

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

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

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

A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 6-5-332 of the Code of Alabama 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.