

**Senate Bill No. 448**

**CHAPTER 140**

An act to amend Section 1714.9 of the Civil Code, relating to liability.

[Approved by Governor August 6, 2001. Filed with  
Secretary of State August 6, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

SB 448, Perata. Liability: injuries to peace officers, firefighters, and emergency medical personnel.

Existing law provides that, under specific situations, a person is responsible not only for the results of that person's willful acts causing injury to a peace officer, firefighter, or any emergency medical personnel employed by a public entity, but also for any injury occasioned to that person by the want of ordinary care or skill in the management of the person's property or person. This liability occurs where, among other situations, the conduct causing the injury occurs after the person knows or should have known of the presence of the peace officer, firefighter, or emergency medical personnel, violates a statute, ordinance, or regulation, and was the proximate cause of an injury which the statute, ordinance, or regulation was designed to prevent, and the statute, ordinance, or regulation was designed to protect the peace officer, firefighter, or emergency medical personnel.

This bill would enact the Brett Alan Laws Act, which would revise this provision to require that the conduct causing injury be one that violates a statute, ordinance, or regulation, and that the conduct causing the injury was itself not the event that precipitated either the response or presence of the peace officer, firefighter, or emergency medical personnel.

This bill would make a specified statement of legislative intent regarding a common law exception to the firefighter's rule.

*The people of the State of California do enact as follows:*

SECTION 1. This act shall be known, and may be cited as, the Brett Alan Laws Act.

SEC. 2. Section 1714.9 of the Civil Code is amended to read:

1714.9. (a) Notwithstanding statutory or decisional law to the contrary, any person is responsible not only for the results of that person's willful acts causing injury to a peace officer, firefighter, or any emergency medical personnel employed by a public entity, but also for



any injury occasioned to that person by the want of ordinary care or skill in the management of the person's property or person, in any of the following situations:

(1) Where the conduct causing the injury occurs after the person knows or should have known of the presence of the peace officer, firefighter, or emergency medical personnel.

(2) Where the conduct causing injury violates a statute, ordinance, or regulation, and the conduct causing injury was itself not the event that precipitated either the response or presence of the peace officer, firefighter, or emergency medical personnel.

(3) Where the conduct causing the injury was intended to injure the peace officer, firefighter, or emergency medical personnel.

(4) Where the conduct causing the injury is arson as defined in Section 451 of the Penal Code.

(b) This section does not preclude the reduction of an award of damages because of the comparative fault of the peace officer, firefighter, or emergency medical personnel in causing the injury.

(c) The employer of a firefighter, peace officer or emergency medical personnel may be subrogated to the rights granted by this section to the extent of the worker's compensation benefits, and other liabilities of the employer, including all salary, wage, pension, or other emolument paid to the employee or the employee's dependents.

(d) The liability imposed by this section shall not apply to an employer of a peace officer, firefighter, or emergency medical personnel.

(e) This section is not intended to change or modify the common law independent cause exception to the firefighter's rule as set forth in *Donohue v. San Francisco Housing Authority* (1993) 16 Cal.App.4th 658.

