

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 297
Judiciary

(Howard County Delegation)

Howard County - Local Government Tort Claims Act - Revenue Authority
Ho. Co. 04-08

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

The bill applies prospectively to causes of action arising on or after the bill’s October 1, 2008 effective date.

Fiscal Summary

State Effect: None.

Local Effect: Potential reduction in litigation expenditures for the Howard 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.

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: Chapter 95 of 2005 established the Howard County Revenue Authority. Its members are responsible for financing or operating cultural, recreational (excluding golf courses), and parking facilities. The five members are appointed by the county executive and confirmed by the county council. All members must be Howard County residents.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Howard County, Maryland State Treasurer's Office, Department of Legislative Services

Fiscal Note History: First Reader - January 28, 2008
mcp/jr

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