

THE MUTUAL AID ACTIVITIES, INCLUDING TRAVEL, OF THE PARTY THAT PROVIDES ASSISTANCE THAT OCCURS OUTSIDE ITS OWN JURISDICTION.

(2) THE PARTY THAT REQUESTS ASSISTANCE NEED NOT INDEMNIFY THE PARTY THAT PROVIDES ASSISTANCE IF:

(I) THE PARTY THAT PROVIDES ASSISTANCE DOES NOT COOPERATE IN DEFENDING AGAINST A CLAIM MADE BY A THIRD PARTY; OR

(II) THE CLAIM BY A THIRD PARTY ARISES OUT OF A MALICIOUS ACT OF THE PARTY THAT PROVIDES ASSISTANCE.

(C) REQUIRED WAIVER OF CLAIMS.

EACH MUTUAL AID AGREEMENT SHALL PROVIDE THAT EACH PARTY TO THE MUTUAL AID AGREEMENT SHALL WAIVE ANY AND ALL CLAIMS AGAINST ALL OTHER PARTIES TO THE MUTUAL AID AGREEMENT IF THE CLAIM ARISES OUT OF THE ACTIVITIES OF A PARTY OUTSIDE ITS OWN JURISDICTION UNDER THE MUTUAL AID AGREEMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 38A, § 37(b), (c), and (d).

In the introductory language of subsection (a) of this section, the phrase "in accordance with this section" is substituted for the former phrase "[e]xcept as provided in subsection (d) of this section" because subsection (c) of this section, which revises former Art. 38A, § 37(d), provides a qualification of the mutual aid agreement, not an exception to the agreement.

In subsections (b)(1) and (c) of this section, the former references to a "subscribing" party are deleted as implicit.

In subsection (b)(1) of this section, the reference to "holds" harmless is substituted for the former reference to "saves" harmless to use common legal terminology.

Defined terms: "Fire, rescue, or emergency medical services entity" § 7-101
"Mutual aid agreement" § 7-101

7-104. AGREEMENTS WITH FEDERAL GOVERNMENT TO PROVIDE FIRE FIGHTING OR RESCUE ACTIVITIES.

(A) AUTHORIZED.

A FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES ENTITY MAY ENTER INTO AN AGREEMENT WITH THE FEDERAL GOVERNMENT IN ACCORDANCE WITH THIS SECTION TO PROVIDE FIRE FIGHTING OR RESCUE ACTIVITIES ON PROPERTY UNDER THE JURISDICTION OF THE UNITED STATES.

(B) LIMITATION.