

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

Senate Bill No. 240

AN ACT concerning

Emergency Vehicle Operation - Liability

FOR the purpose of providing that certain operators of certain emergency vehicles are not liable for certain acts or omissions under certain circumstances; providing that owners or lessees of emergency vehicles are liable for certain acts or omissions of authorized operators of emergency vehicles under certain circumstances; providing for limitations on liability; defining certain terms; providing for the application of this Act; and generally relating to the liability of certain emergency vehicle operations in this State.

BY adding to

Article - Transportation
Section 19-103
Annotated Code of Maryland
(1977 Volume and 1981 Supplement)

The President put the question: Shall the Bill pass, notwithstanding the objections of the Executive

The roll call vote resulted as follows:

Affirmative: 2

Negative: 43