

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 397
Judiciary

(Washington County Delegation)

Courts and Judicial Proceedings - Local Government Tort Claims Act -
Washington County Community Action Council

This bill limits the liability of the Washington County Community Action Council (WCCAC) by expanding the definition of “local government” for purposes of the Local Government Tort Claims Act (LGTCA) to include WCCAC.

The bill applies prospectively to causes of action arising on or after the bill’s October 1, 2010 effective date.

Fiscal Summary

State Effect: None.

Local Effect: Potential reduction in litigation expenditures for WCCAC. Potential reduction in expenditures for WCCAC if the LGTCA’s liability limits reduce the amount of damages paid to plaintiffs in future lawsuits.

Small Business Effect: Potential minimal. Law firms that represent small business plaintiffs and plaintiffs in tort actions against local governments may 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.

LGTCAs limit 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: Created in 1965, WCCAC provides a multitude of support services to residents of Washington County, including crisis intervention, energy programs, and housing counseling programs. According to the WCCAC's mission statement, it aims to provide "... encouragement, guidance and assistance to the people of our community in the mobilization of resources to combat poverty. [WCCAC's] goal is to increase the capacities of individuals and groups to deal with their own problems without the need of further assistance."

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Washington County, Washington County Community Action Council, Judiciary (Administrative Office of the Courts), Department of Legislative Services

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