

# SENATE BILL 173

D3, L2

71r1611

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By: **Senator Edwards**

Introduced and read first time: January 26, 2007

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Garrett County – Local Government Tort Claims Act – Inclusion of Garrett**  
3 **County Municipalities, Inc.**

4 FOR the purpose of including Garrett County Municipalities, Inc., in Garrett County  
5 in the definition of local government for the purposes of the Local Government  
6 Tort Claims Act; providing that Garrett County Municipalities, Inc., and its  
7 employees may not raise as a defense a certain limitation on liability; providing  
8 for the application of this Act; and generally relating to the Local Government  
9 Tort Claims Act and Garrett County Municipalities, Inc., in Garrett County.

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 (2006 Replacement Volume)

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;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 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  
6 of 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  
14 library 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  
16 Pratt Free Library;
- 17          (12)   The Washington County Free Library or the Board of Trustees of  
18 the Washington County Free Library;
- 19          (13)   A special taxing district;
- 20          (14)   A nonprofit community service corporation incorporated under  
21 State law that is authorized to collect charges or assessments;
- 22          (15)   Housing authorities created under Division II of the Housing and  
23 Community Development Article;
- 24          (16)   A sanitary district, sanitary commission, metropolitan commission,  
25 or other sewer or water authority established or operating under public local law or  
26 public general law;
- 27          (17)   The Baltimore Metropolitan Council;

- 1           (18) The Howard County Economic Development Authority;
- 2           (19) The Howard County Mental Health Authority;
- 3           (20) A commercial district management authority established by a  
4 county or municipal corporation if provided under local law;
- 5           (21) The Baltimore City Police Department;
- 6           (22) A regional library resource center or a cooperative library  
7 corporation established under Title 23, Subtitle 2 of the Education Article;
- 8           (23) Lexington Market, Inc., in Baltimore City;
- 9           (24) The nonprofit corporation serving as the local public transportation  
10 authority for Carroll County pursuant to a contract or memorandum of understanding  
11 with Carroll County (Carroll County Senior Overland Service, Inc., t/a Carroll Area  
12 Transit System); [and]
- 13           (25) The nonprofit corporation serving as the animal control and  
14 licensing authority for Carroll County pursuant to a contract or memorandum of  
15 understanding with Carroll County (the Humane Society of Carroll County, Inc.); **AND**
- 16           **(26) GARRETT COUNTY MUNICIPALITIES, INC., IN GARRETT**  
17 **COUNTY.**
- 18 5-303.
- 19           (f)   **(1)** Lexington Market, Inc., in Baltimore City, and its employees, may  
20 not raise as a defense a limitation on liability described under § 5-406 of this title.
- 21                   **(2) GARRETT COUNTY MUNICIPALITIES, INC., IN GARRETT**  
22 **COUNTY, AND ITS EMPLOYEES, MAY NOT RAISE AS A DEFENSE A LIMITATION ON**  
23 **LIABILITY DESCRIBED UNDER § 5-406 OF THIS TITLE.**
- 24           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
25 construed to apply only prospectively and may not be applied or interpreted to have  
26 any effect on or application to any cause of action arising before the effective date of  
27 this Act.

1           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2007.