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SB 159/96 - JUD

1997 Regular Session
7r0208
CF 7r0218

By: Delegate T. Murphy

Introduced and read first time: January 17, 1997

Assigned to: Judiciary

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; providing for the application of this Act; and generally
7 relating to defenses against actions brought by 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 1996 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 1996 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 SAFETY OFFICER IS
5 REQUIRED TO PERFORM IN THE SCOPE OF THE SAFETY OFFICER'S EMPLOYMENT;
6 AND

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

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

10 (4) "SAFETY OFFICER" MEANS:

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

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

13 (III) A LAW ENFORCEMENT OFFICER.

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

15 (1) THE FIREMAN'S RULE; OR

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

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

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

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

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

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

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

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed
32 only prospectively and may not be applied or interpreted to have any effect on or
33 application to any cause of action arising before the effective date of this Act.

34 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 1997.