

SENATE BILL 291

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3lr1227
CF HB 207

By: **Senator Carter**

Introduced and read first time: January 27, 2023

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 4, 2023

CHAPTER _____

1 AN ACT concerning

2 **Courts – Prohibited Liability Agreements – Recreational Facilities**

3 FOR the purpose of establishing that a provision in a contract or agreement relating to the
4 use of a recreational facility that purports to release the recreational facility from, or
5 indemnify or hold harmless the recreational facility against, liability for bodily injury
6 is void and unenforceable under certain circumstances; and generally relating to
7 liability agreements and recreational facilities.

8 BY adding to

9 Article – Courts and Judicial Proceedings

10 Section 5–401.2

11 Annotated Code of Maryland

12 (2020 Replacement Volume and 2022 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That the Laws of Maryland read as follows:

15 **Article – Courts and Judicial Proceedings**

16 **5–401.2.**

17 **(A) (1) IN THIS SECTION, “RECREATIONAL FACILITY” MEANS A**
18 **COMMERCIAL RECREATIONAL FACILITY, A COMMERCIAL ATHLETIC FACILITY, OR AN**
19 **AMUSEMENT ATTRACTION.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **(2) “RECREATIONAL FACILITY” INCLUDES:**

2 **(I) GYMNASIUMS; AND**

3 **(II) SWIMMING POOLS.**

4 **(3) “RECREATIONAL FACILITY” DOES NOT INCLUDE A UNIT OF STATE**
5 **OR LOCAL GOVERNMENT THAT LEASES LAND OR FACILITIES TO A RECREATIONAL**
6 **FACILITY.**

7 **(B) ANY PROVISION IN A CONTRACT OR AGREEMENT RELATING TO THE USE**
8 **OF A RECREATIONAL FACILITY THAT PURPORTS TO RELEASE THE RECREATIONAL**
9 **FACILITY FROM, LIMIT, INDEMNIFY, OR HOLD HARMLESS THE RECREATIONAL**
10 **FACILITY AGAINST, LIABILITY FOR INJURY CAUSED BY OR RESULTING FROM THE**
11 **NEGLIGENCE OR OTHER WRONGFUL ACT OF THE RECREATIONAL FACILITY OR ITS**
12 **AGENTS OR EMPLOYEES IS AGAINST PUBLIC POLICY AND IS VOID AND**
13 **UNENFORCEABLE.**

14 **(C) THIS SECTION MAY NOT BE INTERPRETED TO AFFECT, EXTEND, OR**
15 **LIMIT THE LIABILITY OF A GOVERNMENTAL ENTITY FOR A TORT OR OTHER CLAIM**
16 **SUBJECT TO TITLE 12, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE OR**
17 **SUBTITLE 3 OF THIS TITLE.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.