



2025 POSITION PAPER SB579

Local Government Tort Claims Act – Hagerstown Multi-Use Sports and Events Facility, Inc UNFAVORABLE

The General Assembly has waived the sovereign immunity of state and local governments – giving Marylanders a limited right to recover damages from the State or local governments whose errant workers are responsible for injuring them. The important word is the last sentence is “limited.” Under the Local Government Tort Claims Act, the local government’s liability is capped at \$400,000.00 per person, and \$800,000.00 for all the claims (if more than one person is injured by the local government employee’s negligence). In addition to capping the damages the injured can recover, the LGTCA requires that anyone presenting a claim must file notice of the claim within one year of the injury. The failure to file this notice is fatal to the right to make a claim, and the local government is not required to notify the injured that they will lose their right to compensation if they fail to file this notice.

MAJ opposes all civil damage caps. Similar to caps on non-economic damages, which limit the ability to hold wrongdoers accountable for the losses they cause, the LGTCA caps the right to compensation for losses at \$400,000.00 per person; if more than one person is injured, the local government’s liability is capped at \$800,000.

Imagine having to explain to someone who was in the University of Maryland Shock Trauma for months, and is left quadriplegic that \$400,000.00 all the available compensation? Or explaining this to a group of victims who must split up \$800,000.00? Also, it not hard to see what happens to the medical bills and lost wages the \$400,000.00 does not cover – they are paid by Medical Assistance or by health insurance. Why should the taxpayers or those with health insurance pay extra premiums to fund a sports complex?

More importantly, the same bill was heard last year, SB 849. The Fiscal Note stated: “the city itself does not own the facility. The city further advised that it does not have any connection with Hagerstown Multiuse Sports and Event Facility, Inc. Washington County also noted that it does now own the facility and is unlikely to be involved in any related lawsuit.” Imagine learning that you’ve lost your right to compensation from this private company, because you did not give the proper notice under a government tort claims act – despite the fact that you have no claim against any government?

If there is no local government involvement, there should be no local government tort claims immunity. Let this privately owned facility do what every other business owner is required to do: take reasonable precautions for its customers’ safety and ensure that any Marylanders injured by the wrongdoing of its workforce will be compensated as fairly as they would have been, had the injury happened anywhere else.

The Maryland Association for Justice urges a UNFAVORABLE Report on SB79

About Maryland Association for Justice

The Maryland Association for Justice (MAJ) represents over 1,250 trial attorneys throughout the state of Maryland. MAJ advocates for the preservation of the civil justice system, the protection of the rights of consumers and the education and professional development of its members.

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