

(2000 Replacement Volume and 2003 Supplement)

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

Article - Commercial Law

TITLE 23. OPERATING AGREEMENTS - HOTELS AND RETIREMENT COMMUNITIES.

23-101.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "HOTEL" MEANS A HOTEL OR MOTEL WITH MORE THAN 30 ROOMS FOR RENT THAT IS PRIMARILY USED BY TRANSIENTS WHO ARE LODGED WITH OR WITHOUT MEALS.

(C) "OPERATING AGREEMENT" MEANS A WRITTEN CONTRACT, AGREEMENT, INSTRUMENT, OR OTHER DOCUMENT BETWEEN AT LEAST TWO PERSONS THAT RELATES TO THE MANAGEMENT, OPERATION, OR FRANCHISE OF A HOTEL OR A RETIREMENT COMMUNITY.

(D) "PERSON" DOES NOT INCLUDE AN INDIVIDUAL, A NOT FOR PROFIT ENTITY, OR A PUBLIC INSTRUMENTALITY.

(E) (1) "RETIREMENT COMMUNITY" MEANS A SENIOR LIVING COMMUNITY, RETIREMENT COMMUNITY, ASSISTED LIVING COMMUNITY, CONTINUING CARE RETIREMENT COMMUNITY, INDEPENDENT LIVING COMMUNITY, OR SIMILAR COMMUNITY THAT OFFERS A COMBINATION OF INDEPENDENT LIVING, ASSISTED LIVING, OR NURSING.

(2) "RETIREMENT COMMUNITY" DOES NOT INCLUDE:

(I) A FREESTANDING NURSING HOME, AS DEFINED IN § 19-1401 OF THE HEALTH - GENERAL ARTICLE, THAT IS LICENSED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

(II) A STATE FACILITY, AS DEFINED IN § 10-101 OF THE HEALTH - GENERAL ARTICLE;

(III) A PROGRAM LICENSED BY THE DEPARTMENT OF MENTAL HEALTH AND HYGIENE UNDER TITLE 7 OR TITLE 10 OF THE HEALTH - GENERAL ARTICLE;

(IV) A FREESTANDING HOSPICE CARE PROGRAM REGULATED BY THE DEPARTMENT OF MENTAL HEALTH AND HYGIENE UNDER TITLE 19, SUBTITLE 9 OF THE HEALTH - GENERAL ARTICLE;

(V) A FREESTANDING DAY CARE CENTER FOR THE ELDERLY REGULATED BY THE DEPARTMENT OF MENTAL HEALTH AND HYGIENE UNDER TITLE 14, SUBTITLE 2 OF THE HEALTH-GENERAL ARTICLE;