

---

**Judiciary Committee**

---

**HB 1051**

**Title:** An act relating to protecting persons who provide volunteer emergency care.

**Brief Description:** Limiting the liability of volunteer providers of emergency or medical services.

**Sponsors:** Representative Nixon.

**Brief Summary of Bill**

- Adds health care professionals and health care personnel acting as volunteers to the definition of those immune from civil liability for negligence in providing emergency care.
- Adds the requirement that a person covered under statute cannot participate in transporting an injured person for expectation of compensation.

**Hearing Date:** 1/31/03

**Staff:** Derek Green (786-5793), Bill Perry (786-7123).

**Background:**

The "Good Samaritan" law provides immunity from civil liability for some volunteers providing assistance in an emergency. The law exempts from negligence liability those volunteers who provide emergency care at the scene of an emergency or who participate in transporting the injured for emergency treatment. To be exempt, the law specifies that a person must act without compensation or the expectation of compensation in providing care at the scene of an emergency and cannot participate in the transportation of the injured for compensation. Among other things, compensation does not include reimbursements or payments to volunteer on call personnel of emergency response organizations. Courts have interpreted this law to provide immunity for some volunteers who are trained medical personnel, such as volunteer emergency medical technicians.

The immunity under the Good Samaritan law protects volunteers from liability resulting from negligence, but not from gross negligence or willful or wanton misconduct. It also specifically does not cover injuries to third parties that result from a volunteer's negligent

driving. A federal court has interpreted the entire Good Samaritan law as creating immunity only against suit by the person being rescued; a third party injured as a result of the volunteer's negligence has a cause of action against the volunteer.

**Summary of Bill:**

The Good Samaritan law is amended to explicitly include health care professionals and health care personnel who are acting as volunteers. Health care professionals and health care personnel are not liable for negligence in providing emergency care if the care is provided without compensation or the expectation of compensation. The requirement that a person, to retain immunity, cannot expect to receive compensation for the transportation of an injured person is also added.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** The bill takes effect ninety days after adjournment of session in which bill is passed.