

In revising this title, the Commission to Revise the Annotated Code deleted present Art. 66 1/2, §8-201. That section, which deals with "financial responsibility" for taxicabs and "commercial motor vehicles for hire", is obsolete and its provisions adequately covered either by Title 17 of this article or Art. 78 of the Code, the Public Service Commission Law. Ch. 73, Acts of 1972, which repealed the former "Financial Responsibility and Unsatisfied Claim and Judgment Fund" law and enacted a new "Required Security" law in its place, apparently overlooked this section because of its placement in another subtitle of present Art. 66 1/2.

TITLE 19. VEHICLE LAWS—CIVIL LIABILITY OF GOVERNMENTAL AGENCIES.

19-101. LIABILITY FOR NEGLIGENCE OF POLICE OFFICER.

(A) LIABILITY FOR DAMAGES AND INJURIES.

IF ANY POLICE OFFICER OF THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE, WHILE OTHERWISE ACTING WITHIN THE SCOPE OF HIS AUTHORITY IN ENFORCING ANY LAW, DIRECTS THE DRIVER OF ANY MOTOR VEHICLE, OTHER THAN A POLICE VEHICLE, TO ASSIST HIM IN ENFORCING THAT LAW OR IN APPREHENDING ANY PERSON SUSPECTED OF VIOLATING OR KNOWN TO HAVE VIOLATED THAT LAW, THIS STATE OR THE POLITICAL SUBDIVISION, AS THE CASE MAY BE, IS LIABLE FOR THE DAMAGES OR INJURIES PROXIMATELY CAUSED BY THE NEGLIGENCE OF THE POLICE OFFICER.

(B) DEFENSES AVAILABLE TO STATE OR POLITICAL SUBDIVISION.

THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE MAY USE THE ~~DEFENSES~~ DEFENSE OF CONTRIBUTORY NEGLIGENCE AND ASSERT THE DOCTRINE OF LAST CLEAR CHANCE IN AN ACTION BROUGHT OR DEFENSE RAISED UNDER THIS SECTION.

REVISOR'S NOTE: This section presently appears as Art. 66 1/2, §9-102(b).

The second sentence of present Art. 66 1/2, §9-102(b) is deleted as unnecessary. The first clause of that sentence states that "{f}or purposes of this section, the Baltimore City police shall be considered police officers of Baltimore City". For purposes of this section, that statement is superfluous. See, e.g., City of Baltimore v. Silver, 263 Md. 439 (1973), where the Court of Appeals held that, under the not dissimilar provisions of Art. 82 of the Code ("Riots"), the City of Baltimore was liable for the failure of the City Police Department to contain the civil disturbances of 1968; this, notwithstanding