

# SENATE BILL 452

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SB 291/23 – JPR

4lr2229  
CF HB 162

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By: **Senator Carter**

Introduced and read first time: January 22, 2024

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 2024

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## 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 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 repealing and reenacting, without amendments,

10 Article – Business Regulation

11 Section 15–201(a) and (c)

12 Annotated Code of Maryland

13 (2015 Replacement Volume and 2023 Supplement)

14 BY repealing and reenacting, without amendments,

15 Article – Commercial Law

16 Section 14–12B–01(a) and (d)

17 Annotated Code of Maryland

18 (2013 Replacement Volume and 2023 Supplement)

19 BY adding to

20 Article – Courts and Judicial Proceedings

21 Section 5–401.2

22 Annotated Code of Maryland

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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.



(2020 Replacement Volume and 2023 Supplement)

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

**Article – Business Regulation**

15–201.

(a) In this subtitle the following words have the meanings indicated.

(c) “Lodging establishment” means an inn, hotel, motel, or other establishment that has at least four rooms available for a fee to transient guests for lodging or sleeping purposes.

**Article – Commercial Law**

14–12B–01.

(a) In this subtitle the following words have the meanings indicated.

(d) (1) “Health club services agreement” means an agreement under which:

(i) The buyer of a health club service purchases, or becomes obligated to purchase, health club services to be rendered over a period longer than 3 months;

(ii) The seller of a health club services agreement collects more than 3 months’ payment in advance; and

(iii) The service to be rendered under the agreement is for personal, family, or household use.

(2) “Health club services” includes health spa, figure salon, weight reduction center, self defense school, or other physical culture service enterprises offering facilities for the preservation, maintenance, encouragement, or development of physical fitness or physical well-being.

(3) “Health club services” does not include agreements for services rendered by:

(i) Any nonprofit public or private school, college, or university;

(ii) The State, or any of its political subdivisions; or

(iii) Any nonprofit religious, ethnic, community, or service organization.

1 Article – Courts and Judicial Proceedings

2 5-401.2.

3 (A) (1) IN THIS SECTION, “RECREATIONAL FACILITY” MEANS A  
4 COMMERCIAL RECREATIONAL FACILITY, A COMMERCIAL ATHLETIC FACILITY, OR AN  
5 AMUSEMENT ATTRACTION.

6 (2) “RECREATIONAL FACILITY” INCLUDES:

7 (I) GYMNASIUMS; AND

8 (II) SWIMMING POOLS.

9 (3) “RECREATIONAL FACILITY” DOES NOT INCLUDE ~~A~~:

10 (I) A LODGING ESTABLISHMENT, AS DEFINED IN § 15-201 OF  
11 THE BUSINESS REGULATION ARTICLE, UNLESS THE LODGING ESTABLISHMENT  
12 OWNS, MAINTAINS, OR OPERATES A RECREATIONAL FACILITY THAT IS AVAILABLE  
13 FOR USE BY THE GENERAL PUBLIC; OR

14 (II) A UNIT OF STATE OR LOCAL GOVERNMENT THAT LEASES  
15 LAND OR FACILITIES TO A RECREATIONAL FACILITY.

16 (B) THIS SECTION DOES NOT APPLY TO A HEALTH CLUB SERVICES  
17 AGREEMENT, AS DEFINED IN § 14-12B-01 OF THE COMMERCIAL LAW ARTICLE, FOR  
18 SERVICES TO BE RENDERED FOR AN ADULT.

19 ~~(B)~~ (C) ANY PROVISION IN A CONTRACT OR AGREEMENT RELATING TO  
20 THE USE OF A RECREATIONAL FACILITY THAT PURPORTS TO LIMIT THE  
21 RECREATIONAL FACILITY’S LIABILITY, OR RELEASE THE RECREATIONAL FACILITY  
22 FROM OR INDEMNIFY OR HOLD HARMLESS THE RECREATIONAL FACILITY AGAINST  
23 LIABILITY, FOR INJURY CAUSED BY OR RESULTING FROM THE NEGLIGENCE OR  
24 OTHER WRONGFUL ACT OF THE RECREATIONAL FACILITY OR ITS AGENTS OR  
25 ON-DUTY EMPLOYEES IS AGAINST PUBLIC POLICY AND IS VOID AND  
26 UNENFORCEABLE.

27 ~~(C)~~ (D) THIS SECTION MAY NOT BE INTERPRETED TO AFFECT, EXTEND,  
28 OR LIMIT THE LIABILITY OF A GOVERNMENTAL ENTITY FOR A TORT OR OTHER CLAIM  
29 SUBJECT TO TITLE 12, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE OR  
30 SUBTITLE 3 OF THIS TITLE.

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