

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

(B) (1) AN OPERATOR OF AN EMERGENCY VEHICLE, WHO IS AUTHORIZED TO OPERATE THE EMERGENCY VEHICLE BY ITS OWNER OR LESSEE, IS IMMUNE FROM SUIT IN HIS INDIVIDUAL CAPACITY FOR ANY DAMAGES RESULTING FROM A NEGLIGENT ACT OR OMISSION WITHIN THE SCOPE OF PERFORMING EMERGENCY SERVICE WHILE OPERATING THE EMERGENCY VEHICLE IN THE PERFORMANCE OF EMERGENCY SERVICE AS DEFINED IN SUBSECTION (A) OF THIS SECTION.

(2) THIS SUBSECTION DOES NOT PROVIDE IMMUNITY FROM SUIT TO AN OPERATOR FOR A MALICIOUS ACT OR OMISSION OR FOR GROSS NEGLIGENCE OF THE OPERATOR.

(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 NEGLIGENT ACT OR OMISSION OF AN AUTHORIZED OPERATOR OF AN EMERGENCY VEHICLE WITHIN THE SCOPE OF PERFORMING EMERGENCY SERVICE WHILE OPERATING THE EMERGENCY VEHICLE IN THE PERFORMANCE OF EMERGENCY SERVICE AS DEFINED IN SUBSECTION (A) OF THIS SECTION.

(2) THIS SUBSECTION DOES NOT SUBJECT AN OWNER OR LESSEE TO LIABILITY FOR THE OPERATOR'S MALICIOUS ACT OR OMISSION OR FOR THE OPERATOR'S GROSS NEGLIGENCE.

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

(D) LIABILITY UNDER THIS SECTION FOR SELF-INSURED JURISDICTIONS IS LIMITED TO THE AMOUNT OF THE MINIMUM BENEFITS THAT A VEHICLE LIABILITY INSURANCE POLICY MUST PROVIDE UNDER § 17-103 OF THIS ARTICLE, EXCEPT THAT AN OWNER OR LESSEE MAY BE LIABLE IN AN AMOUNT UP TO THE MAXIMUM LIMIT OF ANY BASIC VEHICLE LIABILITY INSURANCE POLICY IT HAS IN EFFECT EXCLUSIVE OF EXCESS LIABILITY COVERAGE.

(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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is not intended to be construed so as to bar completely any person from a cause of action or remedy in a situation where that person would have an available cause of action or remedy except for the operation of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1983.