

BILL: Senate Bill 291
TITLE: Courts - Prohibited Liability Agreements - Recreational Facilities
DATE: March 29, 2023
POSITION: SUPPORT
COMMITTEES: Judiciary
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) supports Senate Bill 291 to ensure that school system contracts with operators of recreational facilities will no longer be permitted to include clauses that inappropriately allow these operators to be held harmless and not liable for injuries to our students when participating in activities at locations completely outside the control of school systems.

This bill would clearly make void and unenforceable provisions in contracts or agreements relating to the use of a recreational facility that would release the recreational facility from, limit, indemnify, or hold harmless the recreational facility against, liability for injury caused by or resulting from the negligence or other wrongful act of the recreational facility or its employees.

Local school systems value the benefits of services provided by outside recreational facilities, and yet are continuously confronted with contract language that includes precisely the types of hold harmless and indemnification clauses that Senate Bill 291 would prohibit. This bill is needed to protect students, parents and guardians, educators and administrators, and taxpayers from the risks posed by the effect of such contract language.

Contracts presented to school systems should no longer be allowed to include provisions that would inappropriately shift liability away from the operator of a recreational facility and their staff responsible for ensuring the safety of our students through prudent investments and management decisions relating to these facilities. Again, local school systems recognize the merits of ensuring student access to recreational activities, including visiting and participating in activities at outside locations and facilities, and we believe Senate Bill 291 will meaningfully improve the process of routinely entering into reasonable agreements to do so.

For these reasons, MABE requests a favorable report on Senate Bill 291.