

SENATE BILL 173

D3, L2

7lr1611

By: **Senator Edwards**

Introduced and read first time: January 26, 2007

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2007

CHAPTER _____

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

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 (2006 Replacement Volume)

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**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 5–301.

2 (d) “Local government” means:

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

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

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

7 (4) Baltimore City;

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

10 (6) The Maryland–National Capital Park and Planning Commission;

11 (7) The Washington Suburban Sanitary Commission;

12 (8) The Northeast Maryland Waste Disposal Authority;

13 (9) A community college or board of trustees for a community college
14 established or operating under Title 16 of the Education Article, not including
15 Baltimore City Community College;

16 (10) A county public library or board of trustees of a county public
17 library established or operating under Title 23, Subtitle 4 of the Education Article;

18 (11) The Enoch Pratt Free Library or Board of Trustees of the Enoch
19 Pratt Free Library;

20 (12) The Washington County Free Library or the Board of Trustees of
21 the Washington County Free Library;

22 (13) A special taxing district;

23 (14) A nonprofit community service corporation incorporated under
24 State law that is authorized to collect charges or assessments;

25 (15) Housing authorities created under Division II of the Housing and
26 Community Development Article;

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
8 county 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
11 corporation established under Title 23, Subtitle 2 of the Education Article;

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

13 (24) The nonprofit corporation serving as the local public transportation
14 authority for Carroll County pursuant to a contract or memorandum of understanding
15 with Carroll County (Carroll County Senior Overland Service, Inc., t/a Carroll Area
16 Transit System); [and]

17 (25) The nonprofit corporation serving as the animal control and
18 licensing authority for Carroll County pursuant to a contract or memorandum of
19 understanding with Carroll County (the Humane Society of Carroll County, Inc.); AND

20 **(26) GARRETT COUNTY MUNICIPALITIES, INC., IN GARRETT**
21 **COUNTY.**

22 ~~5-303.~~

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

25 ~~(2) GARRETT COUNTY MUNICIPALITIES, INC., IN GARRETT~~
26 ~~COUNTY, AND ITS EMPLOYEES, MAY NOT RAISE AS A DEFENSE A LIMITATION ON~~
27 ~~LIABILITY DESCRIBED UNDER § 5-406 OF THIS TITLE.~~

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.