

Testimony in opposition to SB452

I am a resident of Ellicott City in Howard County and hereby testify in opposition to this bill. I strongly oppose this raising the following three points.

Firstly, as President of My Lady's Manor Driving Club which is a not-for-profit educational group, much of our ability to function is based on the fact that all of our members and participants in club activities have signed liability releases limiting the club and its officers exposure to lawsuits. We do maintain liability insurance for the club and also for its officers. But there is a significant difference in the insurance rates for events that are open to the public and not just members only. As an educational group we have to have a certain number of Public Events to be able to educate and reach those who need the knowledge and information we share- much of which is safety related. Without having liability releases we would be hard pressed to find officers willing to stand for election and risk their own personal finances. The cost of insurance would likely be prohibitive to the club's existence. This club promotes the sharing of knowledge encouraging good and safe practices for those involved in driving horses, ponies and donkeys recreationally and competitively. We are also involved in promoting activities and access for adaptive and para Driving. To shut us down through removing the layer of protection that liability releases give us would be a significant loss particularly to the "mature" and "adaptive" demographics that we primarily serve.

Secondly, as an operator of a horse farm in a State that currently has no financial limit for Equine Liability, my insurance is already a significant overhead compared to neighboring States that do have a limit on Equine Liability. That cost would increase significantly without the strong and sound deterrent from nuisance suits that a liability release provides. It is only reasonable that if someone *voluntarily* engages in an activity, that they then assume some of the risk. A liability release does not prevent action in a case of negligence. But it does strongly discourage nuisance lawsuits. Lawsuits that would require significant financial commitment simply to defend the obvious- that as a knowledgeable, Qualified professional, I will have taken every measure possible to ensure the safety and appropriateness of what the person is allowed to do. Why would I be liable and have to put large financial outlay into defending myself in a situation where somebody potentially ignored warnings or instruction and was hurt as a result of their choices? We have seen these situations occur in Maryland in the past with financially devastating results for the operators. I have done my part to provide a safe environment with significant investment in education, certifications, safe equipment and insurance. Why should I be penalized if someone chooses not to follow directions? This is grossly unfair and overall would likely have the effect of reducing Public Access to many forms of activity that are currently available to them provided by small businesses.

Thirdly, I rent my farm. My landlord is fortunate to own a multi-million dollar property and I am thankful to have the opportunity to lease the farm side- Including my home. The arrangement is not uncommon and provides knowledgeable care for the land and facilities. Living on site is essential to what I do- especially in bad weather. My landlord is named on my liability insurance and also on all of our releases. But if you were to remove the deterrent and protection that a liability release offers, I think many landlords would think twice about leasing land and or facilities to operators that would have third party engagement. I know if I were a property owner

I would want to protect my personal wealth and my family from being viewed as a winning lottery ticket in an opportunistic lawsuit. This situation could result in a non-renewal of leases or a vast increase in rent depending on how willing to take a risk the property owner would be.

I fail to see the benefit that removing liability releases would provide to property and business owners. But I do see a lot of negative impacts on them through the very likely increase in the number of lawsuits and increase in insurance costs. This has potential for serious economic loss as well as impacts on quality of life. I especially see this impacting any form of farming that has an interface with the public. Equestrian, the many forms of agritourism and farm experiences, pick your own harvesting, wedding and event venues and many other forms of value added agriculture. It would apply to many other activities too and shift our existence to be even more governed by litigation rather than good governance.

Please do not remove our ability to enjoy these things by removing liability releases.

Thank you,

Claire Lacey,
President, My Lady's Manor Driving Club.
Carriage Association of America Certified (carriage) Driver, CAA Examiner (pending).
4 time National Champion in Combined Driving
American Driving Society listed Professional Trainer and Instructor.
Member Farm Bureau, Howard County Farm Bureau