

HOUSE BILL 162

D3
HB 207/23 – JUD

(PRE-FILED)

4r0424
CF 4r2229

By: **Delegates Cardin and Moon**

Requested: July 11, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judiciary

A BILL ENTITLED

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 limit the recreational facility’s liability,
5 or release the recreational facility from or indemnify or hold harmless the
6 recreational facility against liability, for injury caused by negligence or other
7 wrongful acts is void and unenforceable under certain circumstances; and generally
8 relating to liability agreements and recreational facilities.

9 BY adding to

10 Article – Courts and Judicial Proceedings
11 Section 5–401.2
12 Annotated Code of Maryland
13 (2020 Replacement Volume and 2023 Supplement)

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

16 **Article – Courts and Judicial Proceedings**

17 **5–401.2.**

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

21 (2) “RECREATIONAL FACILITY” INCLUDES:

22 (I) GYMNASIUMS; AND

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) SWIMMING POOLS.**

2 **(3) "RECREATIONAL FACILITY" DOES NOT INCLUDE A UNIT OF STATE**
3 **OR LOCAL GOVERNMENT THAT LEASES LAND OR FACILITIES TO A RECREATIONAL**
4 **FACILITY.**

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

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2024.