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HB 1103/91 - JUD

1996 Regular Session
6lr0824

By: Senators Stone, Green, and Dorman

Introduced and read first time: January 17, 1996

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 7, 1996

CHAPTER ____

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:

2

1 **Article - Courts and Judicial Proceedings**

2 5-309.3.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

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

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

10 (II) THAT ARE ATTRIBUTABLE TO THE CAUSE THAT REQUIRES
11 THE OFFICER'S ASSISTANCE.

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

13 (4) "SAFETY OFFICER" MEANS:

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

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

16 (III) A LAW ENFORCEMENT OFFICER.

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

18 (1) THE FIREMAN'S RULE; OR

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

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

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

25 ~~(III)~~ (III) THE STATUS OF A PERSON AS OWNER OR OCCUPIER OF
26 LAND OR PREMISES THAT CAUSED HARM TO A SAFETY OFFICER.

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

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

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

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

