



Senate Bill 330

Civil Actions – Defenses – Fireman’s Rule

MACo Position: **SUPPORT**

To: Judicial Proceedings Committee

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From: Natasha Mehu

The Maryland Association of Counties (MACo) **SUPPORTS** SB 330 as it strives to reform state law and policy to assist injured safety officers in targeted situations.

SB 330 would eliminate the “Fireman’s Rule” as well as other similar defenses under certain conditions. This common law doctrine generally prohibits a safety officer from recovering damages for injuries they have sustained in the course of their duties.

The global reasoning behind the rule is that safety officers willingly assume the risks their duties present and that costs of injuries should be spread among the public rather than the individual. However, the rule can be viewed as unfair to safety officers in circumstances where another party’s egregious actions cause them harm. To balance public policy arguments on behalf of the officers and of the public they serve, the bill removes the related defenses in cases of gross and willful negligence, criminal acts, and involving the owner/occupier of the physical property which is often a duty of care issue. Without dramatically altering the policy logic behind the “Fireman’s Rule,” SB 330 adds fairness on behalf of our first responders.

Importantly, the bill does not affect any other common law or statutory defense, privilege, or immunity and it protects the subrogation rights an insurer may have under a workers’ compensation insurance policy. Safety officers injured in the line of duty are usually covered by workers’ compensation, county self-insurance or other liability insurance. The bill’s subrogation provisions afford counties the ability to recover the injured officer’s workers’ compensation costs from the parties at fault.

Safety officers protect Maryland lives and risk their own daily. It is reasonable to narrowly allow these officers to recover damages directly from another responsible individual in cases where they are injured while on duty. For these reasons MACo urges a **FAVORABLE** report on SB 330.