

SENATE BILL 291

D3

3lr1227
CF HB 207

By: **Senator Carter**

Introduced and read first time: January 27, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Prohibited Liability Agreements – Recreational Facilities**

3 FOR the purpose of establishing that a provision in a contract or agreement relating to the
4 use of a recreational facility that purports to release the recreational facility from, or
5 indemnify or hold harmless the recreational facility against, liability for bodily injury
6 is void and unenforceable under certain circumstances; and generally relating to
7 liability agreements and recreational facilities.

8 BY adding to

9 Article – Courts and Judicial Proceedings

10 Section 5–401.2

11 Annotated Code of Maryland

12 (2020 Replacement Volume and 2022 Supplement)

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

15 **Article – Courts and Judicial Proceedings**

16 **5–401.2.**

17 **(A) (1) IN THIS SECTION, “RECREATIONAL FACILITY” MEANS A**
18 **COMMERCIAL RECREATIONAL FACILITY, A COMMERCIAL ATHLETIC FACILITY, OR AN**
19 **AMUSEMENT ATTRACTION.**

20 **(2) “RECREATIONAL FACILITY” INCLUDES:**

21 **(I) GYMNASIUMS; AND**

22 **(II) SWIMMING POOLS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) ANY PROVISION IN A CONTRACT OR AGREEMENT RELATING TO THE USE**
2 **OF A RECREATIONAL FACILITY THAT PURPORTS TO RELEASE THE RECREATIONAL**
3 **FACILITY FROM, LIMIT, INDEMNIFY, OR HOLD HARMLESS THE RECREATIONAL**
4 **FACILITY AGAINST, LIABILITY FOR INJURY CAUSED BY OR RESULTING FROM THE**
5 **NEGLIGENCE OR OTHER WRONGFUL ACT OF THE RECREATIONAL FACILITY OR ITS**
6 **AGENTS OR EMPLOYEES IS AGAINST PUBLIC POLICY AND IS VOID AND**
7 **UNENFORCEABLE.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2023.