



MARYLAND ASSOCIATION OF COUNTY  
PARK & RECREATION ADMINISTRATORS  
(MACPRA)

**HB207 Courts - Prohibited Liability Agreements - Recreational Facilities**

*Establishing that a provision in a contract or agreement relating to the use of a recreational facility that purports to release the recreational facility from, or indemnify or hold harmless the recreational facility against, liability for bodily injury is void and unenforceable when the bodily injury is caused by or results from the negligence or other wrongful act of the recreational facility or its agents or employees.*

January 30, 2023

**MACPRA Position: OPPOSE**

The Maryland Association of County Park and Recreation Administrators recognizes the importance of responsibility of liability for recreational facilities and amusement attractions. While the general purpose of HB207 aims to hold commercial recreational facility owners and operators accountable for negligence, MACPRA opposes the legislation as written primarily because of the unintentional impacts on local Parks & Recreation agencies.

The bill language states, “RECREATIONAL FACILITY” MEANS A COMMERCIAL RECREATIONAL FACILITY, A COMMERCIAL ATHLETIC FACILITY, OR AN AMUSEMENT ATTRACTION. In the foregoing definition, county facilities will be interpreted as “commercial” by the courts when they are rented or leased. Though it does not seem this bill is intended for local government parks and facilities, the courts will interpret the statute as currently written, and will look to the purpose at the time of use.

County Parks & Recreation agencies throughout Maryland maintain several agreements with outside organizations at county-owned facilities that include indemnification language that protect counties. Removal (or alteration) of this language would put counties in a very compromised position and could result in financial and legal hardships though a county would have no part in that negligence.

While it is important for owners and operators to not be negligent in their actions, MACPRA believes that this legislation should provide specific exclusions for State, county and municipal parks and facilities.

MACPRA urges the Committee to give an **UNFAVORABLE** report on this bill.

*The Maryland Association of County Park & Recreation Administrators (MACPRA) is an affiliate of the Maryland Association of Counties and represents the Parks and Recreation departments of all 23 counties and Baltimore City – the professionals engaged in the delivery of Parks and Recreation services throughout Maryland.*