

Sadie Swift

Maryland Citizen,
Active participant in
Local Recreation

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HB 162/SB 452
Courts - Prohibited
Liability Agreements -
Recreational Facilities

23 March 2024

Dear House Judiciary Committee,

I am writing to urge you to oppose HB 162/SB 452 for the sake of all recreational facilities in Southern Maryland. The bill seeking to eliminate waivers would have detrimental impacts that would likely cause the shutting down of numerous facilities that provide hugely beneficial activities to the local community.

First, a lack of waivers would make insurance policies for these facilities so expensive that continued operations would be all but impossible. By signing a waiver, the participant (or their guardian) acknowledges the risks and decides to proceed with the given activity. If they are to be injured, the facility through which the accident occurred cannot be held accountable because the risk is inherent to the activity. If participants do not show that they acknowledge the risks associated with the activity, the facility will, in all likelihood be forced to cover the costs of any and all injuries that occur. Insurance companies are reluctant to provide coverage for facilities that operate under the latter conditions and therefore charge exceedingly high rates for coverage. Many facilities are unable to afford these heightened prices and will be forced to close their doors. For equine facilities specifically, not having waivers doesn't just raise rates, but often fully disqualifies organizations from insurance policies. Without insurance, these facilities are inoperable. My point is that even if no other factors are considered, insurance policies alone are enough to force the closure of recreational facilities that aren't allowed to use waivers. If this happens, thousands of youth and adults alike will be without access to mentally, physically, and socially beneficial activities.

Even with insurance challenges set aside, there are other reasons why waivers are important to the operation of recreational facilities. Waivers provide crucial information for activity participants, and their engagement is 100% voluntary. Waivers detail the risks involved with activity participation so individuals can make an informed decision on whether or not they will engage. Without such information, community members will be forced into a place where they are unable to make decisions based on accurate, consistent, and reliable information. This will result in more public upset because of unexpected injuries or outcomes. The bottom line is waivers give people the information they need to make an individual and unique decision that fits their situation, and the local legislature should support that freedom by supporting the use of waivers.

The scope of effects the passing of this bill would have cannot fully be understood without uncovering how recreational activities impact the

local community. Southern Maryland is a very diverse area, with people from a huge spectrum of ethnic, political, economic, and religious backgrounds. Recreation activities provide everyone with the opportunity to come together as teammates, competitors, or simply friends in situations that promote improved fitness, healthy relationships, and good mental health. Because of their accessibility to youth, adults, and the elderly, recreational facilities touch the lives of virtually every person in the area. From my experiences and research, I strongly believe that the positive impacts of recreational facilities cannot be overstated.

I understand the concern with waivers is that they provide staff and operators with a legal shield for negligent behavior, however, HB 162/SB 452 is too broad to effectively address this issue. Waivers are crucial to the hosting of and participation in recreational activities that pose a risk of injury. If you see any value at all in the recreational activities of the local community, oppose this bill and seek a different solution to the targeted issue.

Sincerely,

Sadie Swift