

## (F) LIABILITY.

(1) "LIABILITY" MEANS LEGAL LIABILITY FOR DAMAGES, INCLUDING COSTS OF DEFENSE, LEGAL COSTS AND FEES, AND OTHER CLAIMS EXPENSES, BECAUSE OF INJURIES TO PERSONS, DAMAGE TO THEIR PROPERTY, OR OTHER DAMAGE OR LOSS TO THOSE PERSONS, RESULTING FROM OR ARISING OUT OF:

(I) A BUSINESS, WHETHER PROFIT OR NONPROFIT, TRADE, PRODUCTS, SERVICES, INCLUDING PROFESSIONAL SERVICES, PREMISES, OR OPERATIONS; OR

(II) AN ACTIVITY OF A STATE OR LOCAL GOVERNMENT, OR AN AGENCY OR POLITICAL SUBDIVISION OF A STATE OR LOCAL GOVERNMENT.

## (2) "LIABILITY" DOES NOT INCLUDE:

(I) PERSONAL RISK LIABILITY, WHICH IS LIABILITY FOR DAMAGES BECAUSE OF INJURY TO A PERSON, DAMAGE TO PROPERTY, OR OTHER DAMAGE OR LOSS RESULTING FROM PERSONAL, FAMILIAL, OR HOUSEHOLD RESPONSIBILITIES OR ACTIVITIES; OR

(II) THE LIABILITY OF AN EMPLOYER WITH RESPECT TO ITS EMPLOYEES OTHER THAN LEGAL LIABILITY UNDER THE FEDERAL EMPLOYERS' LIABILITY ACT.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 48A, § 617(f) and (g).

Paragraph (2)(i) of this subsection incorporates the substance of the former defined term "personal risk liability" because the term is not otherwise used in this subtitle. The former phrase "rather than from responsibilities or activities referred to in subsection (f) of this section" is deleted as unnecessary in light of the phrase "does not include", which limits the meaning of the defined term "liability".

In paragraph (2)(ii) of this section, the former cross-reference to "45 U.S.C. § 51, et seq." is deleted as unnecessary because of the use of the short title of the Employers' Liability Act.

Defined terms: "Person" § 1-101

"State" § 25-101

## (G) PLAN OF OPERATION OR FEASIBILITY STUDY.

"PLAN OF OPERATION OR FEASIBILITY STUDY" MEANS AN ANALYSIS THAT PRESENTS THE EXPECTED ACTIVITIES AND RESULTS OF A RISK RETENTION GROUP INCLUDING, AT A MINIMUM:

(1) INFORMATION SUFFICIENT TO VERIFY THAT THE MEMBERS OF THE RISK RETENTION GROUP ARE ENGAGED IN BUSINESSES OR ACTIVITIES THAT ARE SIMILAR OR RELATED WITH RESPECT TO THE LIABILITY TO WHICH THE MEMBERS ARE EXPOSED BY VIRTUE OF RELATED, SIMILAR, OR COMMON BUSINESS, TRADE, PRODUCTS, SERVICES, PREMISES, OR OPERATIONS;