

1           HB510  
2        128653-2  
3        By Representatives Collins, Williams (D), Hammon, Oden, Henry,  
4        Nordgren, Johnson (K), Ball, Jones, Patterson, Long, Baughn,  
5        Givan and Burdine  
6        RFD: Public Safety and Homeland Security  
7        First Read: 14-APR-11

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8 SYNOPSIS: Under existing law, certain persons who  
9 render assistance at the scene of an accident or  
10 emergency situation are in certain circumstances  
11 granted civil immunity for their actions.

12 This bill would provide civil immunity to  
13 any person, who, in good faith and without  
14 compensation, participates in emergency response  
15 activities.

16  
17 A BILL

18 TO BE ENTITLED

19 AN ACT

20  
21 To amend Section 6-5-332 of the Code of Alabama  
22 1975, the Good Samaritan Law, to provide civil immunity to any  
23 person, who, in good faith and without compensation,  
24 participates in emergency response activities.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 6-5-332 of the Code of Alabama  
27 1975, is amended to read as follows:

1                   "§6-5-332.

2                   "(a) When any doctor of medicine or dentistry,  
3                   nurse, member of any organized rescue squad, member of any  
4                   police or fire department, member of any organized volunteer  
5                   fire department, Alabama-licensed emergency medical  
6                   technician, intern, or resident practicing in an Alabama  
7                   hospital with training programs approved by the American  
8                   Medical Association, Alabama state trooper, medical aidman  
9                   functioning as a part of the military assistance to safety and  
10                  traffic program, chiropractor, or public education employee  
11                  gratuitously and in good faith, renders first aid or emergency  
12                  care at the scene of an accident, casualty, or disaster to a  
13                  person injured therein, he or she shall not be liable for any  
14                  civil damages as a result of his or her acts or omissions in  
15                  rendering first aid or emergency care, nor shall he or she be  
16                  liable for any civil damages as a result of any act or failure  
17                  to act to provide or arrange for further medical treatment or  
18                  care for the injured person.

19                  "(b) Any member of the crew of a helicopter which is  
20                  used in the performance of military assistance to safety and  
21                  traffic programs and is engaged in the performance of  
22                  emergency medical service acts shall be exempt from personal  
23                  liability for any property damages caused by helicopter  
24                  downwash or by persons disembarking from the helicopter.

25                  "(c) When any physician gratuitously advises medical  
26                  personnel at the scene of an emergency episode by direct voice  
27                  contact, to render medical assistance based upon information

1 received by voice or biotelemetry equipment, the actions  
2 ordered taken by the physician to sustain life or reduce  
3 disability shall not be considered liable when the actions are  
4 within the established medical procedures.

5 "(d) Any person who is qualified by a federal or  
6 state agency to perform mine rescue planning and recovery  
7 operations, including mine rescue instructors and mine rescue  
8 team members, and any person designated by an operator  
9 furnishing a mine rescue team to supervise, assist in planning  
10 or provide service thereto, who, in good faith, performs or  
11 fails to perform any act or service in connection with mine  
12 rescue planning and recovery operations shall not be liable  
13 for any civil damages as a result of any acts or omissions.  
14 Nothing contained in this subsection shall be construed to  
15 exempt from liability any person responsible for an overall  
16 mine rescue operation, including an operator of an affected  
17 facility and any person assuming responsibility therefor under  
18 federal or state statutes or regulations.

19 "(e) A person or entity, who in good faith and  
20 without compensation renders emergency care or treatment to a  
21 person suffering or appearing to suffer from cardiac arrest,  
22 which may include the use of an automated external  
23 defibrillator, shall be immune from civil liability for any  
24 personal injury as a result of care or treatment or as a  
25 result of any act or failure to act in providing or arranging  
26 further medical treatment where the person acts as an ordinary  
27 prudent person would have acted under the same or similar

1       circumstances, except damages that may result from the gross  
2       negligence of the person rendering emergency care. This  
3       immunity shall extend to the licensed physician or medical  
4       authority who is involved in automated external defibrillator  
5       site placement, the person who provides training in CPR and  
6       the use of the automated external defibrillator, and the  
7       person or entity responsible for the site where the automated  
8       external defibrillator is located. This subsection  
9       specifically excludes from the provision of immunity any  
10      designers, manufacturers, or sellers of automated external  
11      defibrillators for any claims that may be brought against such  
12      entities based upon current Alabama law.

13                 "(f) Any licensed engineer, licensed architect,  
14      licensed surveyor, licensed contractor, licensed  
15      subcontractor, or other individual working under the direct  
16      supervision of the licensed individual who participates in  
17      emergency response activities under the direction of, or in  
18      connection with, a community emergency response team, county  
19      emergency management agency, the state emergency management  
20      agency, or the Federal Emergency Management Agency shall not  
21      be liable for any civil damages as a result of any acts,  
22      services, or omissions provided without compensation, in such  
23      capacity if the individual acts as a reasonably prudent person  
24      would have acted under the same or similar circumstances. The  
25      immunity provided in this subsection shall apply to any acts,  
26      services, or omissions provided within 30 days after  
27      declaration of the emergency.

1                             "(g) Any person, who, in good faith, renders  
2                             emergency care at the scene of an accident or emergency to the  
3                             victim or victims thereof without making any charge of goods  
4                             or services therefor shall not be liable for any civil damages  
5                             as a result of any act or omission by the person in rendering  
6                             emergency care or as a result of any act or failure to act to  
7                             provide or arrange for further medical treatment or care for  
8                             the injured person if the individual acts as a reasonably  
9                             prudent person would have acted under the same or similar  
10                             circumstances."

11                             Section 2. This act shall become effective on the  
12                             first day of the third month following its passage and  
13                             approval by the Governor, or its otherwise becoming law.