

Article - Transportation

19-103.

(A) (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "EMERGENCY VEHICLE" HAS THE SAME MEANING AS IN § 11-118 OF THIS ARTICLE.

(3) "EMERGENCY SERVICE" MEANS:

(I) RESPONDING TO AN EMERGENCY CALL;

(II) PURSUING A VIOLATOR OR A SUSPECTED VIOLATOR OF THE LAW; OR

(III) RESPONDING TO, BUT NOT WHILE RETURNING FROM, A FIRE ALARM.

(B) (1) AN AUTHORIZED OPERATOR OF AN EMERGENCY VEHICLE, WHO IS AUTHORIZED TO OPERATE THE EMERGENCY VEHICLE BY ITS OWNER OR LESSEE, IS NOT LIABLE IN HIS INDIVIDUAL CAPACITY, ~~ABSENT-MALICE-OR-GROSS-NEGLIGENCE~~ WHEN EXERCISING REASONABLE CARE, FOR ANY DAMAGES RESULTING FROM A TORTIOUS ACT OR OMISSION WITHIN THE SCOPE OF PERFORMING EMERGENCY SERVICE.

(2) THIS SUBSECTION APPLIES ONLY TO OPERATORS OF EMERGENCY VEHICLES OWNED OR LEASED BY POLITICAL SUBDIVISIONS OF THE STATE, OR BY VOLUNTEER FIRE COMPANIES OR RESCUE SQUADS.

(C) (1) AN OWNER OR LESSEE OF AN EMERGENCY VEHICLE, INCLUDING A POLITICAL SUBDIVISION, IS LIABLE TO THE EXTENT PROVIDED IN SUBSECTION (D) OF THIS SECTION FOR ANY DAMAGES CAUSED BY A TORTIOUS ACT OR OMISSION OF AN AUTHORIZED OPERATOR OF AN EMERGENCY VEHICLE, ~~ABSENT-MALICE-OR-GROSS NEGLIGENCE~~ WHEN EXERCISING REASONABLE CARE, WITHIN THE SCOPE OF PERFORMING EMERGENCY SERVICE.

(2) A POLITICAL SUBDIVISION MAY NOT RAISE THE DEFENSE OF GOVERNMENTAL IMMUNITY IN AN ACTION AGAINST IT UNDER THIS SECTION.

(D) LIABILITY UNDER THIS SECTION IS LIMITED TO THE AMOUNT OF THE ~~MINIMUM~~ MAXIMUM BENEFITS THAT ~~-A-~~ THE VEHICLE LIABILITY INSURANCE POLICY PROVIDES ~~MUST--PROVIDE--UNDER--§ 17-103-OF-THIS-ARTICLE.~~

(E) A JUDGMENT UNDER THIS SECTION AGAINST THE OWNER OR LESSEE OF AN EMERGENCY VEHICLE CONSTITUTES A COMPLETE BAR TO ANY ACTION OR JUDGMENT DERIVING FROM THE SAME OCCURRENCE AGAINST THE OPERATOR OF THE EMERGENCY VEHICLE.