 21, 2006

CHAPTER _____

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 and its employees may not raise ~~a certain defense~~ as a defense a
8 certain limitation on liability; providing for the application of this Act; and
9 generally relating to the Local Government Tort Claims Act and the Baltimore
10 Public Markets Corporation, in Baltimore City.

11 BY repealing and reenacting, with amendments,
12 Article - Courts and Judicial Proceedings
13 Section 5-301(d) and 5-303(f)
14 Annotated Code of Maryland
15 (2002 Replacement Volume and 2005 Supplement)

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

18 **Article - Courts and Judicial Proceedings**

19 5-301.

20 (d) "Local government" means:

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

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

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

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

4 (24) THE BALTIMORE PUBLIC MARKETS CORPORATION, IN BALTIMORE
5 CITY.

6 5-303.

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

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

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

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
17 effect October 1, 2006.