

**Department of Legislative Services**  
Maryland General Assembly  
2008 Session

**FISCAL AND POLICY NOTE**

House Bill 830  
Judiciary

(Montgomery County Delegation)

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**Montgomery County - Local Government Tort Claims Act - Inclusion of  
Montgomery County Revenue Authority  
MC 813-08**

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This bill limits the liability of the Montgomery County Revenue Authority by expanding the definition of “local government” for purposes of the Local Government Tort Claims Act (LGTCA) to include the Montgomery County Revenue Authority.

The bill takes effect July 1, 2008.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Potential reduction in litigation expenditures for the Montgomery County Revenue Authority.

**Small Business Effect:** Potential minimal. Law firms that represent plaintiffs in tort actions against local governments, and small business plaintiffs, could receive lower litigation fees and damage awards as a result of the bill.

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**Analysis**

**Current Law:** LGTCA defines local government to include counties, municipal corporations, Baltimore City, and various agencies and authorities of local governments such as community colleges, county public libraries, special taxing districts, nonprofit

community service corporations, sanitary districts, housing authorities, and commercial district management authorities.

LGTCGA limits the liability of a local government to \$200,000 per individual claim and \$500,000 per total claims that arise from the same occurrence for damages from tortious acts or omissions (including intentional and constitutional torts). It further provides that the local government is liable for tortious acts or omissions of its employees acting within the scope of employment. It thus prevents local governments from asserting a common law claim of governmental immunity from liability for such acts of its employees.

**Background:** The Montgomery County Revenue Authority was established in 1957 to construct, improve, equip, furnish, maintain, acquire, operate, and finance projects devoted wholly or partially for public use, good, or general welfare. The authority's primary two activities are to operate self-supporting facilities and to finance public facilities. The revenue authority is governed by a six-member board.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Montgomery County, Department of Legislative Services

**Fiscal Note History:** First Reader - February 28, 2008  
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