

~~provision indemnifying the parties to the agreements from all claims by third parties for property damage or personal injury; now, therefore,~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article 38A - Fires and Investigations

38.

~~(A) Any board of fire commissioners, fire company, rescue squad, governmental subdivision, or fire department, acting through authorized agents, [are hereby authorized, in their discretion, to] MAY enter into appropriate agreements to make available to the federal government, personnel and equipment of the various fire COMPANIES or rescue [companies] SQUADS concerned, to extinguish fires and save lives on the property of the federal government. THESE AGREEMENTS ARE SUBJECT TO THE INDEMNIFICATION REQUIREMENT OF SECTION 37 OF THIS ARTICLE, BUT THEY ARE NOT SUBJECT TO THE WAIVER OF CLAIMS REQUIREMENT OF SECTION 37. [provided that nothing herein contained shall] HOWEVER, THIS SECTION MAY NOT BE CONSTRUED TO require any fire [companies] COMPANY, rescue squad [or], board of fire commissioners or fire department, or governmental subdivision, to enter into such agreements[, and provided further that these agreements shall be subject to the indemnities provided in § 37 of this article].~~ MAY IN THEIR DISCRETION, ENTER INTO AGREEMENT WITH THE FEDERAL GOVERNMENT FOR THE PROVISION OF FIRE FIGHTING OR RESCUE ACTIVITIES ON PROPERTY WHICH IS UNDER THE JURISDICTION OF THE UNITED STATES.

(B). ANY AGREEMENT ENTERED INTO IN ACCORDANCE WITH SUBSECTION (A) HEREOF SHALL BE LIMITED TO THE PROVISION OF FIRE FIGHTING AND/OR RESCUE EQUIPMENT AND PERSONNEL TO EXTINGUISH FIRES AND SAVE LIVES ON PROPERTY WHICH IS UNDER THE JURISDICTION OF THE UNITED STATES.

(C) NO BOARD OF FIRE COMMISSIONERS, FIRE COMPANY, RESCUE SQUAD, GOVERNMENTAL SUBDIVISION, OR FIRE DEPARTMENT SHALL ENTER INTO ANY SUCH AGREEMENT IN ACCORDANCE WITH SUBSECTIONS (A) AND (B) HEREOF UNLESS THE AGREEMENT INCLUDES:

(1) A WAIVER BY EACH PARTY OF ALL CLAIMS AGAINST EVERY OTHER PARTY FOR COMPENSATION FOR ANY LOSS, DAMAGE, PERSONAL INJURY, OR DEATH OCCURRING IN CONSEQUENCE OF THE PERFORMANCE OF SUCH AGREEMENT;

(2) A PROVISION TO INDEMNIFY AND SAVE HARMLESS THE OTHER PARTIES TO SUCH AGREEMENT FROM ALL CLAIMS BY THIRD PARTIES FOR PROPERTY DAMAGE OR PERSONAL INJURY WITHIN THE LIMITATIONS PERMITTED BY APPLICABLE FEDERAL LAW, THAT MAY ARISE OUT OF THE ACTIVITIES OF THE OTHER PARTIES TO SUCH AGREEMENT; AND