

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 264 (Delegate T. Murphy)
Judiciary

Defenses - “Fireman’s Rule” Abolished

This bill eliminates the common law doctrine known as the “Fireman’s Rule” or any similar rule as a defense to certain actions involving injury to a safety officer. The “Fireman’s Rule” prevents a safety officer from recovering for injuries the officer sustained while performing the duties the officer is required to do within the scope of the officer’s employment. The bill does not preclude any other common law or statutory defenses from being asserted.

The bill is applied prospectively.

Fiscal Summary

State Effect: Indeterminate but potentially significant increase in general fund expenditures. Revenues would not be affected.

Local Effect: Indeterminate effect on expenditures. Revenues would not be affected.

Small Business Effect: None. The bill would not directly affect small businesses.

Fiscal Analysis

State Expenditures: General fund expenditures could increase as a result of more civil litigation. By abolishing the “Fireman’s Rule,” not only will safety officers be allowed to sue persons who cause them harm, the public can sue the safety officers for harm the officers may have caused. Expenditures could also be affected if a suit is brought by a safety officer against the State. The liability of the State and its units may not exceed \$100,000 to a single claimant for injuries arising from a single incident or occurrence. The actual amount of State expenditures would depend on the number of suits and the judgments awarded.

Local Expenditures: Expenditures could increase as a result of an increase in civil litigation. Expenditures could also be affected by suits brought by safety officers against a local government or the public suing a safety officer. The actual amount of expenditures would depend upon the number of suits and the judgments awarded. This proposed legislation could also affect local expenditures by increasing general liability insurance premiums carried by self-insuring counties.

Conversely, an expenditure decrease could come from reduced health insurance premiums for safety officers. In fiscal 1995, 380 firefighters were injured statewide in fire related injuries. Currently, when safety officers are injured in the line of duty, the injuries are covered by worker's compensation, self-insurance by the counties, or other insurance the safety officer may have. Most of the volunteer fire stations carry liability insurance issued by the county. By allowing the safety officer to sue the person who caused the harm directly, health insurance premiums potentially could go down.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services (Division of Correction, State Fire Marshal), Department of State Police, Department of Fiscal Services

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