
By: Delegate Bozman

Introduced and read first time: January 31, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Immunity - Lifeguards and Beach Patrol Members**

3 FOR the purpose of granting immunity from civil liability under certain circumstances to
4 certain lifeguards and beach patrol members who are employees of a local
5 government.

6 BY repealing and reenacting, with amendments,
7 Article - Courts and Judicial Proceedings
8 Section 5-309
9 Annotated Code of Maryland
10 (1995 Replacement Volume and 1995 Supplement)

11 BY repealing and reenacting, without amendments,
12 Article - Courts and Judicial Proceedings
13 Section 5-401(a), (c), and (d)
14 Annotated Code of Maryland
15 (1995 Replacement Volume and 1995 Supplement)

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

18 **Article - Courts and Judicial Proceedings**

19 5-309.

20 (a) A person described in subsection (b) of this section is not civilly liable for any
21 act or omission in giving any assistance or medical care, if:

22 (1) The act or omission is not one of gross negligence;

23 (2) The assistance or medical care is provided without fee or other
24 compensation; and

25 (3) The assistance or medical care is provided:

26 (i) At the scene of an emergency;

27 (ii) In transit to a medical facility; or

2

1 (iii) Through communications with personnel providing emergency
2 assistance.

3 (b) Subsection (a) of this section applies to the following:

4 (1) An individual who is licensed by this State to provide medical care;

5 (2) A member of any State, county, municipal, or volunteer firedepartment,
6 ambulance and rescue squad, or law enforcement agency[or of], the National Ski Patrol
7 System, or a corporate fire department responding to a call outside of its corporate
8 premises, if the member:

9 (i) Has completed an American Red Cross course in advancedfirst
10 aid and has a current card showing that status;

11 (ii) Has completed an equivalent of an American Red Cross course in
12 advanced first aid, as determined by the Secretary of Health and MentalHygiene; or

13 (iii) Is certified by this State as an emergency medical technician or
14 cardiac rescue technician;

15 (3) A volunteer fire department, ambulance and rescue squad whose
16 members have immunity;

17 (4) A corporation when its fire department personnel are immuneunder
18 paragraph (2) of this subsection; AND

19 (5) A LIFEGUARD OR BEACH PATROL MEMBER WHO IS AN EMPLOYEE
20 OF A LOCAL GOVERNMENT, AS THOSE TERMS ARE DEFINED IN § 5-401 OF THIS
21 ARTICLE, AND WHO MEETS THE REQUIREMENTS OF PARAGRAPH (2)(I) THROUGH
22 (III) OF THIS SUBSECTION.

23 (c) An individual who is not covered otherwise by this section is not civilly liable
24 for any act or omission in providing assistance or medical aid to a victim at the scene of
25 an emergency, if:

26 (1) The assistance or aid is provided in a reasonably prudent manner;

27 (2) The assistance or aid is provided without fee or other compensation; and

28 (3) The individual relinquishes care of the victim when someone who is
29 licensed or certified by this State to provide medical care or services becomes available to
30 take responsibility.

31 5-401.

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

33 (c) (1) "Employee" means any person who was employed by a local government
34 at the time of the act or omission giving rise to potential liability against that person.

35 (2) "Employee" includes:

36 (i) Any employee, either within or without a classified service or merit
37 system;

3

1 (ii) An appointed or elected official; or

2 (iii) A volunteer who, at the request of the local government, and
3 under its control and direction, was providing services or performing duties.

4 (d) "Local government" means:

5 (1) A chartered county established under Article 25A of the Code;

6 (2) A code county established under Article 25B of the Code;

7 (3) A board of county commissioners established or operating under Article
8 25 of the Code;

9 (4) Baltimore City;

10 (5) A municipal corporation established or operating under Article 23A of
11 the Code;

12 (6) The Maryland-National Capital Park and Planning Commission;

13 (7) The Washington Suburban Sanitary Commission;

14 (8) The Northeast Maryland Waste Disposal Authority;

15 (9) A community college or board of trustees for a community college
16 established or operating under Title 16 of the Education Article;

17 (10) A county public library or board of trustees of a county public library
18 established or operating under Title 23, Subtitle 3 of the Education Article;

19 (11) The Enoch Pratt Free Library or Board of Trustees of the Enoch Pratt
20 Free Library;

21 (12) The Washington County Free Library or the Board of Trustees of the
22 Washington County Free Library;

23 (13) A special taxing district;

24 (14) A nonprofit community service corporation incorporated under
25 Maryland law that is authorized to collect charges or assessments;

26 (15) Housing authorities created under Article 44A of the Code;

27 (16) A sanitary district, sanitary commission, metropolitan commission, or
28 other sewer or water authority established or operating under public local law or public
29 general law;

30 (17) The Baltimore Metropolitan Council;

31 (18) The Howard County Economic Development Authority; and

32 (19) A commercial district management authority established by a county or
33 municipal corporation if provided under local law.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1996.