

Testimony of Caroline C. Jordan/Good News Stable Inc.

In opposition to SB0452 – Courts – Prohibited Liability Agreements – Recreational Facilities

For 36 years I have been the business owner of Good News Stable Inc. which is a horse boarding and riding lesson facility in Boyds, Montgomery County, Maryland. There are 60 to 70 horses boarded at Good News Stable, therefore, it is one of the largest horse boarding facilities in Maryland. The proposed SB0452 has potential impacts to my business the most significant of which would stem from the increased potential of lawsuits claiming negligence when in fact there has been no negligence; however, the business owner will bear the cost of meritless claims. I am concerned that the legislature will consider it appropriate to protect meritless claims of negligence. The potential additional costs to recreational businesses, additional burden on the judicial system, and additional cost to public/consumers' needs to be understood. I have the following concerns for your consideration:

1. **What problem is proposed Bill 0452 attempting to fix?** Recreational Businesses in Maryland have been using liability waivers as standard practice for many years to document the business responsibilities, client's responsibilities, and reduce the risk of the business being sued. Usually, these waivers include language that addresses potential instances of simple negligence by a business. The current liability waivers do not protect a business from gross negligence and willful misconduct that results in significant injury or other loss. Therefore, Bill 0452 appears to be an attempt to fix unspecified problems. Supporting documentation references potential problems which appear to be properly addressed as gross negligence or willful misconduct without having to change current waivers. "If it ain't broke, don't fix it!"
2. **Why haven't all recreational businesses and insurance companies in Maryland been informed of proposed SB0452?** The lack of testimony from recreational businesses and insurance companies indicates that proposed bill SB0452 has not been well communicated. Yet adopting this bill without consideration of potential impacts to recreational businesses would be making an uninformed decision. Surely there will be additional costs associated with updating all existing waiver documentation, associated legal fees, and potential increases in insurance coverage/cost. Are the courts prepared to handle potential increase in lawsuits resulting from claims of simple negligence by a business owner? Any additional costs borne by a recreational business would be passed onto business clients/AKA the public. Additional costs may also be so prohibitive that some recreational businesses may cease to exist which will impact availability of these recreational facilities the public.
3. **The proposed date of 1 October 2024 does not provide adequate time for proper implementation.** This date does not allow time for waiver modifications/adoption, insurance company review/potential rate changes, as well as rate changes to pass on the associated costs to the public. Should SB0452 go forward, recommend that input from attorneys that produce waiver forms, recreational businesses, and insurance companies be solicited to determine an appropriate implementation date.

Thank you for your consideration,

Caroline C. Jordan 3/24/2024

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