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Finding Answers.  
Demanding Justice.

Chairman Luke Clippinger  
House Judiciary Committee  
House Office Building, Room 101  
Annapolis, Maryland 21401

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**SB 291 Courts – Prohibited Liability Agreements  
– Recreational Facilities (cross-filed with HB 207)**

Dear Chairman Clippinger, Vice Chair Moon, and Judiciary Committee Members:

As a Marylander, I am grateful that the House Judiciary Committee regularly rejects bills that would grant immunity from liability to corporations doing business in our State. Thank you for safeguarding the rights of everyone injured by negligence in Maryland to seek justice in our Courts and to hold negligent wrongdoers accountable.

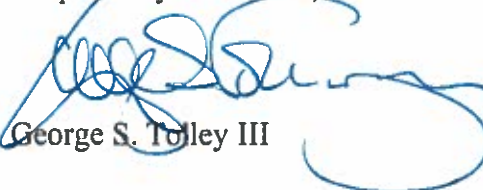
Unfortunately, recreational facilities doing business in our State try to secure by contract, *hidden in the fine print*, what they could not achieve through legislation: immunity for their own negligent conduct.

*Please close this “fine print immunity loophole” in Maryland.*

Liability waivers are offensive to public policy because they remove incentives to exercise ordinary care, and extinguish forever a family’s right to access our Courts. Other States, such as Virginia, have *never* allowed such waivers, on public policy grounds. See *Hiatt v. Lake Barcroft Community Ass’n*, 244 Va. 191 (1992) (citing *Johnson v. Richmond & Danville R.R. Co.*, 86 Va. 975 (1890)). But liability waivers have proliferated in this State since a 2013 decision of the Maryland Supreme Court, reasoning that they do not offend public policy in our State. *BJ’s Wholesale Club, Inc. v. Rosen*, 435 Md. 714 (2013). Simply stated, our Supreme Court got it wrong, and Maryland families need a statute to fix that mistake.

SB 291 closes the “fine print immunity loophole” for recreational facilities in Maryland. I ask for a FAVORABLE report on SB 291. Thank you.

Respectfully Submitted,

  
George S. Tolley III