

## CHAPTER 123

(Senate Bill 16)

AN ACT concerning

### **Baltimore City – Local Government Tort Claims Act – Baltimore Public Markets Corporation and Lexington Market, Inc.**

FOR the purpose of including the Baltimore Public Markets Corporation, in Baltimore City, in the definition of ~~local government~~ “local government” for the purposes of the Local Government Tort Claims Act; providing that Baltimore Public Markets Corporation may not raise a certain defense; providing for the application of this Act; providing that a certain notice requirement does not apply to a certain action for unliquidated damages; and generally relating to the Local Government Tort Claims Act and the Baltimore Public Markets Corporation and Lexington Market, Inc., in Baltimore City.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 5–301(d) ~~and 5–303(f)~~, 5–303(f), and 5–304(a)  
Annotated Code of Maryland  
(2006 Replacement Volume)

BY repealing and reenacting, without amendments,  
Article – Courts and Judicial Proceedings  
Section 5–304(b)  
Annotated Code of Maryland  
(2006 Replacement Volume)

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

#### **Article – Courts and Judicial Proceedings**

5–301.

(d) “Local government” means:

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

- (2) A code county established under Article 25B of the Code;
- (3) A board of county commissioners established or operating under Article 25 of the Code;
- (4) Baltimore City;
- (5) A municipal corporation established or operating under Article 23A of the Code;
- (6) The Maryland–National Capital Park and Planning Commission;
- (7) The Washington Suburban Sanitary Commission;
- (8) The Northeast Maryland Waste Disposal Authority;
- (9) A community college or board of trustees for a community college established or operating under Title 16 of the Education Article, not including Baltimore City Community College;
- (10) A county public library or board of trustees of a county public library established or operating under Title 23, Subtitle 4 of the Education Article;
- (11) The Enoch Pratt Free Library or Board of Trustees of the Enoch Pratt Free Library;
- (12) The Washington County Free Library or the Board of Trustees of the Washington County Free Library;
- (13) A special taxing district;
- (14) A nonprofit community service corporation incorporated under State law that is authorized to collect charges or assessments;
- (15) Housing authorities created under Division II of the Housing and Community Development Article;
- (16) A sanitary district, sanitary commission, metropolitan commission, or other sewer or water authority established or operating under public local law or public general law;
- (17) The Baltimore Metropolitan Council;

- (18) The Howard County Economic Development Authority;
- (19) The Howard County Mental Health Authority;
- (20) A commercial district management authority established by a county or municipal corporation if provided under local law;
- (21) The Baltimore City Police Department;
- (22) A regional library resource center or a cooperative library corporation established under Title 23, Subtitle 2 of the Education Article;
- (23) Lexington Market, Inc., in Baltimore City;

**(24) THE BALTIMORE PUBLIC MARKETS CORPORATION, IN BALTIMORE CITY;**

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

[(25)](26) The nonprofit corporation serving as the animal control and licensing authority for Carroll County pursuant to a contract or memorandum of understanding with Carroll County (the Humane Society of Carroll County, Inc.).

5-303.

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

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

5-304.

(a) This section does not apply to an action against a nonprofit corporation described in [§ 5-301(d)(24) or (25)] § 5-301(D)(23), (24), (25), OR (26) of this subtitle or its employees.

(b) Except as provided in subsections (a) and (d) of this section, an action for unliquidated damages may not be brought against a local government or its employees unless the notice of the claim required by this section is given within 180 days after the injury.

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

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

**Approved by the Governor, April 24, 2007.**