

2001 SESSION

INTRODUCED

010315840

HOUSE BILL NO. 2761

Offered January 19, 2001

A *BILL to amend and reenact § 8.01-226 of the Code of Virginia, relating to duty of care to law-enforcement officers and firefighters, etc.*

Patrons—McEachin and Jones, J.C.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-226 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-226. Duty of care to law-enforcement officers and firefighters, etc.

An owner or occupant of real property containing premises normally open to the public shall, with respect to such premises, owe to firefighters, Department of Emergency Management hazardous materials officers, nonfirefighter regional hazardous materials emergency response team members, and law-enforcement officers who in the performance of their duties come upon that portion of the premises normally open to the public the duty to maintain the same in a reasonably safe condition or to warn of dangers thereon of which he knows or has reason to know, whether or not such premises are at the time open to the public.

An owner or occupant of real property containing premises not normally open to the public shall, with respect to such premises, owe the same duty to firefighters, Department of Emergency Management hazardous materials officers, nonfirefighter regional hazardous materials emergency response team members, and law-enforcement officers who he knows or has reason to know are upon, about to come upon or imminently likely to come upon that portion of the premises not normally open to the public.

While otherwise engaged in the performance of his duties, a law-enforcement officer, Department of Emergency Management hazardous materials officer, nonfirefighter regional hazardous materials emergency response team member, or firefighter shall be owed a duty of ordinary care. *The common-law doctrine known as the Fireman's Rule is hereby abolished.*

For purposes of this section, the term "law-enforcement officers" shall ~~mean only~~ include but not be limited to police officers, sheriffs and deputy sheriffs and the term "firefighter" includes (i) emergency medical personnel and (ii) special forest wardens designated pursuant to § 10.1-1135.

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HB2761