
By: Senators Stone, Green, and Dorman

Introduced and read first time: January 17, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Defenses - "Fireman's Rule" Abolished**

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

8 BY renumbering

9 Article - Courts and Judicial Proceedings
10 Section 5-309.3 and 5-309.4, respectively
11 to be Section 5-309.4 and 5-309.5, respectively
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1995 Supplement)

14 BY adding to

15 Article - Courts and Judicial Proceedings
16 Section 5-309.3
17 Annotated Code of Maryland
18 (1995 Replacement Volume and 1995 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That Section(s) 5-309.3 and 5-309.4, respectively, of Article- Courts and
21 Judicial Proceedings of the Annotated Code of Maryland be renumbered to be Section(s)
22 5-309.4 and 5-309.5, respectively.

23 SECTION 2. AND BE IT FURTHER ENACTED, That Laws of Maryland read as
24 follows:

25 **Article - Courts and Judicial Proceedings**

26 5-309.3.

27 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
28 INDICATED.

2

1 (2) "FIREMAN'S RULE" MEANS THE COMMON LAW DOCTRINE THAT
2 PREVENTS A SAFETY OFFICER FROM RECOVERING FOR INJURIES THE OFFICER
3 SUSTAINED:

4 (I) WHILE PERFORMING THE DUTIES THE OFFICER IS REQUIRED
5 TO PERFORM IN THE SCOPE OF THE OFFICER'S EMPLOYMENT; AND

6 (II) THAT ARE ATTRIBUTABLE TO THE CAUSE THAT REQUIRES
7 THE OFFICER'S ASSISTANCE.

8 (3) "PERSON" INCLUDES A GOVERNMENTAL BODY.

9 (4) "SAFETY OFFICER" MEANS:

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

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

12 (III) A LAW ENFORCEMENT OFFICER.

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

14 (1) THE FIREMAN'S RULE; OR

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

17 (I) THE NEGLIGENCE OF A PERSON IN CAUSING AN INJURY TO A
18 SAFETY OFFICER; OR

19 (II) THE STATUS OF A PERSON AS OWNER OR OCCUPIER OF LAND
20 OR PREMISES THAT CAUSED HARM TO A SAFETY OFFICER.

21 (C) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B) OF THIS
22 SECTION, THIS SECTION MAY NOT BE CONSTRUED TO:

23 (1) PREVENT ANY OTHER COMMON LAW OR STATUTORY DEFENSE,
24 PRIVILEGE, OR IMMUNITY POSSESSED BY A PERSON AGAINST WHOM AN ACTION IS
25 BROUGHT BY A SAFETY OFFICER; OR

26 (2) AFFECT ANY RIGHTS TO SUBROGATION THAT AN INSURER MAY
27 HAVE UNDER A POLICY OF WORKERS' COMPENSATION INSURANCE.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 1996.