

Section 19-103(b)(1) seems to say that an operator is not liable in tort if he exercises reasonable care. But, under such circumstances, he would not be liable in tort in any event, be it for negligence or gross negligence. On the other hand, § 19-103(c)(1) would appear to impose liability on the owner or lessee of the vehicle even if the operator were not negligent. This is more than strict liability and simply could not have been intended. Moreover, under § 19-103(c)(1) it is unclear whether the owner or lessee is to be liable jointly or solely for actions that involve gross negligence.

Because the use in the same paragraph of the mutually exclusive words "tortious act or omission" and "exercising reasonable care" creates an obvious ambiguity in the bills, that might lead a court to somehow construe the bills in a reasonable fashion. Kindley v. Governor of Maryland, 289 Md. 620 (1981).

However, we can give no assurance how a court would construe the bills and whether it would construe them so as to exempt an operator from liability for negligence and impose only that liability on the owner or lessee of the vehicle.

Very truly yours,  
Stephen H. Sachs  
Attorney General

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Senate Bill No. 254

AN ACT concerning

Unemployment Insurance - Urban Enterprise Zones

FOR the purpose of eliminating special unemployment insurance contribution rates for employers in an Urban Enterprise Zone.

BY repealing and reenacting, without amendments,

Article 95A - Unemployment Insurance Law  
Section 8(a) and (c)  
Annotated Code of Maryland  
(1979 Replacement Volume and 1981 Supplement)

BY repealing and reenacting, with amendments,