

SENATE BILL 330

D3

01r0529

By: **Senators Waldstreicher, Carter, Hough, Ready, Sydnor, and Young**

Introduced and read first time: January 22, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Defenses – Fireman’s Rule**

3 FOR the purpose of eliminating a certain common law doctrine or similar rule as a defense
4 to certain actions involving injury to a safety officer; defining certain terms;
5 providing that this Act does not affect certain other defenses, privileges, immunities,
6 or rights; providing for the application of this Act; and generally relating to defenses
7 against actions brought by safety officers.

8 BY adding to

9 Article – Courts and Judicial Proceedings

10 Section 5–644

11 Annotated Code of Maryland

12 (2013 Replacement Volume and 2019 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 **5–644.**

17 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
18 **INDICATED.**

19 **(2) “FIREMAN’S RULE” MEANS THE COMMON LAW DOCTRINE THAT**
20 **PREVENTS A SAFETY OFFICER FROM RECOVERING DAMAGES FOR INJURIES THE**
21 **OFFICER SUSTAINED:**

22 **(I) WHILE PERFORMING THE DUTIES THE SAFETY OFFICER IS**
23 **REQUIRED TO PERFORM IN THE SCOPE OF THE SAFETY OFFICER’S EMPLOYMENT;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 AND

2 (II) THAT ARE ATTRIBUTABLE TO THE CAUSE THAT REQUIRED
3 THE SAFETY OFFICER'S ASSISTANCE.

4 (3) "PERSON" INCLUDES A GOVERNMENTAL ENTITY.

5 (4) "SAFETY OFFICER" MEANS:

6 (I) A STATE, COUNTY, MUNICIPAL, OR VOLUNTEER
7 FIREFIGHTER;

8 (II) A MEMBER OF AN AMBULANCE OR RESCUE SQUAD; OR

9 (III) A LAW ENFORCEMENT OFFICER.

10 (B) A PERSON MAY NOT RAISE OR ASSERT AS A DEFENSE IN ANY ACTION:

11 (1) THE FIREMAN'S RULE; OR

12 (2) ANY OTHER SIMILAR RULE THAT DENIES A SAFETY OFFICER
13 RECOVERY IN AN ACTION AT LAW OR AUTHORIZED BY STATUTE BASED ON:

14 (I) THE GROSS AND WILLFUL NEGLIGENCE OF A PERSON IN
15 CAUSING AN INJURY TO A SAFETY OFFICER;

16 (II) THE RESULT OF A CRIMINAL ACT COMMITTED BY A PERSON
17 THAT CAUSED AN INJURY TO A SAFETY OFFICER; OR

18 (III) THE STATUS OF A PERSON AS OWNER OR OCCUPIER OF
19 LAND OR PREMISES ON WHICH A SAFETY OFFICER WAS HARMED.

20 (C) THIS SECTION MAY NOT BE CONSTRUED TO AFFECT:

21 (1) ANY OTHER COMMON LAW OR STATUTORY DEFENSE, PRIVILEGE,
22 OR IMMUNITY; OR

23 (2) ANY RIGHT TO SUBROGATION THAT AN INSURER MAY HAVE
24 UNDER A WORKERS' COMPENSATION INSURANCE POLICY.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
26 apply only prospectively and may not be applied or interpreted to have any effect on or
27 application to any cause of action arising before the effective date of this Act.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2020.